

Washington State Register

January 7, 2004

OLYMPIA, WASHINGTON

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filed not later than December 24, 2003

CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of January 2004 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

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

John G. Schultz
Chair, Statute Law Committee

Dennis W. Cooper
Code Reviser

Gary Reid
Chief Assistant Code Reviser

Kerry S. Radcliff
Editor

Joyce Matzen
Subscription Clerk

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

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

4. EFFECTIVE DATE OF RULES

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

5. EDITORIAL CORRECTIONS

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

2003-2004

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

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

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

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

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

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

REGULATORY FAIRNESS ACT

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

Small Business Economic Impact Statements (SBEIS)

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

Mitigation

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

When is an SBEIS Required?

When:

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

When is an SBEIS Not Required?

When:

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

There is less than minor economic impact on business;

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

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

The rule is pure restatement of state statute.

WSR 04-01-009
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed December 4, 2003, 9:59 a.m.]

Subject of Possible Rule Making: Rules that will be required to be adopted as an outcome of the 2004 legislature's changes to pension law.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5) and statutes to be identified in bills.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently, the Department of Retirement Systems (DRS) anticipates that the 2004 legislature will pass several pension-related bills that will require DRS to quickly amend or repeal some of its existing rules and/or add new rules. Any rules proposed under this preproposal (CR-101) will be directly related to these anticipated pension bills.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DRS will communicate with the Internal Revenue Service, Office of the Attorney General, Office of the State Actuary, and any other agencies, as necessary, in developing any WAC.

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

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

December 3, 2003
 Merry A. Kogut
 Rules Coordinator

WSR 04-01-022
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed December 8, 2003, 2:38 p.m.]

Subject of Possible Rule Making: All licensees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The amendment would require licensees to submit a renewal application a [and]

licensing fees at least thirty days prior to the expiration of their gambling license.

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 Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; or Robert Berg, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466.

Meeting Dates and Locations: On January 9, 2004, at the Red Lion Hotel - Sea Tac, 18220 International Boulevard, Seattle, WA 98188, (206) 246-5535; on February 13, 2004, at the Red Lion, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000; and on March 12, 2004, at the Red Lion, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000.

December 5, 2003
 Susan Arland
 Rules Coordinator

WSR 04-01-023
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed December 8, 2003, 2:39 p.m.]

Subject of Possible Rule Making: Pull-tab operators utilizing merchandise prizes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The amendment would remove merchandise that is used as a prize for a pull-tab game from our regulatory requirements.

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

Process for Developing New Rule: 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 Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; or Robert Berg, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466.

Meeting Dates and Locations: On January 9, 2004, at the Red Lion Hotel - Sea Tac, 18220 International Boulevard, Seattle, WA 98188, (206) 246-5535; on February 13, 2004, at the Red Lion, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000; and on March 12, 2004, at the Red

Lion, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000.

December 5, 2003
Susan Arland
Rules Coordinator

WSR 04-01-028
PREPROPOSAL STATEMENT OF INQUIRY
BATES TECHNICAL COLLEGE

[Filed December 8, 2003, 2:43 p.m.]

Subject of Possible Rule Making: Updating definition of alternative learning methods, WAC 495A-121-011; updating prohibited student conduct, WAC 495A-121-041; and updating disciplinary student sanctions, WAC 495A-121-044.

WAC 495A-121-011 Definitions.

(3) "College" shall mean Bates Technical College, which includes the main campus, extension centers, and off-campus classes and activities, including alternative learning methods distributed by web, tape, television or other alternative means.

(5) "College facilities" shall mean and include any or all computer systems/networks or extension/alternative sites or real property controlled or operated by the college and shall include all buildings and appurtenances affixed thereon or attached thereto.

WAC 495A-121-041 Prohibited conduct.

(22) Violation of any computer use policies in effect on campus as well as conduct that violates the college's property rights with respect to computing resources including, but not limited to: (i) Using the Internet for purposes other than college-approved activities.

WAC 495A-121-044 Disciplinary sanctions.

(5) "Discretionary sanctions" may include, but are not limited to, restricted computer systems/network access, work assignments, service to college or community, mandatory class/workshop attendance or other discretionary assignments, such as educational interventions intended as learning experiences.

(6) "Loss of privileges" shall mean loss of specific college privileges for a specified period of time. These may include, but are not limited to computer/Internet access, student activities or club participation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to (i) amend student rights and responsibilities to include alternative means of learning and technological advances as part of the definition of "college"; to include computer systems/networks or extension sites as part of the definition of "college facilities"; (ii) to include a new category of prohibited conduct concerning internet usage; (iii) to include a new category of disciplinary sanctions of "restricted computer systems/network access"; and (iv) to include a new category of loss of privilege of "computer/internet access."

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

cies: Bates will notify the State Board for Community and Technical Colleges of this proposed change.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Amy Goings at (253) 680-7102 or agoings@bates.ctc.edu. The public may also participate by providing written comments or giving oral testimony after these rule changes are proposed during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Gwen Sailer, Student Services, Bates Technical College, 1101 South Yakima Avenue, Tacoma, WA 98405, phone (253) 680-7000, fax (253) 680-7043.

Date and Location of Public Meeting: On January 15, 2004, at 3:00 p.m.

Assistance for Persons with Disabilities: Contact Amy Goings no later than ten days before the hearing date, TTY 253-680-7045 or (253) 680-7102.

December 5, 2003

Amy M. Goings

Director of Development

WSR 04-01-034

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed December 9, 2003, 12:06 p.m.]

Subject of Possible Rule Making: Residency rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarification is needed on what supporting documents are needed for proof of residency.

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 Jim Lux, Business Program Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2444.

Contact by February 5, 2004. Expected proposal filing February 6, 2004.

December 9, 2003

Evan Jacoby

Rules Coordinator

WSR 04-01-045
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed December 11, 2003, 8:59 a.m.]

Subject of Possible Rule Making: WAC 180-50-320 Equivalency course of study—National Guard high school career training and approval procedures and 180-50-300 Equivalency course of study—Credit for learning experiences conducted away from school by persons not employed by the school district.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.130.

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

Process for Developing New Rule: Negotiated rule making; and 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 10, 2003

Larry Davis
 Executive Director

WSR 04-01-069
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION

[Filed December 12, 2003, 3:06 p.m.]

Subject of Possible Rule Making: The department is adopting a motorcycle construction warning sign into the Washington State Modifications to the Manual on Uniform Traffic Control Devices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.36.200 and 47.36.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 47.36.200 requires the department to adopt by rule a uniform sign or signs to warn motorcyclist about construction, repair, or maintenance work conducted on or adjacent to a public highway, country road, street, bridge, or other thoroughfare commonly traveled.

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 Mike Dornfeld, Washington State

Department of Transportation, P.O. Box 47344, Olympia, WA 98504-7344, phone (360) 705-7288, fax (206) 705-6826, e-mail dornfem@wsdot.wa.gov.

December 11, 2003

John Conrad
 Assistant Secretary
 of Transportation

WSR 04-01-079
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed December 15, 2003, 2:26 p.m.]

Subject of Possible Rule Making: Classification, possession, release and recapture of rock doves.

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: Rock doves (domestic and feral pigeons) are currently classified with other nongame birds. Interest has been expressed in using these birds for dog training.

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 Dave Britnell, Wildlife Program Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1076, phone (360) 902-2504.

Contact by February 5, 2004. Expected proposal filing February 6, 2004.

December 15, 2003

Evan Jacoby
 Rules Coordinator

WSR 04-01-086
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)

[Filed December 16, 2003, 9:39 a.m.]

Withdrawal - Preproposal Statement of Inquiry

The Aging and Disability Services Administration requests to withdraw preproposal statement of inquiry, filed as WSR 03-21-148.

Brian Lindgren, Manager
 Rules and Policies Assistance Unit

WSR 04-01-087**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed December 16, 2003, 9:41 a.m.]

Subject of Possible Rule Making: Amendments to WAC 388-71-0203 LTC services—Assessment of task self-performance and determination of required assistance; 388-71-0205 LTC services—Service plan; and chapter 388-72A WAC, Comprehensive assessment reporting (CARE) tool. Amending other sections and adding new sections as needed.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Incorporating CARE assessment criteria for children receiving state plan Medicaid personal care (MPC) services and amending other sections as needed to update program rules.

Process for Developing New Rule: The department welcomes public participation in the development of its rules. Information on how to participate or receive notices about this rule may be obtained by contacting the person below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tiffany Sevruk, Home and Community Services, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2538, fax (360) 407-7582, e-mail sevruta@dshs.wa.gov.

December 12, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 04-01-094**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**

(Board of Boiler Rules)

[Filed December 16, 2003, 11:18 a.m.]

Subject of Possible Rule Making: Review the Board of Boiler Rules—Substantive (chapter 296-104 WAC) for possible changes, which may include possible changes to the fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.79 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Board of Boiler Rules may identify changes that need to be made to these rules. Also, 3.20% fee increase, which is the Office of Financial Management's maximum allowable fiscal growth rate factor for fiscal year 2004, may be necessary to help offset inflation and to maintain the operational effectiveness of the boiler program.

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 Board of Boiler Rules will review and approve all rule changes. Other inter-

ested parties and the public may also participate by providing written comments or giving verbal testimony during the public hearing and comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Josh Swanson, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-6411, fax (360) 902-5292, e-mail swaj235@lni.wa.gov.

December 16, 2003

Craig Hopkins

Chair

WSR 04-01-114**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed December 17, 2003, 2:38 p.m.]

Subject of Possible Rule Making: Unauthorized and abandoned vehicles, WAC 308-61-190, after sale repealing subsection (2)(c).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.55.190.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule allows person(s) whose claim for surplus funds has been denied by the state to request a departmental hearing as provided in chapter 34.05 RCW. The statute, chapter 46.55 RCW, does not provide the department with the power to determine final ownership. This authority rests solely with the courts as determined by due process.

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 Kim Johnson, Administrative Assistant, Dealer and Manufacturer Services, 2000 4th Avenue West, Olympia, WA 98502, voice (360) 664-6464, fax (360) 586-6703.

December 10, 2003

Chuck Foster

Acting Administrator

WSR 04-01-116**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Order 03-11—Filed December 17, 2003, 3:15 p.m.]

Subject of Possible Rule Making: Amendment to chapter 173-224 WAC, Wastewater discharge permit fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 90.48.465 Water pollution control.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Ecology is proposing to amend the existing rule that will increase annual permit fees for fiscal years 2005 and 2006 as well as create a new permit fee structure for Phase 2 Stormwater Municipalities. Ecology also is proposing to amend the existing fee structures for concentrated animal feeding operations and shipyards to incorporate new types of permitting. The fee increase will allow ecology to continue operation of the wastewater discharge permit program. RCW 90.48.465 Water pollution control requires annual fees be paid by all permit holders who have wastewater discharge permit coverage.

Process for Developing New Rule: Ecology uses a water quality partnership to provide guidance on various issues, one of which concerns amendments to the permit fee regulation. This partnership consists of industrial permit holders, municipal permit holders, government entities, environmental groups, etc. Permit holders will be notified directly of the proposed rule amendments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bev Poston, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6425, fax (360) 407-6426, e-mail bpos461@ecy.wa.gov.

December 16, 2003

Richard K. Wallace

Program Manager

WSR 04-01-121

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed December 18, 2003, 9:19 a.m.]

Subject of Possible Rule Making: Update to chapter 308-420 WAC regulating camping resorts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.105.530 and 43.24.023.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To amend, repeal, and retain current rules which may no longer be needed or need further written clarification as per the governor's directive on state rules review.

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 Randy Renfrow, Business and Profession Division, Camping Resorts Section, P.O. Box 9026, Olympia, WA 98507-9026, phone (360) 664-6646, fax (360) 570-4956, e-mail plssunit@dol.wa.gov. Interested parties may send their comments by mail, phone, facsimile, or e-mail. Additional information will be posted on the camping

resorts internet website at <http://www.dol.wa.gov/plss/camfront.htm>.

December 10, 2003

Randy Renfrow

Licensing Manager

WSR 04-01-122

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed December 18, 2003, 9:20 a.m.]

Subject of Possible Rule Making: Update to chapter 308-127 WAC regulating timeshares.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 64.36.270 and 43.24.023.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To amend, repeal, and retain current rules which may no longer be needed or need further written clarification as per the governor's directive on state rules review.

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 Randy Renfrow, Business and Profession Division, Timeshare Section, P.O. Box 9026, Olympia, WA 98507-9026, phone (360) 664-6632, fax (360) 570-4956, e-mail plssunit@dol.wa.gov. Interested parties may send their comments by mail, phone, facsimile, or e-mail. Additional information will be posted on the timeshare internet website at <http://www.dol.wa.gov/plss/timfront.htm>.

December 10, 2003

Randy Renfrow

Licensing Manager

WSR 04-01-141

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed December 19, 2003, 1:41 p.m.]

Subject of Possible Rule Making: WAC 388-550-2598 Critical access hospital (CAH) program (amend).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.09.5225, 74.08.090, 74.04.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is revising the method for cost settlement for services provided to clients eligible under the department's managed care programs to ensure that critical access hospitals receive the correct level of reimbursement.

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

cies: This rule coordinates with other CAH rules that regulate parts of the CAH program that have been established by Department of Health, Aging and Disability Services Administration of Department of Social and Health services, and the Centers for Medicare and Medicaid Services.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kathy Sayre, Rules Program Manager, Medical Assistance Administration, Mailstop 45533, Olympia, WA 98504-5533, phone (360) 725-1342, fax (360) 586-9727, e-mail sayrek@dshs.wa.gov, TDD 1-800-848-5429.

December 17, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 04-01-142

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Management Services Administration)**

[Filed December 19, 2003, 1:42 p.m.]

Subject of Possible Rule Making: Chapter 388-03 WAC, Rules and regulations for the certification of DSHS spoken language interpreters and translators, related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.04.025.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department plans to update the chapter's references to units of DSHS (such as language interpreter services and translations, or LIST) that have been reorganized and renamed, to change timeframes for DSHS mailing of letters notifying applicants of their test dates, and to review the chapter for other necessary changes.

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

Process for Developing New Rule: At a later date, the department will file a proposed rule and proposed rule-making notice for publication in the state register, invite public comments and hold a public hearing. The proposal will be sent to everyone on the mailing list to receive rule-making notices on this subject, and to anyone who requests the proposal. If you want to be added to the mailing list, or want information about the development of this rule, please contact the person listed below.

This notice and all DSHS rule-making notices, proposed rules and adopted rules are available on the internet at <http://www1.dshs.wa.gov/msa/rpau/>.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brian Lindgren, Manager, Language

Testing and Certifications, P.O. Box 45850, Olympia, WA 98504-0580, phone (360) 664-6093, fax (360) 664-6185, e-mail LindgBH@dshs.wa.gov.

December 16, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 04-01-146

**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD FOR
COMMUNITY AND TECHNICAL COLLEGES**

[Filed December 19, 2003, 2:10 p.m.]

Subject of Possible Rule Making: Title 131 WAC governing Washington's community and technical college system.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules may need to be revised or changed in the area of tuition charges for certain ungraded courses.

Process for Developing New Rule: Normal rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting DelRae Oderman, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504-2495.

December 19, 2003

DelRae Oderman
Executive Assistant
Agency Rules Coordinator

WSR 04-01-147

**PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION**

[Filed December 19, 2003, 2:56 p.m.]

Subject of Possible Rule Making: Title 390 WAC, rules relating to personal use of contributions, political advertising, contributions, sample ballots and slate cards and commission meetings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Public Disclosure Commission will consider rule amendments to clarify and provide guidance for filers.

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

Process for Developing New Rule: At its meeting on February 24, 2004, the commission is expected to discuss whether to move forward with amended rules covering the

aforementioned topics. Public comment will be welcome at this meeting.

Interested persons are invited to submit written comments by February 23, 2004, to Doug Ellis, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908. Written comments received by Monday, February 16, 2004, will be provided to commissioners in advance of the meeting.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the PDC, Director of Public Outreach, Doug Ellis, at Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2735, toll free 1-877-601-2828, e-mail dellis@pdc.wa.gov. A public hearing on these matters may occur on March 23, 2004.

December 19, 2003
Vicki Rippie
Executive Director

WSR 04-01-156
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed December 22, 2003, 11:14 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 the Department of Labor and Industries and maintain consistency with the Health Care Authority and medical assistance administration. Specifically, the proposed rule changes will do the following:

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 changes 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.

WAC 296-23-220 and 296-23-230: Update the maximum daily reimbursement level for physical and occupational 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 22, 2003
Paul Trause
Director

WSR 04-01-161
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed December 22, 2003, 1:54 p.m.]

Subject of Possible Rule Making: Chapter 308-56A WAC, Certificates of title—Motor vehicles, etc., to include but not limited to WAC 308-56A-525.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110, 46.12.101.

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

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting 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 22, 2003
Deborah McCurley, Administrator
Title and Registration Services

WSR 04-01-167**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF CORRECTIONS**

[Filed December 22, 2003, 3:43 p.m.]

Subject of Possible Rule Making: Amendments to chapter 137-28 WAC, Prisons discipline.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 72.09.130, 72.01.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revise serious infractions #606 and 707 to include use of, and trafficking in, tobacco products and paraphernalia.

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

Process for Developing New Rule: The department invites interested parties to review and provide input on the proposed serious infractions. Comments may be sent to John Nispel, Rules Coordinator at the address below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Nispel, Rules Coordinator, Department of Corrections, Rules, Contracts and Public Disclosure, P.O. Box 41114, Olympia, WA 98504-1114, phone (360) 586-2160, fax (360) 664-2009, e-mail jrnispel@doc1.wa.gov.

December 22, 2003

Joseph D. Lehman
Secretary**WSR 04-01-177****PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2003-10—Filed December 23, 2003, 2:01 p.m.]

Subject of Possible Rule Making: Chapter 284-03 WAC, Public access to information and records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 42.17.250, 42.17.300, 70.02.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Each agency is required to adopt separate procedures that establish how requesters can seek and receive information. Chapter 284-03 WAC was last amended in 1975. The current, archaic rules do not reflect subsequent changes in the law, technology, and Office of the Insurance Commissioner processes. The commissioner will consider changes that improve clarity and update the chapter. The commissioner will consider use of a question and answer style to provide information to the public in the clearest possible fashion.

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 pub-

lication by contacting Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacys@oic.wa.gov, fax (360) 586-3109. Please submit your comments by February 7, 2004.

December 23, 2003

Mike Kreidler
Insurance Commissioner**WSR 04-01-178****PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2003-09—Filed December 23, 2003, 2:02 p.m.]

Subject of Possible Rule Making: Chapter 284-02 WAC, Description of insurance commissioner's office.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 and 34.05.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 284-02 WAC describes the internal organization and operations of the Office of the Insurance Commissioner. The chapter was last amended in 1996. Since then, there have been many changes to the structure and organization of the agency. The commissioner will consider changes to update and clarify the chapter.

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 Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacys@oic.wa.gov, fax (360) 586-3109. Please submit your comments by February 7, 2004.

December 23, 2003

Mike Kreidler
Insurance Commissioner**WSR 04-01-183****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed December 23, 2003, 2:38 p.m.]

Subject of Possible Rule Making: Based upon requests from the seed industry and the seed program advisory committee, the department plans to amend WAC 16-302-385 Grass seed standards for certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.49.310, 15.49.370(3), and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Proposal is in response to an industry request to modify the certification standards for thickspike wheatgrass so the amount of slender wheatgrass allowed in the certified class can be increased. Such an amendment to WAC 16-302-385 will make Washington's

grass seed certification standards uniform with other western states. Such uniformity will facilitate the marketing of Washington produced grass seed by allowing Washington producers to more fairly compete against seed certified in other western states.

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 Washington State Department of Agriculture (WSDA) seed program staff will develop rule amendment language based upon suggestions and recommendations from the seed industry and the WSDA seed program advisory committee.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Victor Shaul, Operations Manager, Washington State Department of Agriculture, Seed Program, 21 North 1st Avenue, Suite 203, Yakima, WA 98902, (509) 225-2630, fax (509) 454-4395.

December 23, 2003

Robert W. Gore
Assistant Director

WSR 04-01-184

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed December 23, 2003, 2:39 p.m.]

Subject of Possible Rule Making: Based upon requests from the seed industry and the seed program advisory committee, the following sections in chapter 16-301 WAC will be amended: WAC 16-301-365 Bean seed quarantine—Establishing quarantine, 16-301-375 Regulated articles, 16-301-380 Regulated diseases, 16-301-395 General requirements for planting bean seed in the regulated area, 16-301-410 Additional requirements for planting bean seed in quarantine Area I, 16-301-415 Additional requirements for planting bean seed in quarantine Area II, 16-301-420 Quarantine—Exceptions and exemptions, 16-301-430 Identification and disposition of diseased bean seed and infected bean fields, 16-301-435 Notice of destruction, and 16-301-440 Penalties.

Based upon requests from the seed industry and the seed program advisory committee, the following sections in chapter 16-301 WAC will be repealed: WAC 16-301-450 Bean seed-borne viral disease quarantine—Establishing the quarantine, 16-301-455 Bean seed-borne viral disease quarantine—Regulated articles, 16-301-460 Bean seed-borne viral disease quarantine—Regulated disease, 16-301-465 Bean seed-borne viral disease quarantine—Quarantine area, 16-301-470 Bean seed-borne viral disease quarantine—Regulated area, 16-301-475 Bean seed-borne viral disease quarantine—Requirements for planting bean seed in the regulated area, 16-301-480 Bean seed-borne viral disease quarantine—Identification and disposition of diseased bean seed, and 16-301-485 Bean seed-borne viral disease quarantine—Penalties.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.49.310, 17.24.041, 17.24.011 and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Proposal is in response to industry request to simplify the requirements of the two current bean quarantines. This proposal combines the two current bean quarantines into one rule, simplifies the compliance and reporting requirements, and adds clarification as to the diseases that are regulated by the quarantine.

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 WSDA seed program staff will develop rule amendment language based upon suggestions and recommendations from the seed industry and the WSDA seed program advisory committee.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Victor Shaul, Operations Manager, Washington State Department of Agriculture, Seed Program, 21 North 1st Avenue, Suite 203, Yakima, WA 98902, (509) 225-2630, fax (509) 454-4395.

December 23, 2003

Robert W. Gore
Assistant Director

WSR 04-01-187

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed December 23, 2003, 3:37 p.m.]

Subject of Possible Rule Making: Game management unit boundary descriptions; special hunting season permits; private lands wildlife management areas; auction and raffle hunts; deer and elk area boundary descriptions; deer and elk seasons; equipment restrictions; small game and trapping seasons; moose, goat, sheep, bear, and cougar seasons; add killer whale to the state's list of endangered species.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047, 77.12.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To provide recreational opportunity and to update the endangered, threatened or sensitive species list to reflect the current status of the species.

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 Dave Britell, Assistant Director, Wildlife Program, 600 Capitol Way North, Olympia, WA 98501-

1091, (360) 902-2504. Contact by February 9, 2004, rule proposal filing expected to be February 18, 2004.

December 23, 2003

Evan Jacoby
Rules Coordinator

WSR 04-01-188

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed December 23, 2003, 3:40 p.m.]

Subject of Possible Rule Making: Hunting rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department will review use of crossbows.

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 Dave Brittell, Wildlife Program Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1076, phone (360) 902-2504. Contact by February 5, 2004, expected proposal filing February 6, 2004.

December 23, 2003

Evan Jacoby
Rules Coordinator

WSR 04-01-192

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed December 23, 2003, 4:17 p.m.]

Subject of Possible Rule Making: Amendments to:

- Chapter 388-71 WAC, Home and community services and programs;
- Chapter 388-72A WAC, Comprehensive assessment reporting evaluation (CARE) tool; and
- Chapter 388-515 WAC, Alternate living—Institutional medical.

Amending other sections and adding new sections as needed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.09.700, 74.08.090, 74.04.050, and 74.09.575.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In establishing the medically needy (MN) in-home waiver program, the department will adopt rules to establish eligibility criteria, applicable income

standards, specific waiver services, and amending other sections as needed to update program rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Centers for Medicaid and Medicare Services (CMA), DSHS medical assistance administration.

Process for Developing New Rule: The department welcomes public participation in the development of its rules. Information on how to participate or receive notices about this rule may be obtained by contacting the person below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tiffany Sevruck, Home and Community Services, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2538, fax (360) 407-7582, e-mail sevruta@dshs.wa.gov.

December 23, 2003

Susan Bush
for Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 04-01-198

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH (Chiropractic Program)

[Filed December 24, 2003, 10:55 a.m.]

Subject of Possible Rule Making: WAC 246-808-150 Commission approved continuing education, 246-808-155 Prior approval not required, 246-808-165 Exemptions, and 246-808-170 Licensees residing and practicing out-of-state—Continuing education requirements. Update rules to be more in line with national standards, and address stakeholder requests.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.25.0171 and 18.25.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A number of stakeholders have requested changes to the continuing education (CE) rules to allow for additional ways to complete the CE requirement, review for housekeeping changes, and review and update approved CE subject matter.

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

Process for Developing New Rule: Collaborative rule making, to receive meeting agendas and rule-making information you may sign up on the Chiropractic Quality Assurance Commission list serve at <http://listserv.wa.gov/cgi-bin/wa?SUBED1=chiropractic-qac&A=11>.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen Kelley, Program Manager, Chiropractic Quality Assurance Commission, P.O. Box 47868, Olympia, WA 98504-7868, (360) 236-4856, fax (360) 664-9077, karen.kelley@doh.wa.gov.

December 2, 2003

Karen Kelley
Program Manager

WSR 04-01-199
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Chiropractic Program)
[Filed December 24, 2003, 10:57 a.m.]

Subject of Possible Rule Making: WAC 246-808-135
Licensure by endorsement.

Statutes Authorizing the Agency to Adopt Rules on this
Subject: RCW 18.25.0171 and 18.25.040.

Reasons Why Rules on this Subject may be Needed and
What They Might Accomplish: Current rule language cre-
ates a barrier for applicants for licensure from other jurisdic-
tions. Amending the rule would remove the barrier.

Other Federal and State Agencies that Regulate this Sub-
ject and the Process Coordinating the Rule with These Agen-
cies: None.

Process for Developing New Rule: Collaborative rule
making, to receive meeting agendas and rule-making infor-
mation you may sign up on the Chiropractic Quality Assur-
ance Commission list serve at [http://listserv.wa.gov/cgi-
bin/wa?SUBED1=chiropractic-qac&A=11](http://listserv.wa.gov/cgi-bin/wa?SUBED1=chiropractic-qac&A=11).

Interested parties can participate in the decision to adopt
the new rule and formulation of the proposed rule before pub-
lication by contacting Karen Kelley, Program Manager, Chi-
ropractic Quality Assurance Commission, P.O. Box 47868,
Olympia, WA 98504-7868, (360) 236-4856, fax (360) 664-
9077, karen.kelley@doh.wa.gov.

December 2, 2003
Karen Kelley
Program Manager



WSR 04-01-008
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
 [Filed December 4, 2003, 9:57 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-08-012.

Title of Rule: WAC 415-02-720 What does the department charge for processing split payments?

Purpose: Transfer longstanding policy of charging fees for processing legal orders into WAC.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: RCW 26.18.110(4), 26.23.-060(9), 41.50.600, 41.50.680, 74.20A.080(15).

Summary: The Department of Retirement Systems (DRS) is proposing a new rule regarding the fees it charges for processing mandatory benefit assignment orders, child support orders, and property division obligations.

Reasons Supporting Proposal: These fees should be in WAC where the public can more easily find the information.

Name of Agency Personnel Responsible for Drafting: Merry A. Kogut, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291; Implementation and Enforcement: Dave Nelsen, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7304.

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 new rule shows the fees that DRS charges for processing split payments. DRS is putting a longstanding policy into WAC.

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, Conference Room 115, Tumwater, WA, on January 27, 2004, at 9:00 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 January 27, 2004.

Date of Intended Adoption: No sooner than January 28, 2004.

November 24, 2003
 Merry A. Kogut
 Rules Coordinator

NEW SECTION

WAC 415-02-720 What does the department charge for processing split payments? This section applies whenever the department administers split payments for child support, mandatory benefit assignment orders (MBAOs), or other direct pay orders.

	Type	Amount	Statutory Authority
(1)	Child support	Ten dollars for the first disbursement and one dollar for each additional. Fees will be charged to the obligor	RCW 26.18.110(4); 26.23.060(9) and 74.20A.080(15)
(2)	Mandatory assignment of retirement benefits (MBAO)	Twenty-five dollars for the first disbursement and six dollars for each additional. Fees will be charged to the obligor	RCW 41.50.600(4)
(3)	Property division obligations (see also WAC 415-02-500(11))	Seventy-five dollars for the first disbursement and six dollars for each additional. Fees will be divided equally between the obligor and obligee	RCW 41.50.680

PROPOSED

WSR 04-01-019
PROPOSED RULES
WASHINGTON STATE PATROL
 [Filed December 5, 2003, 3:23 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-13-017 [03-19-017].

Title of Rule: WAC 204-96-010 Vehicle impounds.

Purpose: To change the rule from requiring mandatory impounds of vehicles driven by suspended drivers to allow impounds to be done at the officer's discretion.

Statutory Authority for Adoption: RCW 46.55.190.

Summary: The Washington Supreme Court decision of December 12, 2002, *All Around Underground, Inc. v. Washington State Patrol*; indicated that the current WAC should be revised. The revisions change the rule from requiring

PROPOSED

mandatory impounds of vehicles driven by suspended drivers to allow impounds to be done at the officer's discretion.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ms. Christine Fox, P.O. Box 42614, Olympia, WA 98504-2614, (360) 753-3697.

Name of Proponent: Washington State Patrol, governmental.

Rule is necessary because of state court decision, Washington State Supreme Court No. 71848-2.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule pertains to vehicle impounds in situations when a driver of a vehicle is arrested for driving under the influence, physical control of a vehicle under the influence, driving while license suspended or revoked, or driving under other license/permit while license suspended or revoked. The revisions change the rule from requiring mandatory impounds of vehicles driven by suspended drivers to allow impounds to be done at the officer's discretion.

Proposal Changes the Following Existing Rules: Rather than requiring officers to impound vehicles of suspended drivers and hold them for thirty days, officer discretion may now be used in these situations. The description of instances in which a vehicle may be released prior to the hold period was condensed. A uniform Washington state tow/impound and inventory record form is now available through the Office of the State Printer for use by all law enforcement agencies.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes do not place any requirements on small businesses.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Washington State Patrol Commercial Vehicle Division Conference Room, General Administration Building, 210 11th Avenue S.W., Room G21, Olympia, WA 98504, on February 11, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Christine Fox by February 4, 2004.

Submit Written Comments to: Ms. Christine Fox, P.O. Box 42614, Olympia, WA 98504-2614, fax (360) 586-8233, by February 11, 2004.

Date of Intended Adoption: February 18, 2004.

December 5[, 2003]

Ronal W. Serpas

Chief

AMENDATORY SECTION (Amending WSR 01-05-098, filed 2/20/01, effective 3/23/01)

WAC 204-96-010 Vehicle impounds. When a driver of a vehicle is arrested for a violation of:

- RCW 46.61.502 Driving under the influence,
- RCW 46.61.504 Physical control of vehicle under the influence,
- RCW 46.20.342 Driving while license suspended or revoked,

~~((Operation of motor vehicle))~~ Driving under other license/permit ~~((prohibited))~~ while license suspended or revoked,

the arresting officer ~~((shall))~~ may, in his/her own discretion, considering reasonable alternatives, cause the vehicle to be impounded. When an arrest is made for violation of RCW 46.20.342 and the vehicle is a commercial vehicle, the driver of the vehicle is not the owner of the vehicle, the owner was not in the vehicle at the time, and the owner has not received a prior release under RCW 46.55.113(3) or 46.55.120 (1)(a)(ii), prior to impounding the vehicle the officer shall attempt in a reasonable and timely manner to contact the owner of the vehicle and may release the vehicle to the owner if the owner is reasonably available.

If the driver is arrested for a violation of RCW 46.20.342 (1)(c) (3rd degree suspended/revoked) and has no convictions for violations of RCW 46.20.342 in the past five years, the vehicle ~~((shall))~~ may be impounded, but no suspended driver hold shall be placed on the vehicle. If the driver is also the registered owner then the vehicle shall be held until all outstanding penalties, fines, and forfeitures owed by him/her are satisfied. The driver/registered owner must present proof from a court of law that he/she has no outstanding penalties, fines, or forfeitures.

If the driver is arrested for a violation of RCW 46.20.342 (1)(c) (3rd degree suspended/revoked) and has any prior convictions for violations of RCW 46.20.342 in the past five years, the vehicle ~~((shall))~~ may be held for thirty days.

If the driver of the vehicle is arrested for a violation of RCW 46.20.342 (1)(a) or (b) (1st or 2nd degree suspended/revoked) and has no convictions for violations of RCW 46.20.342 in the past five years, the vehicle ~~((shall))~~ may be held for thirty days.

If the driver of the vehicle is arrested for a violation of RCW 46.20.342 (1)(a) or (b) (1st or 2nd degree suspended/revoked) and has been convicted of a violation of RCW 46.20.342 (1)(a) or (b) in the past five years, the vehicle ~~((shall))~~ may be held for sixty days.

If the driver of the vehicle is arrested for a violation of RCW 46.20.342 (1)(a) or (b) (1st or 2nd degree suspended/revoked) and has been convicted of a violation of RCW 46.20.342 (1)(a) or (b) two or more times in the past five years, the vehicle ~~((shall))~~ may be held for ninety days.

The release of all vehicles impounded under this WAC shall be governed by RCW 46.55.120. Commercially rented vehicles may be impounded, however no suspended driver holds shall be placed upon ~~((the))~~ these vehicles. The rental company shall be notified by phone.

A vehicle may be released prior to the ~~((mandated))~~ hold period ~~((if the employer or spouse of the arrested driver establishes significant economic or personal hardship with the district commander of the district in which the vehicle was impounded. In making a hardship determination, the district commander shall consider public safety factors, including the driver's criminal history and driving record))~~ upon a showing of economic or personal hardship to the spouse of the operator, taking into consideration public safety factors,

including the operator's criminal history and driving record; or that the owner of the vehicle was not the driver, the owner did not know that the driver's license was suspended or revoked, and the owner has not received a prior release under RCW 46.55.120 (1)(a)(ii) or 46.55.113(3). Release shall be denied in all other circumstances. All ~~((hardship))~~ release requests shall be in writing. Any denial or approval of a ~~((hardship))~~ release shall be in writing and shall include factors considered by the ~~((district commander))~~ impounding agency in reaching the decision.

~~((A vehicle may be released prior to the mandated hold period if the registered owner of a vehicle loaned to another person is able to demonstrate to the district commander of the district in which the vehicle was impounded that he/she had no knowledge that the person to whom the vehicle was loaned did not have valid driving privileges within the state of Washington, is willing to swear to this lack of knowledge under penalty of the perjury laws of the state of Washington and further agrees that this hardship determination, if allowed, is available only one time in the state of Washington. The registered owner of the loaned vehicle also agrees that he/she shall pay any and all towing fees, storage fees and administrative fees to the towing company before the vehicle is released. In addition, in the event a hardship is granted, the registered owner of the loaned vehicle agrees that he/she will comply with the conditions set forth on the form(s) provided by the Washington state patrol prior to loaning the vehicle to any individual in the future.)) A uniform Washington state tow/impound and inventory record form is available through the office of the state printer.~~

WSR 04-01-020
PROPOSED RULES
COLUMBIA RIVER
GORGE COMMISSION

[Filed December 8, 2003, 9:44 a.m.]

Original Notice.

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

Title of Rule: 350-120, Economic development certification process.

Purpose: The purpose of this rule is to define the process by which the Gorge Commission certifies economic development grants and loans, awarded by the Washington and Oregon investment boards, as consistent with the federal Columbia River Gorge National Scenic Area Act, the management plan, and land use ordinances adopted pursuant to the act.

Statutory Authority for Adoption: RCW 43.97.015, 16 U.S.C. § 544i.

Statute Being Implemented: Same.

Summary: This rule proposes an expedited certification process for certain types of economic grants and loans. The proposed rule allows the executive director of the Gorge Commission to certify these grants and loans rather than the full Gorge Commission. This could save up to several weeks.

Reasons Supporting Proposal: The proposal includes adding an expedited process for certifying economic devel-

opment grants and loans. The Washington and Oregon investment boards believe this will stimulate economic development.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Martha Bennett, #1 Town & Country Square, P.O. Box 730, White Salmon, WA, (509) 493-3323.

Name of Proponent: Columbia River Gorge Commission, at the request of the Washington and Oregon investment boards, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The commission is especially interested in public comment concerning whether public input should be required prior to the executive director certifying the grant or loan, and if so, then how that should occur within the time proposed.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule proposes an expedited certification process for certain types of economic grants and loans. The proposed rule allows the executive director of the Gorge Commission, rather than the full Gorge Commission, to certify these grants and loans. This could save up to several weeks for applicants. The Washington and Oregon investment boards have not provided the Gorge Commission with specific dollar amounts, but have testified that an expedited procedure will facilitate persons obtaining grants and loans and enable faster action on economic development opportunities. The Gorge Commission does not expect the proposed expedited certification process to have any fiscal impact on its budget.

Proposal Changes the Following Existing Rules: The proposed rule will amend 350-120-010, 350-120-020, 350-120-030, and 350-120-040. The proposed rule will add new sections 350-120-015, 350-120-025, and 350-120-050.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No statement has been prepared because the amendments will not impose any new costs on businesses. The amendments only allow an expedited certification of economic development grants and loans, which will reduce costs on businesses.

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

Hearing Location: Columbia Gorge Discovery Center, 5000 Discovery Drive, The Dalles, OR, on February 10, 2004, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Nancy Andring by February 6, 2004.

Submit Written Comments to: Columbia River Gorge Commission, #1 Town and Country Square, P.O. Box 730, White Salmon, WA 98672, fax (509) 493-2229, by February 9, 2004.

Date of Intended Adoption: February 10, 2004.

December 4, 2003
 Nancy A. Andring
 Rules Coordinator

PROPOSED

AMENDATORY SECTION 350-120-010 Authority.

Section 11 (c)(1) of the Scenic Area Act requires the Commission to certify all activities undertaken under a National Scenic Area economic development grant and/or loan are consistent with the purposes of the Act, the management plan, and land use ordinances adopted pursuant to the Act.

The Scenic Area Act states as follows:

§ 544i. Economic development

~~(a) Economic development plan. Based on the Economic Opportunity Study and other appropriate information, each State, in consultation with the counties and the Commission, shall develop a plan for economic development projects for which grants under this section may be used in a manner consistent with this Act.~~

~~(b) Funds provided to States for grants. Upon certification of the management plan, and receipt of a plan referred to in subsection (a) of this section, the Secretary shall provide \$5,000,000 to each State which each State shall use to make grants and loans for economic development projects that further the purposes of this Act.~~

~~(c) Conditions of grants. Each State making grants under this section shall require as a condition of a grant that—~~

~~(1) all activities undertaken under the grant are certified by the Commission as being consistent with the purposes of the Act, the management plan, and land use ordinances adopted pursuant to this Act;~~

~~(2) grants and loans are not used to relocate a business from one community to another;~~

~~(3) grants and loans are not used for program administration; and~~

~~(4) grants and loans are used only in counties which have in effect land use ordinances found consistent by the Commission and concurred on by the Secretary pursuant to section 8 of this Act [16 USCS § 544f].~~

~~(d) Report. Each State shall—~~

~~(1) prepare and provide the Secretary with an annual report to the Secretary on the use of the funds made available under this section;~~

~~(2) make available to the Secretary and to the Commission, upon request, all accounts, financial records, and other information related to grants and loans made available pursuant to this section; and~~

~~(3) as loans are repaid, make additional grants and loans with the money made available for obligation by such repayments.~~

~~16 USCS § 544i.~~

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 Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION 350-120-015 Definitions.

For the purpose of this rule, the following definitions apply:

(1) "Activity" refers to the specific proposed action for which the grant or loan is being sought.

(2) "Project" refers to the ultimate business enterprise, development, and/or land use for which the activity supports or is a component part.

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

AMENDATORY SECTION 350-120-020 Application for Certification.

(1) The applicant shall submit one complete application to the Executive Director of the Commission.

(2) A complete application shall include:

(a) One complete copy of the application materials required by the state agency administering the grant or loan program, excluding confidential financial information;

(b) If the proposed project will be located entirely or partially within the general management area or special management area one complete copy of a Scenic Area land use ordinance development review decision, issued by the applicable county planning director, approving the proposed project as consistent with the ordinance requirements, or a copy of a letter from the applicable county planning director stating why the proposed project does not require review under the county's Scenic Area land use ordinance;

(c) One completed application for certification form, available from the Gorge Commission and/or the state agencies administering the grant or loan program. The form shall include the following information:

(A) applicant's name and business address;

(B) description of proposed project and activity for which a Scenic Area grant or loan is sought;

(C) legal description and map of the specific location of proposed project; if project has multiple or regional locations, these should be identified;

(D) description of the existing use of the property or properties on which the project will be located and/or used;

(E) a statement setting forth any local, state or federal permits required and a report on their status; and

(F) signature of applicant and property owner if, different from applicant.

(d) One copy of each of any state and federal environmental permits that have been issued for the proposed project. If permits have not been received, copies of permit applications shall be submitted instead.

(3) The Director shall review the application and determine if it is complete. If it is not complete, the applicant is required to submit the additional information requested by the Director. Once the Director determines the application is complete, the process of staff analysis shall begin.

NEW SECTION 350-120-025 Certification Procedures.

All applications for certification shall follow either the process in 350-120-030 through 040 or the process in 350-120-050.

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

AMENDATORY SECTION

350-120-030 Recommendation of the Director.

(1) In making a recommendation on a proposed grant or loan the Director shall:

(a) Consult with the applicant and such agencies as the Director deems appropriate;

(b) Consider information submitted by the applicant and all other relevant information available;

(2) The Director shall recommend a grant or loan for certification only if it is consistent with the purposes of the Act, the management plan and land use ordinances adopted pursuant to the Act.

(3) Within ~~15 working~~ 21 days of acceptance of the application as complete, the Director shall issue a report setting forth the recommendation and the basis for it.

(4) The Director shall mail a copy of the ~~decision report~~ to the applicant, Gorge Commissioners, the Forest Service, the States of Oregon and Washington, the Indian Tribes with treaty rights in the Scenic Area, and the planning director of the applicable county or city.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

350-120-040 Review and Decision by Commission.

(1) The Commission shall review the recommendation and report of the Director at a scheduled meeting. Public comment shall be allowed.

(2) The Commission may request further information at the meeting if it is deemed relevant to its decision.

(3) At the first Commission meeting occurring five (5) or more working days of after issuance of the Director's report, the Commission shall make a decision on the grant or loan, as follows:

(a) approve the request, certifying the grant or loan is consistent with the purposes of the Act, the management plan and land use ordinances adopted pursuant to the Act;

(b) approve the request contingent upon approval of certain required state and/or federal environmental permits;

(c) defer the decision, pending receipt of further information; or

(d) deny the request, stating that the grant or loan is not consistent with the purposes of the Act, the management plan and land use ordinances adopted pursuant to the Act.

(4) The Director shall notify the applicant, and the applicable state investment board of the Commission's decision.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Columbia River Gorge Commission and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

350-120-050 Expedited Certification.

(1) The Executive Director of the Gorge Commission may issue a decision for a certification application that meets

all of the following criteria. The Executive Director may, at his or her discretion, require an application be reviewed pursuant to 350-120-030 and 040 above.

(a) The project and activity shall not involve ground disturbance or changes to structures that are 50 years old or older;

(b) The project shall be located wholly within an Urban Area;

(c) The project and activity shall be consistent with the economic development policies in the Management Plan

(d) The project and activity shall be consistent with the Economic Development Plans for Oregon and Washington as amended from time to time by the states consistent with Section 11(a) of the Scenic Area Act;

(e) The project shall not involve relocation of a business from one National Scenic Area community to another;

(f) The activity shall not involve program administration; and

(g) The project shall occur only in counties that have in effect land use ordinances found consistent by the Commission and concurred on by the Secretary.

(2) In making a decision to certify a proposed grant or loan the Director shall:

(a) Consult with the applicant and such agencies as the Director deems appropriate, and

(b) Consider information submitted by the applicant and all other relevant information available.

(3) The Director shall approve a grant or loan for certification only if it is consistent with the purposes of the Act, and the management plan.

(4) Within 14 days of acceptance of the application as complete, the Director shall issue a decision along with findings of fact and conclusions of law setting forth the basis for the decision.

(5) The Director shall mail a copy of the decision to the applicant, the Forest Service, the States of Oregon and Washington, the Indian Tribes with treaty rights in the Scenic Area, the planning director of the applicable county or city, and any person who requests a copy of the decision.

(6) The Executive Director shall prepare periodic summaries of the certifications approved through this expedited process for submission to the Gorge Commission.

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

WSR 04-01-035

PROPOSED RULES

DEPARTMENT OF
FISH AND WILDLIFE

[Filed December 9, 2003, 12:08 p.m.]

Supplemental Notice to WSR 03-21-174.

Preproposal statement of inquiry was filed as WSR 03-18-008.

Title of Rule: Personal use fishing rules.

Purpose: Amend personal use rules for 2004-2005.

Other Identifying Information: This filing corrects the adoption date and whether or not the proposal changes existing rules.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: See WSR 03-21-174.

Reasons Supporting Proposal: See WSR 03-21-174.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2373.

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See WSR 03-21-174.

Proposal Changes the Following Existing Rules: See WSR 03-21-174. Note: This section incorrectly stated no changes on the CR-102 filed as WSR 03-21-174, but noted that there was an attachment. That attachment and the rule text clearly showed changes to existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rule proposals regulate recreational fishing, but do not directly regulate small businesses.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: The adoption hearing will be held concurrent with the Fish and Wildlife Commission meeting at the Natural Resources Building, 1111 Washington Street, Olympia, on February 6-7, 2004, begins 8:00 a.m. on February 6, 2004.

Assistance for Persons with Disabilities: Contact Susan Yeager by January 16, 2004, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: The written comment period ended on December 6, 2003.

Date of Intended Adoption: February 6, 2004.

December 9, 2003

Evan Jacoby
Rules Coordinator

WSR 04-01-043
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed December 11, 2003, 8:07 a.m.]

Continuance of WSR 03-22-089.

Preproposal statement of inquiry was filed as WSR 02-24-010.

Title of Rule: Chapter 388-500 WAC, Medical definitions.

Purpose: The department is extending the written comment deadline for this proposed rule to 5:00 p.m., January 16,

2004. Written comments may be sent to the fax number or e-mail address, or delivered to the location listed below. Comments sent by postal mail must be postmarked by January 16, 2004. A public hearing was held on December 9, 2003.

The proposed rule updates the definition of "medical necessity" in order: To incorporate the use of medical information that is supported by scientific evidence in its determination of services; to include definitions for new or existing terms that may be necessary to clearly define "medically necessary"; to ensure consistency with the medical definitions and WAC 388-501-0165; and to carry out the directives of ESHB 1299 (chapter 273, Laws of 2003), an act relating to evidence-based health services purchasing by state purchased health care programs.

Statutory Authority for Adoption: RCW 74.08.090, ESHB 1299 (chapter 276, Laws of 2003).

Statute Being Implemented: RCW 74.08.090, ESHB 1299 (chapter 276, Laws of 2003).

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Ann Myers, P.O. Box 45533, Olympia, WA 98504, (360) 725-1345; Implementation and Enforcement: Bill Hagens, P.O. Box 45500, Olympia, WA 98504, (360) 725-1237.

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 rule amends the definition of "medical necessity" and related rules.

The rule is being amended to include the use of scientific evidence in the department's coverage and service determinations; to help ensure the department's clients will not be harmed or injured by inappropriate service utilization in view of the robust development and availability of new drugs, treatments, and therapies; to help ensure that available resources be spent in the most effective manner to improve the health of clients; and to help expedite service determinations.

The anticipated effects are as stated above.

Proposal Changes the Following Existing Rules: The rule described in Title of Rule and Purpose above is being amended to include a reference to scientific evidence, include definitions related to the new definition of "medical necessity."

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the proposed rule and concludes that it will not have a more than minor impact on the small businesses affected by it.

RCW 34.05.328 applies to this rule adoption. The department has analyzed the proposed rule and concludes that it meets the definition of a "significant legislative rule" as defined by the legislature. An analysis of the probable costs and probable benefits is available from the person listed above.

Hearing Location: A public hearing was held December 9, 2003, in Lacey, Washington. See Purpose above.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue, Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., January 16, 2004.

Date of Intended Adoption: Not sooner than January 17, 2004.

December 10, 2003
 Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

WSR 04-01-044
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)
 [Filed December 11, 2003, 8:09 a.m.]

Continuance of WSR 03-22-088.

Preproposal statement of inquiry was filed as WSR 02-24-010.

Title of Rule: WAC 388-501-0165 Determination process for coverage of medical equipment and medical or dental services.

Purpose: The department is extending the written comment deadline for this proposed rule to 5:00 p.m., January 16, 2004. Written comments may be sent to the postal address, fax number or e-mail address, or delivered to the location listed below. Comments sent by postal mail must be post-marked by January 16, 2004. A public hearing was held on December 9, 2003.

The proposed rule updates the definition of "medical necessity" and supporting terms in order to incorporate the use of medical information that is supported by scientific evidence in its determination of services. In order to ensure consistency with the updated definitions and support the use of evidence-based health care service determinations, the department is amending WAC 388-501-0165 to include definitions specific to the determination process, clarify provider responsibilities to support the determination of a service or equipment as being medically necessary, and clarify the department's basis for determining medical necessity.

Statutory Authority for Adoption: RCW 74.08.090, ESHB 1299 (chapter 276, Laws of 2003).

Statute Being Implemented: RCW 74.08.090, ESHB 1299 (chapter 276, Laws of 2003).

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Ann Myers, P.O. Box 45533, Olympia, WA 98504, (360) 725-1345; Implementation and Enforcement: Bill Hagens, P.O. Box 45500, Olympia, WA 98504, (360) 725-1237.

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 rule is being amended to include the use of scientific evidence in the department's coverage and service determinations; to help ensure the department's clients will not be harmed or injured by inappropriate service utilization in view of the robust development and availability of new drugs, treatments, and therapies; to help ensure that available resources be spent in the most effective manner to improve the health of clients; and to help expedite service determinations.

The anticipated effects are as stated above.

Proposal Changes the Following Existing Rules: The rule described in Title of Rule and Purpose above is being amended to include definitions related to a new definition of "medical necessity," and to ensure the process and provisions described in the rule are consistent with the new definition.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the proposed rule and concludes that it will not have a more than minor impact on the small businesses affected by it.

RCW 34.05.328 applies to this rule adoption. The department has analyzed the proposed rule and concludes that it meets the definition of a "significant legislative rule" as defined by the legislature. An analysis of the probable costs and probable benefits is available from the person listed above.

Hearing Location: A public hearing was held on December 9, 2003, in Lacey, Washington. See Purpose above.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., January 16, 2004.

Date of Intended Adoption: Not sooner than January 17, 2004.

December 10, 2003
 Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

WSR 04-01-048
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
 [Filed December 11, 2003, 10:44 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-17-010.

Title of Rule: WAC 415-02-200 Can I transfer former LEOFF Plan 1 service?

Purpose: The legislature passed HB 1099 in 1997, codified in chapter 122, Laws of 1997, and RCW 41.26.195. The Department of Retirement Systems (DRS) is proposing the adoption of a new WAC to explain its longstanding policy and practice in implementing this statute.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: RCW 41.26.195.

Summary: The WAC explains that if you are a member of PERS, TRS, SERS, or WSPRS, and you have previously established service credit in LEOFF Plan 1, you may irrevocably choose to transfer your LEOFF Plan 1 service to your current retirement system and plan subject to the conditions explained in the WAC.

Reasons Supporting Proposal: Put longstanding policy into WAC.

Name of Agency Personnel Responsible for Drafting: Merry A. Kogut, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291; Implementation and Enforcement: Dave Nelsen, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7304.

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: Please see Summary above.

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, Conference Room 115, Tumwater, WA, on January 27, 2004, at 9:00 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 January 27, 2004.

Date of Intended Adoption: No sooner than January 28, 2004.

November 24, 2003

Merry A. Kogut
Rules Coordinator

GENERAL RULES AFFECTING MULTIPLE PLANS AND SYSTEMS

NEW SECTION

WAC 415-02-200 Can I transfer former LEOFF Plan 1 service? If you are a member of PERS, TRS, SERS, or WSPRS, and you have previously established service credit in LEOFF Plan 1, you may *irrevocably* choose to transfer your LEOFF Plan 1 service to your current retirement system and plan subject to the following conditions:

(1) The choice to transfer service must be filed in writing with the department no later than one year from the date you become employed by a PERS, TRS, SERS, or WSPRS employer in an eligible position.

(2) If you transfer your service credit under this section:
(a) You will forfeit (lose) all rights to benefits as a LEOFF Plan 1 member and will be permanently excluded from membership.

(b) Your transferred service will *not apply* to the eligibility requirements for military service credit as defined in RCW 41.40.170(3) for PERS Plan 1 or in RCW 43.43.260(3) for WSPRS Plan 1.

(3) When you transfer your service credit under this section to your current retirement system and plan, DRS will transfer:

(a) All of your accumulated LEOFF Plan 1 contributions;

(b) An amount sufficient to ensure that the employer contribution rate in your current system and plan will not increase because of the transfer; and

(c) All applicable months of LEOFF Plan 1 service credit, as defined in RCW 41.26.030 (14)(a).

(4) If you previously withdrew contributions from LEOFF Plan 1, you:

(a) May restore the contributions, together with interest as determined by the director, and recover the service represented by the contributions for the sole purpose of transferring service under this section;

(b) Must restore the contributions before the transfer can occur; and

(c) Must complete the restoration within the time limitations specified in subsection (1) of this section.

(5) If you do not meet the time limitations of subsection (1) of this section, you may restore any withdrawn contributions and transfer service under this section by paying the amount required under subsection (3)(b) of this section less any employee contributions transferred.

(6) Terms used:

LEOFF - Law enforcement officers' and fire fighters' retirement system.

PERS - Public employees' retirement system.

SERS - School employees' retirement system.

TRS - Teachers' retirement system.

WSPRS - Washington state patrol retirement system.

WSR 04-01-049 PROPOSED RULES DEPARTMENT OF RETIREMENT SYSTEMS

[Filed December 11, 2003, 10:46 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-07-062.

Title of Rule: WAC 415-104-475 How does a fire fighter who provides emergency medical services transfer PERS service credit to LEOFF Plan 2?

Purpose: Implements the "EMTS into LEOFF" legislation, chapter 293, Laws of 2003 (SHB 1202).

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: RCW 41.26.547.

Summary: Implements "EMTS into LEOFF" legislation.

Reasons Supporting Proposal: Implement chapter 293, Laws of 2003 (SHB 1202).

Name of Agency Personnel Responsible for Drafting: Merry A. Kogut, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291; Implementation and Enforcement: Dorothy Bailey, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291.

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: Please see Purpose above.

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, Conference Room 115, Tumwater, WA, on January 27, 2004, at 9:00 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 January 27, 2004.

Date of Intended Adoption: No sooner than January 28, 2004.

December 10, 2003

Merry A. Kogut

Rules Coordinator

NEW SECTION

WAC 415-104-475 How does a fire fighter who provides emergency medical services transfer PERS service credit to LEOFF Plan 2? (1) Who may use this section? You may use this section if you:

(a) Are currently employed in a law enforcement officers' and fire fighters' (LEOFF) Plan 2 covered position working for a fire department;

(b) Were formerly employed in a position providing emergency medical services and the position was covered under PERS Plan 1 or 2; and

(c) Worked for an employer that *relocated* your position to a fire department.

(2) How do I know if my job providing emergency medical services was "relocated" to a fire department? To be considered "relocated":

(a) The duties of the position must have required providing emergency medical services and the position must have been covered under PERS Plan 1 or 2;

(b) The employer must have been a city, town, county, or district that transferred the position to a fire department; and

(c) The fire department must have covered the transferred position under LEOFF Plan 2.

(3) I worked as an emergency medical technician/paramedic (EMT) and I am now enrolled in LEOFF Plan 2. Can I transfer my EMT service into LEOFF Plan 2? Yes. You may transfer your EMT service into LEOFF Plan 2 if:

(a) You provided emergency medical services as an EMT; and

(b) You are in a LEOFF Plan 2 position with the fire department as a result of your employer relocating your position as described in subsection (2) of this section.

(4) Who determines whether or not my job providing emergency medical services was "relocated" to a fire department? The department of retirement systems (DRS) will determine whether or not your job was relocated based on the criteria described in subsection (2) of this section. To do so, DRS will contact your former employer that covered your job providing emergency medical services under PERS and verify:

(a) That your position was relocated to a fire department; and

(b) The number of months you worked in that position.

(5) I formerly worked as an EMT for a PERS employer that relocated my job to a fire department. I was not working in the job at the time it was relocated, but am now working for the fire department in the same job. Can I transfer my PERS EMT service to LEOFF Plan 2? Yes. Even though you were not working in the job at the time it was relocated, you can transfer your PERS EMT service as long as you are employed with the fire department covered under LEOFF Plan 2 at the time you request the transfer.

(6) Can I transfer PERS EMT service into LEOFF Plan 2 if I worked for an employer that did not "relocate" the position to a fire department? No. To transfer PERS EMT service to LEOFF Plan 2, you must have worked in a position that was relocated as described in subsections (1) and (2) of this section.

(7) What do I need to do if I have PERS EMT service that can be transferred to LEOFF Plan 2?

(a) Contact the LEOFF unit at DRS. Once DRS verifies you meet the criteria to transfer as described in subsections (1) and (2) of this section, DRS will provide you an *EMT Transfer Packet* that includes an "EMT transfer cost estimate and benefit comparison." DRS will also provide you an "EMT Request for Transfer Form." You must complete, sign and return the form to the LEOFF unit to choose to transfer the service credit.

(b) You must pay the difference in the member contribution rates between the PERS rate and the LEOFF rate, plus interest, for each month of EMT service that you transfer.

(8) How is the interest calculated? Interest is calculated at eight percent annually, compounded monthly, and is based on the difference between the required PERS contribution amount and the required LEOFF Plan 2 contribution amount for each month you transfer. DRS calculates the interest for the rate difference for each month being trans-

ferred, beginning with the oldest month, then totals each month's interest calculation for the "interest" portion of the bill.

Example: DRS creates a bill in October 2003 to transfer the months of June and July 2002. The member contribution rate difference for each month is \$35.00. The interest for

June would be \$4.18, and for July \$3.92. The total interest charge for these two months is \$8.10; the total bill is \$78.10 (\$35.00 x 2 + \$8.10). The interest calculated for June 2002 is more because it includes one more month of interest than the month of July 2002. The chart below shows how the interest is calculated:

Month/Year of Interest Calculation		Interest for June 2002 @ .00667 ¹		Interest for July 2002 @ .00667	
June	2002	\$35.00	.23		
July	2002	\$35.23	.23	\$35.00	.23
August	2002	\$35.46	.24	\$35.23	.23
September	2002	\$35.70	.24	\$35.46	.24
October	2002	\$35.94	.24	\$35.70	.24
November	2002	\$36.18	.24	\$35.94	.24
December	2002	\$36.42	.24	\$36.18	.24
January	2003	\$36.66	.24	\$36.42	.24
February	2003	\$36.90	.25	\$36.66	.24
March	2003	\$37.15	.25	\$36.90	.25
April	2003	\$37.40	.25	\$37.15	.25
May	2003	\$37.65	.25	\$37.40	.25
June	2003	\$37.90	.25	\$37.65	.25
July	2003	\$38.15	.25	\$37.90	.25
August	2003	\$38.40	.26	\$38.15	.25
September	2003	\$38.66	.26	\$38.40	.26
October	2003	\$38.92	.26	\$38.66	.26
Total					
October	2003		\$4.18		\$3.92

(9) **Do I have to pay the bill in a lump sum?** No. You may make installment payments. Interest will be recalculated each month against the unpaid balance.

(10) **What is the time frame for transferring?** You must make the decision to transfer no later than June 30, 2008. You must complete the transfer by June 30, 2013.

(11) **When will the EMT service be transferred into my LEOFF Plan 2 account?** The EMT service will be transferred after:

(a) The bill is paid in full; and

(b) Five years have passed after DRS receives your request to transfer.

(12) **What if I decide not to transfer my PERS EMT service into LEOFF Plan 2?** Your EMT service will remain in PERS and you may either withdraw or begin receiving a PERS retirement benefit when you are eligible. If you do not withdraw, you will be a dual member of PERS and LEOFF Plan 2 under the provisions of chapter 41.54 RCW.

(13) **Can I retire before the transfer is completed?** Yes.

(a) You may retire from LEOFF Plan 2 once you are eligible, but your retirement benefit will be calculated using only your LEOFF Plan 2 service.

(b) After the conditions described in subsection (11) of this section have been met, the PERS EMT service will be transferred into your LEOFF Plan 2 account and your retirement benefit will be recalculated and increased to include the transferred service. The increase will be prospective only

from the day following the five-year waiting period. For example, if you requested the transfer on September 15, 2003, and you retired on August 1, 2007, your retirement benefit would be increased on September 16, 2008.

(14) **What if I request to transfer but change my mind before the transfer is completed?** If you decide to not transfer your PERS EMT service into LEOFF Plan 2, you must notify the LEOFF unit at DRS within five years from the date you requested the transfer. LEOFF staff will cancel your request and refund any money you have paid on the transfer bill.

(15) **Can I transfer non-EMT PERS service into LEOFF Plan 2?** No. Only the PERS service credit you earned working as an EMT for an employer that relocated your EMT position to a fire department can be transferred into LEOFF Plan 2.

(16) **Can I transfer my PERS EMT service into LEOFF Plan 2 and withdraw my non-EMT PERS service?** Yes. You can withdraw your non-EMT PERS service as soon as the PERS EMT service is fully transferred to LEOFF Plan 2. To be fully transferred, the conditions described in subsection (11) of this section must be met.

(17) **Can I transfer my PERS EMT service into LEOFF Plan 1?** No. If you reentered LEOFF Plan 1 membership after your position was relocated to a fire department, you may choose to remain in PERS or return to LEOFF Plan 1 membership, but you may not transfer the PERS EMT service into LEOFF Plan 1.

PROPOSED

(18) What happens if I die before the PERS EMT service is transferred into my LEOFF Plan 2 account?

(a) If your bill *is not* paid in full at the time of your death, the transfer will be canceled and any payments made will be refunded to your designated beneficiary.

(b) If the bill *is* paid in full at the time of your death, but the five-year waiting period has not expired, then the following rules will apply.

(i) If you die with less than ten years of service, or you have at least ten years of service but you don't have an eligible surviving spouse or minor children, the contributions in your LEOFF 2 account, including any payments made on the EMT optional service bill, will be refunded to your designated beneficiary.

(ii) If you die with at least ten years of service and have an eligible surviving spouse or minor children and if your spouse or children choose a monthly benefit payment instead of a lump sum payment, the monthly benefit will be increased the day following the end of the five-year waiting period.

(iii) If you die after retirement and chose a survivor option, your survivor's benefit will be increased the first day following the expiration of the five-year waiting period.

(19) Terms used:

(a) DRS - Department of retirement systems.

(b) EMT - Emergency medical technician or paramedic who provides emergency medical services and is covered under LEOFF Plan 2 working for a fire department.

(c) LEOFF - Law enforcement officers' and fire fighters' retirement system.

(d) PERS - Public employees' retirement system.

WSR 04-01-050
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
 [Filed December 11, 2003, 10:49 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-07-062.

Title of Rule: PERS and SERS retire/rehire.

Purpose: To implement chapter 412, Laws of 2003 (SHB 1829), the Department of Retirement Systems (DRS) is amending WAC 415-02-030, 415-108-710, and 415-110-710. At the same time, DRS is reorganizing WAC 415-108-710 and 415-110-710 to add information that explains how DRS treats numerous situations in which a member retires from one system/plan and then returns to work in another system/plan. For this reason, these WAC amendments may be of interest to members of all systems and plans that DRS administers.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: RCW 41.40.010(42), 41.40.037.

Summary: Please see Purpose above.

Reasons Supporting Proposal: Implement chapter 412, Laws of 2003 (SHB 1829).

Name of Agency Personnel Responsible for Drafting: Merry A. Kogut, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291; Implementation and Enforcement: Dorothy Bailey, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291.

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: Please see Purpose above.

Proposal Changes the Following Existing Rules: WAC 415-02-030 amends definition of "calendar month."

WAC 415-108-710 and 415-110-710, the existing sections are being struck in their entirety and are being replaced by new language. The changes are being made both to implement the new legislation, clarify the "retire/rehire" rules, and add pertinent information not present in the current versions of the WACs.

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 January 27, 2004, at 9:00 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 January 27, 2004.

Date of Intended Adoption: No sooner than January 28, 2004.

December 10, 2003

Merry A. Kogut
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 02-23-037, filed 11/13/02, effective 1/1/03)

WAC 415-02-030 Definitions. This section contains a central location for definitions of words and phrases used in the department of retirement system's rules. It also serves as a directory for finding definitions within the RCWs and WACs.

(1) **Accumulated contributions** means the sum of all contributions paid into a member's defined benefit account, including interest.

(2) **Appeal** means the proceeding through which a party obtains review of a department action in an adjudicative proceeding conducted under chapter 34.05 RCW (the Administrative Procedure Act) and chapter 415-08 WAC (the department's appeal rules).

(3) **Average final compensation** - is defined in RCW 41.32.010(30) (TRS); RCW 41.35.010(14) (SERS); RCW 41.40.010(17) (PERS); and RCW 43.43.120(15) (WSPRS).

(4) **Cafeteria plan** means a "qualified" employee benefit program under section 125 of the Internal Revenue Code, such as certain health and welfare plans.

(5) **Calendar month.**

(a) Refers to one of the twelve named months of the year, extending from the first day of the named month through the last day. For example: January 1st through January 31st is a calendar month. February 1st through February 29th is a calendar month in a leap year. March 13th through April 12th is *not* a calendar month.

(b) Exception: For the purpose of administering the break in employment rules interpreting and implementing the retiree return to work statutes (RCW 41.32.570, 41.32.802, 41.32.862, 41.35.060 and 41.40.037), one calendar month means thirty consecutive calendar days. For example: Kim's retirement date is August 1st. August 31 would be the earliest Kim could return to work and meet the requirement for a one calendar month break in employment.

(6) **Compensation earnable or earnable compensation** definitions can be found in RCW 41.32.010(10) and 41.32.345 (TRS); RCW 41.35.010(6) (SERS); and RCW 41.40.010(8) (PERS).

(7) **Contribution rate** is:

(a) For employees: The fraction (percent) of compensation a member contributes to a retirement system each month.

(b) For employers: The fraction (percent) of payroll a member's employer contributes to a retirement system each month. Contribution rates vary for the different systems and plans.

(8) **Deferred compensation** refers to the amount of the participant's compensation which the participant voluntarily defers from earnings before taxes.

(9) **Defined benefit plan** is a pension plan in which a lifetime retirement benefit is available, based on the member's service credit and compensation.

(10) **Defined contribution plan** is a plan in which part of members' or participants' earnings are deferred into an investment account in which tax is deferred until funds are withdrawn. The benefit is based on the contribution rate and the amount of return from the investment of the contributions. Members or participants receive the full market rate of return minus expenses. There is no guaranteed rate of return and the value of an account will increase or decrease based upon market fluctuations.

(11) **Department** means the department of retirement systems.

(12) **Dependent care assistance salary reduction plan (DCAP)** is a plan that allows an eligible employee of the state of Washington to set aside a "before tax" portion of his or her gross salary before federal income and Social Security taxes to be used for the reimbursement of dependent care expenses.

(13) **Director** means the director of the department of retirement systems.

(14) **Employee** means a worker who performs labor or services for a retirement systems employer under the control and direction of the employer as determined under WAC 415-02-110(2). An employee may be eligible to participate as

a member of one of the state-administered retirement systems according to eligibility requirements specified under the applicable retirement system.

(15) **Employer** is defined in RCW 41.26.030(2) (LEOFF), 41.32.010(11) (TRS), 41.34.010(5) (Plan 3), 41.35.010(4) (SERS), and 41.40.010(4) (PERS).

(16) **Ex-spouse** refers to a person who is a party to a "dissolution order" as defined in RCW 41.50.500(3).

(17) **Final average salary** is defined in RCW 41.26.030(12) (LEOFF).

(18) **Gainssharing** is the process through which members of certain plans share in the extraordinary investment gains on earnings on retirement assets under chapters 41.31 and 41.31A RCW.

(19) **Independent contractor** means a contract worker who is not under the direction or control of the employer as determined under WAC 415-02-110 (2) and (3).

(20) **Member** means a person who is included in the membership of one of the retirement systems created by chapters 2.10, 2.12, 41.26, 41.32, 41.34, 41.35, 41.40, or 43.43 RCW.

(21) **Participant** means an eligible employee who participates in a deferred compensation or dependent care assistance plan.

(22) **Participation agreement** means an agreement that an eligible employee signs to become a participant in a deferred compensation or dependent care assistance plan.

(23) **Pension plan** is a plan that provides a lifelong post retirement payment of benefits to employees.

(24) **Petition** means the method by which a party requests a review of an administrative determination prior to an appeal to the director. The department's petitions examiner performs the review under chapter 415-04 WAC.

(25) **Plan 1** means the retirement plans in existence prior to the enactment of chapters 293, 294 and 295, Laws of 1977 ex. sess.

(26) **Plan 2** means the retirement plans established by chapters 293, 294 and 295, Laws of 1977 ex. sess., chapter 341, Laws of 1998, and chapter 329, Laws of 2001.

(27) **Plan 3** means the retirement plans established by chapter 239, Laws of 1995, chapter 341 Laws of 1998, and chapter 247 Laws of 2000.

(28) **Pop-up** is a term that the department uses to refer to the benefit available to a retiree where the survivor of a retiree receiving a benefit reduced by a survivor option predeceases the retiree. Example: Linda is receiving a retirement benefit reduced by a survivor option for her husband, Joe. Joe dies before Linda. Linda's monthly retirement allowance increases. The department refers to the increase as a "pop-up."

(29) **Portability** is the ability to use membership in more than one Washington state retirement system in order to qualify for retirement benefits. See chapters 41.54 RCW and 415-113 WAC.

(30) **Public record** is defined in RCW 42.17.020(36).

(31) **Restoration** is the process of restoring a member's service credit for prior periods.

(32) **Retirement system employer** - see "employer."

(33) **Rollover** means a distribution that is paid to or from an eligible retirement plan within the statutory time limit allowed.

(34) **Separation date** is the date a member ends employment in a position eligible for retirement or disability benefit coverage.

(35) **Split account** is the account the department establishes for a member or retiree's ex-spouse.

(36) **Surviving spouse** refers to a person who was married to the member at the time of the member's death and who is receiving or is eligible to receive a survivor benefit.

(37) **Survivor** means a person designated by the member to receive a monthly benefit allowance after the member dies.

(38) **Survivor benefit** is a feature of a retirement plan that provides continuing payments to a beneficiary after the death of a member or retiree.

(39) **The Uniform Services Employment and Reemployment Rights Act of 1994 (USERRA)** is the federal law that requires employers to reemploy and preserve job security, pension and welfare benefits for qualified employees who engage in military service.

AMENDATORY SECTION (Amending WSR 02-18-046, filed 8/28/02, effective 9/30/02)

WAC 415-108-710 (~~How will returning to work affect my PERS monthly benefit?~~) **What are the PERS retiree return to work rules?** (~~((1) You may work for an employer after retirement and continue to receive your retirement allowance if:~~

(a) You are employed in an ineligible position no sooner than one calendar month after your retirement accrual date;

(b) You are an active member of a higher education retirement plan and are employed no sooner than one calendar month after your retirement benefit accrues;

(c) You are employed as a bona fide independent contractor as defined by WAC 415-02-110;

(d) You are employed as an elected or appointed official directly by the governor under RCW 41.40.150(4) no sooner than one month after your retirement benefit accrues and do not reenter membership;

(e) Your only employment is as an elected official of a city or town and you end your PERS membership under RCW 41.40.023 (3)(b); or

(f) You are employed in an eligible position:

(i) No sooner than one calendar month after your retirement benefit accrues; and

(ii) The time you work does not exceed the "work limit" defined in subsection (2) of this section.

(2) What is the work limit for eligible positions?

(a) Plan 1 retiree working for an employer as defined in RCW 41.40.010 (4)(a): Fifteen hundred hours in a calendar year; or

(b) Plan 2 or 3 retiree working in an eligible position as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030: Eight hundred sixty seven hours in a calendar year.

(c) The Plan 1 limits will be applied to retirees from both a Plan 1 and a Plan 2 or 3 in another pension plan.

(d) The TRS Plan 1 rules will be applied to retirees from both TRS Plan 1 and PERS Plan 1.

(3) What happens if I work more than the work limit?

(a) The department will suspend your retirement allowance effective the day after the day in which you exceed the work limit. All hours worked for all covered employers in eligible positions are considered in determining the work limit.

(b) You have the option to return to membership in PERS if you are otherwise eligible. The option to return to membership is prospective from the first day of the month following the month in which you request to return to membership.

(4) How will the suspension of benefits affect my retirement allowance?

(a) The department will:

(i) Prorate your retirement allowance for the month during which you exceeded the work limit; and

(ii) Suspend all future retirement allowances while you are working until the next calendar year except that it will:

(iii) Adjust for any overpayments made to you for the month(s) in which you exceeded the work limit, as required by RCW 41.50.130.

(b) If you separate from service, your retirement allowance will resume effective the first day of the month following the date of separation.

(5) Can I return to PERS membership?

(a) If you are a PERS retiree, you may choose to return to membership if you are employed by a PERS employer and meet the eligibility criteria. If you return to membership the department will stop your retirement allowance effective from the first of the month during which you return to employment. Membership will be prospective under RCW 41.40.023(12).

(b) If you reenter membership and later choose to retire again, the department will recalculate your retirement allowance under the applicable statutes and regulations.

(c) If you are a retiree from another retirement system that the department administers, and are eligible to enter PERS membership, you may choose to return to membership. The option to return to membership is prospective from the first day of the month following the month in which you request to return to membership.

Example 1:

Kirk is a PERS Plan 2 retiree. He separates from service on August 15th. His accrual date (retirement) is effective September 1st. Kirk returns to work in a PERS Plan 2 eligible position on January 2nd of the following year. On June 1st he realizes that on or about July 8th, he is going to exceed his eight hundred sixty seven hour limit for the year. On July 5th he notifies his employer in writing that he chooses to reenter PERS Plan 2 membership.

On July 12th, Kirk works his eight hundred sixty eighth hour. He is no longer eligible for his PERS Plan 2 retirement benefit as of July 12th. The retirement benefit is stopped for the remainder of July. On August 1st, Kirk is returned to membership and resumes making retirement contributions.

Example 2:

Kristal is a PERS Plan 1 retiree. She separated from service on June 20th. Her accrual date (retirement) is effective July 1st. She begins working in a PERS eligible position the following January. By October 1st, Kristal has exceeded the fifteen hundred hour work limit, and her benefit is suspended. Kristal separates from service on November 15th and her benefit is reinstated December 1st. Kristal qualifies to begin another fifteen hundred hour work period on January 1st.

Example 3:

Millie is a PERS Plan 2 retiree. She separated from service on June 20th. Her accrual date (retirement) is effective July 1st. She begins working in a PERS eligible position on February 1st of the following year. By September 1st, Millie has worked eight hundred sixty seven hours and continues to work. Millie's benefit is suspended from September 2nd until January 1st if she continues to work.

(6) How soon can I return to work as a retiree? If you return to work sooner than one full calendar month after your accrual date under RCW 41.40.037, your retirement allowance will be reduced by 5.5% for every eight hours worked each month, until you separate for one full calendar month. See RCW 41.40.037.

Example 4:

John's last day of work is September 15th. His accrual date is October 1st. If John wants to return to work after he retires, he will need to wait until at least November 1st to avoid receiving the daily percentage reduction in his retirement allowance.

Example 5:

Tony's last day of work is September 15th. His accrual date is October 1st. Tony returns to work for five work days between October 10th and October 17th. His October retirement allowance will be reduced by five and one half percent for every eight hours worked in October (RCW 41.40.037); this will be reflected in Tony's November benefit. Tony does not return to work. On December 1st, Tony will qualify to return to work under the work limits described in subsection (2) of this section.

Example 6:

Ruth's last day of work is September 15th. Her accrual date is October 1st. She returns to work on October 10th and continues working. Ruth's retirement benefit will be reduced by 5.5% for each eight hours she works. Under RCW 41.40.037, Ruth's benefit reduction will accrue up to one hundred sixty hours per month. If she stops working, Ruth's full retirement benefit will resume after she remains separated for one full calendar month. Any benefit reduction over one hundred percent will be applied to Ruth's allowance in subsequent months.

(7) Defined terms used. Definitions for the following terms used in this section may be found in the sections listed:

(a) "Accrual date" RCW 41.40.193, 41.40.680, 41.40.801.

(b) "Eligible position" RCW 41.40.037(2).

(c) "Employer" RCW 41.40.010(4).

(d) "Ineligible position" RCW 41.40.010.

(e) "Law enforcement officer" RCW 41.26.030.

(f) "Membership" RCW 41.40.023.

(g) "Report" WAC 415-108-010.) (1) **How soon can I return to work after I retire?**

(a) There is no required waiting period to return to work if:

(i) You go to work for a private employer;

(ii) You are a bona fide independent contractor as defined in WAC 415-02-110;

(iii) Your only employment is as an elected official of a city or town and you end your PERS membership under RCW 41.40.023 (3)(b); or

(iv) You are a PERS Plan 1 retiree elected to office or appointed to office by the governor.

(b) If you return to work sooner than thirty consecutive calendar days from your accrual date (effective retirement date), your monthly retirement allowance will be reduced in accordance with RCW 41.40.037(1) until you separate for at least thirty consecutive calendar days.

(c) If you wait at least thirty consecutive calendar days from your accrual date, you may return to work in any position (eligible, ineligible, temporary, etc.) for any employer whose retirement plan is administered by the department of retirement systems (DRS).

(2) **What is the annual hour limit?** After you meet the thirty day waiting period described in subsection (1)(c) of this section, there are different annual hour limits that apply to you based on what kind of position you return to, the system from which you retired, and when you retired.

(a) **No limit.** You may work as many hours as you want without affecting your retirement allowance if you work:

(i) In an ineligible position;

(ii) As a retiree returning as an active member of a higher education retirement plan;

(iii) As a bona fide independent contractor;

(iv) For a private employer;

(v) If you end your PERS membership as an elected official of a city or town under RCW 41.40.023 (3)(b); or

(vi) As a PERS Plan 1 retiree elected to office or appointed to office by the governor.

(b) **Fifteen hundred hour limit.** You may work up to fifteen hundred hours in an eligible position as defined in RCW 41.32.010(37), 41.35.010(22), or 41.40.010(25), or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030 (3) and (4), in a calendar year subject to the nineteen hundred hour cumulative limit described in subsection (3) of this section before your retirement allowance is suspended if:

(i) You are a PERS Plan 1 retiree who retired prior to August 1, 2003; or

(ii) You are a PERS Plan 1 retiree who retired on or after August 1, 2003, you waited at least ninety consecutive calendar days from your accrual date, and you met the additional conditions described in RCW 41.40.037 (2)(b).

(c) **Eight hundred sixty-seven hour limit.** You may work up to eight hundred sixty-seven hours in an eligible position as defined in RCW 41.32.010(37), 41.35.010(22), or

41.40.010(25), or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030 (3) and (4), in a calendar year before your retirement allowance is suspended if:

(i) You are a PERS Plan 1 retiree who retired on or after August 1, 2003, and you do not meet the additional conditions described in RCW 41.40.037 (2)(b) or you have exceeded the nineteen hundred hour cumulative limit described in subsection (3) of this section; or

(ii) You are a PERS Plan 2 or 3 retiree and return to work in an eligible position as defined in RCW 41.32.010(37), 41.35.010(22), or 41.40.010(25), or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030 (3) and (4).

(d) If you are retired from PERS and another DRS retirement system, refer to the table below to determine the effect of returning to work:

<u>Dual System Combination</u>	<u>Return to Work System</u>	<u>Outcome</u>
<u>PERS Plan 1 and LEOFF Plan 2</u>	<u>PERS</u>	<u>Your LEOFF Plan 2 benefit would be suspended and you could work up to the PERS Plan 1 limit (subsection (2)(a), (b) and (c) of this section) during the calendar year in an eligible position before your PERS benefit would be suspended.</u>
	<u>TRS</u>	<u>Your LEOFF Plan 2 benefit would be suspended and you could work up to the PERS Plan 1 limit (subsection (2)(a), (b) and (c) of this section) during the calendar year in an eligible position before your PERS benefit would be suspended.</u>
	<u>LEOFF Plan 2</u>	<u>Your LEOFF Plan 2 benefit would be suspended and you would be mandated back into LEOFF Plan 2 membership. Your PERS benefit would be suspended until you terminate from LEOFF Plan 2.</u>
	<u>WSPRS</u>	<u>If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in WSPRS and your PERS and LEOFF Plan 2 benefits are suspended.</u> <u>If you have fifteen or more years of service credit in either system then you may not become a member of WSPRS. Your LEOFF Plan 2 benefit is suspended and you can work up to the PERS Plan 1 limit (subsection (2)(a), (b) and (c) of this section) during the calendar year in an eligible position before your PERS benefit would be suspended.</u>
<u>PERS Plan 1 and TRS Plan 1</u>	<u>PERS</u>	<u>If the position is at any educational institution in Washington state, then the TRS Plan 1 limits apply which allow you to work up to fifteen hundred hours during the fiscal year before your PERS and TRS benefits would be suspended. The one exception is if you return to work at a higher education employer and choose to join another retirement system (e.g., TIAA-CREF). In that case, the PERS Plan 1 rules would apply. By definition, the position is ineligible in PERS and therefore you can work unlimited hours without your PERS and TRS benefits being suspended.</u> <u>If the position is not at an educational institution in Washington state, the TRS Plan 1 limits would apply and you can work unlimited hours without your PERS and TRS benefits being suspended.</u>
	<u>TRS</u>	<u>The TRS Plan 1 limits would apply and you can work up to fifteen hundred hours during the fiscal year before your PERS and TRS benefits would be suspended.</u>
	<u>LEOFF Plan 2</u>	<u>If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in LEOFF Plan 2 and your PERS and TRS benefits are suspended.</u>

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<u>Dual System Combination</u>	<u>Return to Work System</u>	<u>Outcome</u>
		<p><u>If you have fifteen or more years of service credit in either system then you may not become a member in LEOFF Plan 2. The TRS Plan 1 limits would apply and you can work unlimited hours without your PERS and TRS benefits being suspended.</u></p>
	<u>WSPRS</u>	<p><u>If you have less than fifteen years of service credit in either system you are retired from, then you are mandated into membership in WSPRS and your PERS and TRS benefits are suspended.</u></p> <p><u>If you have fifteen or more years of service credit in either system then you may not become a member in WSPRS. The TRS Plan 1 limits would apply and you can work unlimited hours without your PERS and TRS benefits being suspended.</u></p>
<u>PERS Plan 1 and TRS Plan 2 or 3</u>	<u>PERS</u>	<p><u>You can work up to the PERS Plan 1 limits (subsection (2)(a), (b) and (c) of this section) during the calendar year in an eligible position before your PERS and TRS benefits would be suspended.</u></p>
	<u>TRS</u>	<p><u>You can work up to the PERS Plan 1 limits (subsection (2)(a), (b) and (c) of this section) during the calendar year in an eligible position before your PERS and TRS benefits would be suspended.</u></p>
	<u>LEOFF Plan 2</u>	<p><u>If you have less than fifteen years of service credit in either system you are retired from, then you are mandated into membership in LEOFF Plan 2 and your PERS and TRS benefits are suspended.</u></p> <p><u>If you have fifteen or more years of service credit in either system then you may not become a member in LEOFF Plan 2 and you can work up to the PERS Plan 1 limits (subsection (2)(a), (b) and (c) of this section) during the calendar year in an eligible position before your PERS and TRS benefits would be suspended.</u></p>
	<u>WSPRS</u>	<p><u>If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in WSPRS and both your PERS and TRS benefits would be suspended.</u></p> <p><u>If you have fifteen or more years of service credit in either system then you may not become a member WSPRS and you can work up to the PERS Plan 1 limits (subsection (2)(a), (b) and (c) of this section) during the calendar year in an eligible position before your PERS and TRS benefits would be suspended.</u></p>
<u>PERS Plan 1 and WSPRS</u>	<u>PERS</u>	<p><u>Your WSPRS benefit would not be suspended and you can work up to the PERS Plan 1 limits (subsection (2)(a), (b) and (c) of this section) during the calendar year in an eligible position before your PERS benefit would be suspended.</u></p>
	<u>TRS</u>	<p><u>Your WSPRS benefit would not be suspended and you can work up to the PERS 1 Plan limits (subsection (2)(a), (b) and (c) of this section) during the calendar year in an eligible position before your PERS benefit would be suspended.</u></p>

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<u>Dual System Combination</u>	<u>Return to Work System</u>	<u>Outcome</u>
	<u>LEOFF Plan 2</u>	<p><u>If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in LEOFF. Your WSPRS benefit would not be suspended and your PERS benefit would be immediately be suspended.</u></p> <p><u>If you have fifteen or more years of service credit in either system then you may not become a member in LEOFF Plan 2. Your WSPRS benefit would not be suspended and you can work up to the PERS Plan 1 limits (subsection (2)(a), (b) and (c) of this section) during the calendar year in an eligible position before your PERS benefit would be suspended.</u></p>
	<u>WSPRS</u>	<p><u>Your WSPRS benefit would be suspended and you would be mandated back into membership.</u></p> <p><u>Your PERS benefit would be suspended until you terminate from WSPRS.</u></p>
<u>PERS Plan 2 or 3 and LEOFF Plan 2</u>	<u>SERS</u>	<p><u>Your LEOFF Plan 2 benefit would be suspended and you can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before your PERS benefit would be suspended.</u></p>
	<u>PERS</u>	<p><u>Your LEOFF Plan 2 benefit would be suspended and you can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before your PERS benefit would be suspended.</u></p>
	<u>TRS</u>	<p><u>Your LEOFF Plan 2 benefit would be suspended and you can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before your PERS benefit would be suspended.</u></p>
	<u>LEOFF</u>	<p><u>Your LEOFF Plan 2 benefit would be suspended and you are mandated back into LEOFF Plan 2 membership.</u></p> <p><u>Your PERS benefit would be suspended until you terminate from LEOFF Plan 2.</u></p>
	<u>WSPRS</u>	<p><u>If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in WSPRS and your PERS and LEOFF Plan 2 benefits are suspended.</u></p> <p><u>If you have fifteen or more years of service credit in either system then you may not become a member in WSPRS. Your LEOFF Plan 2 benefit is suspended and you can work up to eight hundred sixty-seven hours during the calendar year before your PERS benefit would be suspended.</u></p>
<u>PERS Plan 2 or 3 and SERS Plan 2 or 3</u>	<u>SERS</u>	<p><u>You can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before your SERS and PERS benefits would be suspended.</u></p>
	<u>PERS</u>	<p><u>You can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before your SERS and PERS benefits would be suspended.</u></p>
	<u>TRS</u>	<p><u>You can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before your SERS and PERS benefits would be suspended.</u></p>

PROPOSED

<u>Dual System Combination</u>	<u>Return to Work System</u>	<u>Outcome</u>
	<u>LEOFF Plan 2</u>	<p><u>If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in LEOFF and your SERS and PERS benefits are suspended.</u></p> <p><u>If you have fifteen or more years of service credit in either system then you may not become a member in LEOFF Plan 2 and you can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before your SERS and PERS benefits would be suspended.</u></p>
	<u>WSPRS</u>	<p><u>If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in WSPRS and your SERS and PERS benefits would be suspended.</u></p> <p><u>If you have fifteen or more years of service credit in either system then you may not become a member in WSPRS and you can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before your SERS and PERS benefits would be suspended.</u></p>
<u>PERS Plan 2 or 3 and TRS Plan 1</u>	<u>SERS</u>	<p><u>You can work up to fifteen hundred hours during the fiscal year in an eligible position before your PERS and TRS benefits would be suspended.</u></p>
	<u>PERS</u>	<p><u>If the position is at any educational institution in Washington state you can work up to fifteen hundred hours during the fiscal year before your PERS and TRS benefits would be suspended.</u></p> <p><u>If the position is not at an educational institution in Washington state, you can work unlimited hours without your PERS and TRS benefits being suspended.</u></p>
	<u>TRS</u>	<p><u>You can work up to fifteen hundred hours during the fiscal year in an eligible position before your PERS and TRS benefits would be suspended.</u></p>
	<u>LEOFF Plan 2</u>	<p><u>If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in LEOFF and your PERS and TRS benefits are suspended.</u></p> <p><u>If you have fifteen or more years of service credit in either system then you may not become a member in LEOFF Plan 2 and you can work unlimited hours without your PERS and TRS benefits being suspended.</u></p>
	<u>WSPRS</u>	<p><u>If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in WSPRS and your PERS and TRS benefits would be suspended.</u></p> <p><u>If you have fifteen or more years of service credit in either system then you may not become a member in WSPRS and you can work unlimited hours without your PERS and TRS benefits being suspended.</u></p>
<u>PERS Plan 2 or 3 and TRS Plan 2 or 3</u>	<u>SERS</u>	<p><u>You can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before your PERS and TRS benefits would be suspended.</u></p>

PROPOSED

<u>Dual System Combination</u>	<u>Return to Work System</u>	<u>Outcome</u>
	<u>PERS</u>	<u>You can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before your PERS and TRS benefits would be suspended.</u>
	<u>TRS</u>	<u>You can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before your PERS and TRS benefits would be suspended.</u>
	<u>LEOFF Plan 2</u>	<p><u>If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in LEOFF and your PERS and TRS benefits are suspended.</u></p> <p><u>If you have fifteen or more years of service credit in either system then you may not become a member in LEOFF Plan 2 and you can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before your PERS and TRS benefits would be suspended.</u></p>
	<u>WSPRS</u>	<p><u>If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in WSPRS and your PERS and TRS benefits would be suspended.</u></p> <p><u>If you have fifteen or more years of service credit in either system then you may not become a member in WSPRS and you can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before your PERS and TRS benefits would be suspended.</u></p>
	<u>PERS Plan 2 or 3 and WSPRS</u>	<u>SERS</u>
<u>PERS</u>		<u>Your WSPRS benefit would not be suspended and you can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before your PERS benefit would be suspended.</u>
<u>PERS Plan 2 or 3 and WSPRS</u>	<u>TRS</u>	<u>Your WSPRS benefit would not be suspended and you can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before your PERS benefit would be suspended.</u>
	<u>LEOFF Plan 2</u>	<p><u>If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in LEOFF. Your PERS benefit is suspended but your WSPRS benefit would not be suspended.</u></p> <p><u>If you have fifteen or more years of service credit in either system then you may not become a member in LEOFF Plan 2. You can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before your PERS benefit would be suspended. Your WSPRS benefit would not be suspended.</u></p>
	<u>WSPRS</u>	<p><u>Your WSPRS benefit would be suspended and you are mandated back into membership.</u></p> <p><u>Your PERS benefit would be suspended until you terminate from WSPRS.</u></p>

(3) What is the nineteen hundred hour cumulative hour limit?

(a) This limit is applicable only to PERS Plan 1 retirees. It limits the number of hours that can be worked in an eligible position while still receiving a retirement allowance for the duration of your retirement. Any hours reported by your employer as worked over eight hundred sixty-seven up to fifteen hundred in a calendar year while receiving a retirement allowance are counted toward the cumulative limit.

(b) DRS will send out statements annually to any PERS Plan 1 retiree who accumulated any hours toward the nineteen hundred hour cumulative limit in the preceding calendar year. The statement will show the hours you have worked in the calendar year and the total hours you have worked since your retirement date. If there has been no activity in the calendar year, DRS will not issue a statement, even if there is an accumulated total from previous calendar years. See also WAC 415-02-130.

(4) What hours are counted toward the limits?

(a) Counted toward the hour limits: All compensated hours that are worked for any DRS-covered employer in an eligible position, including the use of earned sick leave, vacation days, paid holidays, compensatory time, and cashouts of compensatory time.

(b) Not counted toward the hour limits: Cashouts of unused sick and vacation leave.

(5) What happens if I work over the annual or cumulative hour limit?

(a) DRS will prorate your retirement allowance for the month in which you exceed the applicable hour limit. The suspension of your retirement allowance will be effective the day after the day in which you exceeded the applicable hour limit.

(b) If your retirement allowance is suspended for exceeding the nineteen hundred hour cumulative work limit, all subsequent calendar years will be subject to the eight hundred sixty-seven hour annual limit.

(c) Your retirement allowance will be restarted beginning the next calendar year or the day after you terminate all eligible DRS-covered employment, whichever occurs first.

(d) DRS will recover any overpayments made to you for the month(s) in which you exceeded the work limit and received a retirement allowance. See RCW 41.50.130.

(6) Can I return to PERS membership?

(a) If you are a PERS retiree, you have the option to return to membership if you are employed by a PERS employer and meet eligibility criteria. The option to return to membership is prospective from the first day of the month following the month in which you request to return to membership. See RCW 41.40.023(12).

(b) If you reenter PERS membership and later choose to retire again, DRS will recalculate your retirement allowance under the applicable statutes and regulations. You will be subject to the return to work rules in place at the time of your reretirement. If you are a PERS Plan 1 member you will also be entitled to a new nineteen hundred hour cumulative hour limit.

(c) If you are a retiree from another retirement system that DRS administers, you may choose to enter PERS membership if you are eligible. The option to enter membership is

prospective from the first day of the month following the month in which you request membership. See RCW 41.40.270 and 41.40.023.

(7) Terms used.

(a) Accrual date - RCW 41.40.193, 41.40.680, 41.40.801.

(b) Acronyms used:

(i) LEOFF: Law enforcement officers' and fire fighters' retirement system.

(ii) PERS: Public employees' retirement system.

(iii) SERS: School employees' retirement system.

(iv) TRS: Teachers' retirement system.

(v) WSPRS: Washington state patrol retirement system.

(c) Calendar day - WAC 415-02-030.

(d) Eligible position - RCW 41.40.010(25); WAC 415-108-680 through 415-108-700.

(e) Ineligible position - RCW 41.40.010(26).

(f) Law enforcement officer - RCW 41.26.030(3).

(g) Membership - RCW 41.40.023.

AMENDATORY SECTION (Amending WSR 02-02-060, filed 12/28/01, effective 1/1/02)

WAC 415-110-710 ((How will returning to work affect my SERS monthly benefit?)) **What are the SERS retiree return to work rules?** ((1) You may work for an employer after retirement and continue to receive your retirement allowance if:

(a) You are employed in an ineligible position no sooner than one calendar month after your retirement accrual date;

(b) You are an active member of a higher education retirement plan and are employed no sooner than one calendar month after your retirement benefit accrues;

(c) You are employed as a bona fide independent contractor as defined by WAC 415-02-110;

(d) You are employed as an elected or appointed official directly by the governor under RCW 41.40.150(4) no sooner than one calendar month after your retirement benefit accrues and do not reenter membership;

(e) Your only employment is as an elected official of a city or town and you end your SERS membership under RCW 41.35.030; or

(f) You are employed in an eligible position:

(i) No sooner than one calendar month after your retirement benefit accrues; and

(ii) The time you work does not exceed the "work limit" defined in subsection (2) of this section.

(2) What is the work limit for eligible positions?

(a) Plan 2 or 3 retiree working in an eligible position as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030: Eight hundred sixty-seven hours in a calendar year.

(b) Retirees from both a Plan 1 in another pension plan and SERS Plan 2 or 3: The Plan 1 limits of the other plan will be applied.

(3) What happens if I work more than the work limit?

(a) The department will suspend your retirement allowance effective the day after the day in which you exceed the

work limit. All hours worked for all covered employers in eligible positions are considered in determining the work limit.

(b) You have the option to return to membership in SERS if you are otherwise eligible. The option to return to membership is prospective from the first day of the month following the month in which you request to return to membership.

(4) How will the suspension of benefits affect my retirement allowance?

(a) The department will:

(i) Prorate your retirement allowance for the month during which you exceeded the work limit; and

(ii) Suspend all future retirement allowances while working, until the next calendar year except that it will:

(iii) Adjust for any overpayments made to you for the month(s) in which you exceeded the work limit, as required by RCW 41.50.130.

(b) If you separate from service, your retirement allowance will resume effective the first day of the month following the date of separation.

(5) Can I return to SERS membership?

(a) If you are a SERS retiree, you may choose to return to membership if you are employed by a SERS employer and meet the eligibility criteria. If you return to membership the department will stop your monthly retirement allowance effective from the first of the month during which you return to employment. Membership will be prospective under RCW 41.35.060(3).

(b) If you reenter membership and later choose to retire again, the department will recalculate your retirement allowance under the applicable statutes and regulations.

(c) If you are a retiree from another retirement system that the department administers, and are eligible to enter SERS membership, you may choose to return to membership. The option to return to membership is prospective from the first day of the month following the month in which you request to return to membership.

Example 1:

Phil is a SERS Plan 2 retiree. He separates from service on August 15th. His accrual date (retirement) is effective September 1st. Phil returns to work in a SERS Plan 2 eligible position on January 2nd of the following year. On June 1st he realizes that on or about July 8th, he is going to exceed his eight hundred sixty seven hour limit for the year. On July 5th he notifies his employer in writing that he chooses to reenter SERS Plan 2 membership.

On July 12th, Phil works his eight hundred sixty eighth hour. He is no longer eligible for his SERS Plan 2 retirement allowance as of July 12th. The retirement benefit is stopped for the remainder of July. On August 1st, Phil is returned to membership and resumes making retirement contributions.

Example 2:

Tami is a SERS Plan 2 retiree. She separated from service on June 20th. Her accrual date (retirement) is effective July 1st. She begins working in a SERS eligible position on February 1st of the following year. By September 1st, Tami has worked eight hundred sixty seven hours. Tami's benefit

is suspended from September 2nd until January 1st if she continues to work.

(6) How soon can I return to work as a retiree? If you return to work sooner than one full calendar month after your accrual date, your retirement allowance will be reduced by 5.5% for every eight hours worked each month, until you separate for one full calendar month. See RCW 41.35.060.

Example 3:

Steve's last day of work is September 15th. His accrual date is October 1st. If Steve wants to return to work after he retires, he will need to wait until at least November 1st to avoid receiving the daily percentage reduction in his retirement allowance.

Example 4:

Tim's last day of work is September 15th. His accrual date is October 1st. Tim returns to work for five eight hour work days between October 10th and October 17th. His October retirement allowance will be reduced by five and one half percent for every eight hours worked in October (RCW 41.35.060). Tim does not return to work. On December 1st, he will qualify for his full retirement benefit. Tim will also qualify to return to work under the work limits described in subsection (2) of this section.

Example 5:

Paige's last day of work is September 15th. Her accrual date is October 1st. She returns to work on October 10th and continues working. Paige's retirement benefit will be reduced by 5.5% for each eight hours she works. Paige's benefit reduction will accrue up to one hundred sixty hours per month. If she stops working, her full retirement allowance will resume after she remains separated for one full calendar month. Any benefit reduction over one hundred percent will be applied to Paige's allowance in subsequent months.

(7) Defined terms used. Definitions for the following terms used in this section may be found in the sections listed:

(a) "Accrual date" — RCW 41.35.450, 41.35.640.

(b) "Eligible position" — RCW 41.35.060(2).

(c) "Employer" — RCW 41.35.010(4).

(d) "Ineligible position" — RCW 41.35.010(23).

(e) "Law enforcement officer" — RCW 41.26.030.

(f) "Member" — RCW 41.35.010(5);) **(1) How soon can I return to work after I retire?**

(a) There is no required waiting period to return to work if:

(i) You go to work for a private employer;

(ii) You are a bona fide independent contractor as defined in WAC 415-02-110; or

(iii) Your only employment is as an elected official of a city or town and you end your SERS membership under RCW 41.35.030 (2)(b).

(b) If you return to work sooner than thirty consecutive calendar days from your accrual date (effective retirement date), your monthly retirement allowance will be reduced in accordance with RCW 41.35.060(1) until you separate for at least thirty consecutive calendar days.

(c) If you wait at least thirty consecutive calendar days from your accrual date, you may return to work in any position (eligible, ineligible, temporary, etc.) for any employer whose retirement plan is administered by the department of retirement systems (DRS).

(2) What is the annual hour limit? After you meet the thirty-day waiting period described in subsection (1)(c) of this section, there are different annual hour limits that apply to you based on what kind of position you return to.

(a) No limit. You can work as many hours as you want without affecting your retirement allowance if you work:

(i) In an ineligible position;

(ii) As a retiree returning as an active member of a higher education retirement plan;

(iii) As a bona fide independent contractor;

(iv) For a private employer; or

(v) If you end your SERS membership as an elected official of a city or town under RCW 41.35.030 (2)(b).

(b) Eight hundred sixty-seven-hour limit. You may work up to eight hundred sixty-seven hours in an eligible position as defined in RCW 41.32.010(37), 41.35.010(22), or 41.40.010(25), or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030 (3) and (4), in a calendar year before your retirement allowance is suspended.

(c) If you are retired from SERS and another DRS retirement system, refer to the table below to determine the effect of returning to work:

Dual System Combination	Return to Work System	Outcome
<u>SERS Plan 2 or 3 and LEOFF Plan 2</u>	<u>SERS</u>	<u>Your LEOFF Plan 2 monthly retirement allowance would be suspended and you can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before your SERS monthly retirement allowance would be suspended.</u>
	<u>PERS</u>	<u>Your LEOFF Plan 2 monthly retirement allowance would be suspended and you can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before their SERS monthly retirement allowance would be suspended.</u>
	<u>TRS</u>	<u>Your LEOFF Plan 2 monthly retirement allowance would be suspended and you can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before your SERS monthly retirement allowance would be suspended.</u>
	<u>LEOFF Plan 2</u>	<u>Your LEOFF Plan 2 monthly retirement allowance would be suspended and you would be mandated back into LEOFF Plan 2 membership. Your SERS monthly retirement allowance would be suspended until you terminate from LEOFF Plan 2.</u>
	<u>WSPRS</u>	<u>If you have less than fifteen years of service credit in either system you are retired from, then you are mandated into membership in WSPRS and your SERS and LEOFF Plan 2 monthly retirement allowances are suspended.</u>

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Dual System Combination	Return to Work System	Outcome
		<p><u>If you have fifteen or more years of service credit in either system then you may not become a member in WSPRS. Your LEOFF Plan 2 monthly retirement allowance is suspended and you can work up to eight hundred sixty-seven hours during the calendar year before your SERS monthly retirement allowance would be suspended.</u></p>
<p><u>SERS Plan 2 or 3 and PERS Plan 2 or 3</u></p>	<p><u>SERS</u></p>	<p><u>You can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before your SERS and PERS monthly retirement allowances would be suspended.</u></p>
	<p><u>PERS</u></p>	<p><u>You can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before your SERS and PERS monthly retirement allowances would be suspended.</u></p>
	<p><u>TRS</u></p>	<p><u>You can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before your SERS and PERS monthly retirement allowances would be suspended.</u></p>
	<p><u>LEOFF Plan 2</u></p>	<p><u>If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in LEOFF and your SERS and PERS monthly retirement allowances are suspended.</u> <u>If you have fifteen or more years of service credit in either system then you may not become a member in LEOFF Plan 2 and you can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before your SERS and PERS monthly retirement allowances would be suspended.</u></p>
	<p><u>WSPRS</u></p>	<p><u>If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in WSPRS and your SERS and PERS monthly retirement allowances would be suspended.</u> <u>If you have fifteen or more years of service credit in either system then you may not become a member in WSPRS and you can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before your SERS and PERS monthly retirement allowance would be suspended.</u></p>

Dual System Combination	Return to Work System	Outcome
<u>SERS Plan 2 or 3 and TRS Plan 1</u>	<u>SERS</u>	<u>You can work up to fifteen hundred hours during the fiscal year in an eligible position before your SERS and TRS monthly retirement allowances would be suspended.</u>
	<u>PERS</u>	<p><u>If the position is at any educational institution in Washington state you can work up to fifteen hundred hours during the fiscal year before your SERS and TRS monthly retirement allowances would be suspended.</u></p> <p><u>If the position is not at an educational institution in Washington state, you can work unlimited hours without your SERS or TRS monthly retirement allowance being suspended.</u></p>
	<u>TRS</u>	<u>You can work up to fifteen hundred hours during the fiscal year in an eligible position before your SERS and TRS monthly retirement allowances would be suspended.</u>
	<u>LEOFF Plan 2</u>	<p><u>If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in LEOFF and your SERS and TRS monthly retirement allowances are suspended.</u></p> <p><u>If you have fifteen or more years of service credit in either system then you may not become a member in LEOFF Plan 2 and you can work unlimited hours without your SERS and TRS monthly retirement allowances being suspended.</u></p>
	<u>WSPRS</u>	<p><u>If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in WSPRS and your SERS and PERS monthly retirement allowances would be suspended.</u></p> <p><u>If you have fifteen or more years of service credit in either system then you may not become a member in WSPRS and you can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before their SERS and PERS monthly retirement allowance would be suspended.</u></p>
<u>SERS Plan 2 or 3 and TRS Plan 2 or 3</u>	<u>SERS</u>	<u>You can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before your SERS and TRS monthly retirement allowances would be suspended.</u>

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Dual System Combination	Return to Work System	Outcome
	<u>PERS</u>	<u>You can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before your SERS and TRS monthly retirement allowances would be suspended.</u>
	<u>TRS</u>	<u>The retiree can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before their SERS and TRS monthly retirement allowances would be suspended.</u>
	<u>LEOFF Plan 2</u>	<p><u>If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in LEOFF and your SERS and TRS monthly retirement allowances are suspended.</u></p> <p><u>If you have fifteen or more years of service credit in either system then you may not become a member in LEOFF Plan 2 and you can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before your SERS and TRS monthly retirement allowances would be suspended.</u></p>
	<u>WSPRS</u>	<p><u>If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in WSPRS and your SERS and PERS monthly retirement allowances would be suspended.</u></p> <p><u>If you have fifteen or more years of service credit in either system then you may not become a member in WSPRS and you can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before your SERS and PERS monthly retirement allowances would be suspended.</u></p>
<u>SERS Plan 2 or 3 and WSPRS</u>	<u>SERS</u>	<u>Your WSPRS monthly retirement allowance would not be suspended and you can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before your SERS monthly retirement allowance would be suspended.</u>
	<u>PERS</u>	<u>Your WSPRS monthly retirement allowance would not be suspended and you can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before your SERS monthly retirement allowance would be suspended.</u>

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Dual System Combination	Return to Work System	Outcome
	<u>TRS</u>	<u>Your WSPRS monthly retirement allowance would not be suspended and you can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before your SERS monthly retirement allowance would be suspended.</u>
	<u>LEOFF Plan 2</u>	<p><u>If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in LEOFF. Your SERS monthly retirement allowance is suspended but your WSPRS monthly retirement allowance would not be suspended.</u></p> <p><u>If you have fifteen or more years of service credit in either system then you may not become a member in LEOFF Plan 2. You can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before your SERS monthly retirement allowance would be suspended.</u></p>
	<u>WSPRS</u>	<p><u>Your WSPRS monthly retirement allowance would be suspended and you are mandated back into membership.</u></p> <p><u>Your SERS monthly retirement allowance would be suspended until you terminate from WSPRS.</u></p>

(3) What hours are counted toward the limits?

(a) Counted toward the hour limits: All compensated hours that are worked for any DRS-covered employer in an eligible position, including the use of earned sick leave, vacation days, paid holidays, compensatory time, and cashouts of compensatory time.

(b) Not counted toward the hour limits: Cashouts of unused sick and vacation leave.

(4) What happens if I work over the annual hour limit?

(a) DRS will prorate your retirement allowance for the month in which you exceed the limit. The suspension will be effective the day after the day in which you exceeded the hour limit.

(b) Your retirement allowance will be restarted beginning with the next calendar year or the day after you terminate all eligible DRS-covered employment, whichever occurs first.

(c) DRS will recover any overpayments made to you for the month(s) in which you exceeded the hour limit and received a retirement allowance. See RCW 41.50.130.

(5) Can I return to SERS membership?

(a) If you are a SERS retiree, you have the option to return to membership if you are employed by a SERS employer and meet eligibility criteria. The option to return to membership is prospective from the first day of the month

following the month in which you request to return to membership. See RCW 41.35.030(3).

(b) If you reenter membership and later choose to retire again, DRS will recalculate your retirement allowance under the applicable statutes and regulations. You will be subject to the return to work rules in place at the time of your reretirement.

(c) If you are a retiree from another retirement system that DRS administers, you may choose to enter SERS membership if you are eligible. The option to return to membership is prospective from the first day of the month following the month in which you request to return to membership. See RCW 41.04.270 and 41.35.030.

(6) Terms used.

(a) Accrual date - RCW 41.35.450, 41.35.640.

(b) Acronyms used:

(i) LEOFF: Law enforcement officers' and fire fighters' retirement system.

(ii) PERS: Public employees' retirement system.

(iii) SERS: School employees' retirement system.

(iv) TRS: Teachers' retirement system.

(v) WSPRS: Washington state patrol retirement system.

(c) Calendar day - WAC 415-02-030.

(d) Eligible position - RCW 41.35.060(2).

(e) Ineligible position - RCW 41.35.010(23).

(f) Law enforcement officer - RCW 41.26.030(3).

(g) Member - RCW 41.35.010(5).

WSR 04-01-063
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed December 12, 2003, 8:59 a.m.]

In accordance with RCW 34.05.335(1), the Department of Labor and Industries withdraws the proposed rule for cranes, derricks, and other lifting equipment as WSR 03-14-075 filed on June 27, 2003.

The proposal is being withdrawn due to the comments received at the public hearing. The department is going to reevaluate the proposal and continue to work with stakeholders to develop a rule that will cover their concerns.

If you have questions, please contact Tracy Spencer, Standards Manager, at (360) 902-5530.

Gail Hughes
 Program Manager
 WISHA Services Division

WSR 04-01-080
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 (By the Code Reviser's Office)
 [Filed December 16, 2003, 8:31 a.m.]

WAC 220-20-110, proposed by the Department of Fish and Wildlife in WSR 03-12-076 appearing in issue 03-12 of the State Register, which was distributed on June 18, 2003, 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 04-01-088
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Children's Administration)
 [Filed December 16, 2003, 9:42 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-11-090.

Title of Rule: Adoption support WAC 388-27-0120 through 388-27-0270.

Purpose: Change in rules will allow compliance with federal law and compliance with ESSB 6387 (section 202, chapter 371, Laws of 2002) to control rate and reimbursement decisions with families adopting special needs children by capturing federal funds.

Statutory Authority for Adoption: RCW 74.13.109.

Statute Being Implemented: RCW 74.13.031, 74.13.-109, section 202, chapter 371, Laws of 2002.

Summary: Rules will maximize the department's ability to capture federal funds to assist families in accessing social services for difficult to place children.

Reasons Supporting Proposal: To make department rules consistent with federal law, chapter 42 U.S.C. Parts 671-675, and with ESSB [6387] section 202, chapter 371, Laws of 2002.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lonnie Locke, P.O. Box 45713, Olympia, WA 98504-5713, (360) 902-7932.

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

Rule is necessary because of federal law, chapter 42 U.S.C., Parts 671-675.

Explanation of Rule, its Purpose, and Anticipated Effects: Amendment and repeal of rules will allow the department to maximize use of federal funds through compliance with federal laws. Capturing federal funds will assist the department in aiding families to access social services for difficult to place children.

Proposal Changes the Following Existing Rules: Amended WAC 388-27-0160 requires prospective adoptive parents to use a worksheet to aid in determining services and amount of cash payment for the prospective adoptive child.

Repeal of WAC 388-27-0225, 388-27-0235, 388-27-0240, and 388-27-0245, removes the requirement to provide a separate supplemental payment to families and allows a negotiated single subsidy payment for the needs of the child as long as the payment does not exceed the amount a child would receive in a family foster home, and WAC 388-27-0270 removes the requirement for payment of child care as a separate payment and combines it as a single subsidy payment paid directly to the parent for the needs of the child.

Other amendments clarify the legal basis for the adoption support program, and department procedures for determining eligibility for adoption support, the application process, and negotiation of an adoption support agreement and monthly cash payment.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules do not have an economic impact on small businesses. They only affect DSHS clients.

RCW 34.05.328 does not apply to this rule adoption. These rules do not meet the definition of significant legislative rules. Also, DSHS rules relating to client medical or financial eligibility or rules concerning liability for care of dependents are exempt under RCW 34.05.328 (5)(b)(vii).

Hearing Location: Office Building 2 Auditorium (DSHS Headquarters) (public parking at 11th and Jefferson), 1115 Washington, Olympia, WA 98504, on January 27, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by January 23, 2004, 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, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-

6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., January 27, 2004.

Date of Intended Adoption: Not earlier than January 28, 2004.

December 10, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-08-045, filed 3/30/01, effective 4/30/01)

WAC 388-27-0120 What is the legal basis of the department's adoption support program? The legal authorities for the program are:

(1) Revised Code of Washington (RCW) 74.13.100 through 74.13.159;

(2) Chapter 42 United States Code (U.S.C.) (~~(673)~~) 671-675; and

(3) The U.S. Department of Health and Human Services (DHHS) policy (~~(announcement ACFY-CB-PA-01-01 (issued January 23, 2001) establishing)~~) guidelines for states to use in determining a child's eligibility for Title IV-E adoption assistance (contained in DHHS Policy Manual).

AMENDATORY SECTION (Amending WSR 01-08-045, filed 3/30/01, effective 4/30/01)

WAC 388-27-0130 What definitions apply to the adoption support program? The following definitions apply to this chapter:

"**Adoption**" means the granting of an adoption decree consistent with chapter 26.33 RCW.

"**Adoption support agreement**" means a written contract between the adoptive parent(s) and the department that identifies the specific support available to the adoptive (~~(par-~~ents(s)) parent(s) and other terms and conditions of the agreement.

"**Adoption support cash payment**" means (~~(basic)~~) negotiated monthly cash payments paid pursuant to an agreement between the adoptive parent(s) (~~(by)~~) and the department after the child's adoption.

~~("Adoption support special rate" means monthly cash payments in addition to the basic adoption support rate. The department may authorize payment of these funds only to meet documented exceptional expenses necessary to address the special needs condition of the child.~~

~~"Adoption support supplemental cash payment" means cash payments in addition to the adoption support basic monthly cash payments and the adoption support special rate. These supplemental payments enable the special needs child to receive services not funded by the monthly cash support payment or other resources. Note: Only children adopted on or after July 1, 1996 are eligible for supplemental cash payments.)~~

"**Applicant**" means a person or couple applying for adoption support on behalf of a child the person or couple plans to adopt.

"**Child placing agency**" means a private nonprofit agency licensed by the department under chapter 74.15 RCW to place children for adoption or foster care.

"**Department**" means the department of social and health services.

"**Extenuating circumstances**" means a finding by an administrative law judge or a review judge that one or more certain qualifying conditions or events prevented an otherwise eligible child from being placed on the adoption support program prior to adoption.

"**Medical services**" means services covered by Medicaid (and administered by the medical assistance administration) unless defined differently in the adoption support agreement.

"**Negotiation**" means the process of working toward an agreement between the department and the adoptive parent on the terms of the adoption support agreement, including any amount of monthly cash payment.

"**Nonrecurring costs**" means reasonable, necessary, and directly related adoption fees, court costs, attorney fees, and other expenses the adoptive parent incurs when finalizing the adoption of a special needs child. Total reimbursement from the department may not exceed one thousand five hundred dollars.

"**Placing agency**" means the agency that has the legal authority to place the child for adoption. This may be the department or a private nonprofit child placing agency.

"**Program**" means the department's adoption support program.

"**Reconsideration**" means the limited state-funded support available to an eligible child whose adoption was finalized without a valid adoption support agreement in place.

"**Resident state**" (for purposes of the child's Medicaid eligibility) means the state in which the child physically resides. In some cases this may be different from the state of the parent's legal residence.

"**Special needs**" means the specific factors or conditions that apply to the child and that may prevent the child from being adopted unless the department provides adoption support services. See WAC 388-27-0140 for a detailed description of the factors or conditions.

AMENDATORY SECTION (Amending WSR 01-08-045, filed 3/30/01, effective 4/30/01)

WAC 388-27-0135 What are the eligibility criteria for the adoption support program? For a child to be eligible for participation in the adoption support program, the department must first determine that adoption is the most appropriate plan for the child. If the department determines that adoption is in the child's best interest, the child must:

(1) Be less than eighteen years old when the department and the adoptive parents sign the adoption support agreement;

(2) Be legally free for adoption;

(3) Have a "special needs" factor or condition according to the definition in this rule (see WAC 388-27-0140); and

(4) Meet at least one of the following criteria:

(a) Is in state-funded foster care or child caring institution or was determined by the department to be eligible for and likely to be so placed (For a child to be considered "eligible for and likely to be placed in foster care" the department

must have opened a case and determined that removal from the home was in the child's best interest.); or

(b) Is eligible for federally funded adoption assistance as defined in Title IV-E of the Social Security Act, the Code of Federal Regulations, the U.S. Department of Health and Human Services (~~(policy announcement, ACFY CB PA 01-01 (issued January 23, 2001))~~) establishing guidelines for states to use in determining a child's eligibility for Title IV-E adoption assistance(~~(, and any policy issuances of the Department of Health and Human Services)~~).

AMENDATORY SECTION (Amending WSR 01-08-045, filed 3/30/01, effective 4/30/01)

WAC 388-27-0155 Are there other factors affecting a child's eligibility for adoption support? (1) A child is not eligible for adoption support program services and payments if the adopting parent is the birth parent or stepparent of the child.

(2) The department must not use the adoptive parents' income as a basis for determining the child's eligibility for the adoption support program(~~(-~~

~~(3))~~, however, the department must consider income and other financial circumstances of the adopting family as one factor in determining the amount of any adoption support cash payments to be made. (See WAC 388-27-0230(~~(, 388-27-0235, and 388-27-0240 for details)~~)).

AMENDATORY SECTION (Amending WSR 01-08-045, filed 3/30/01, effective 4/30/01)

WAC 388-27-0160 How does a prospective adoptive parent apply for adoption support services? There are two ways a prospective adoptive parent (applicant) may apply for adoption support services:

(1) An applicant may apply through the social worker of the child to be adopted. The social worker must:

(a) Register the child with the adoption support program; and

(b) Submit the applicant's completed program application along with a completed worksheet used to assist the family and the department in determining services and amount of monthly cash payment, if needed, based on the needs of the child and family circumstances.

(2) An applicant may also apply directly to the adoption support program for adoption support services if:

(a) The child does not have an assigned social worker; or

(b) The applicant and the social worker have a dispute regarding the content of the program application.

AMENDATORY SECTION (Amending WSR 01-08-045, filed 3/30/01, effective 4/30/01)

WAC 388-27-0165 What requirements apply to an application for ongoing adoption support? (1) The application must include a copy of the child's medical and family background report signed by the adoptive parent(s) (DSHS 13-041 minus the attachments). It must also include copies of medical and/or therapist reports that document the child's physical, mental, developmental, cognitive or emotional disability or risk of any such disability.

(2) If the applicant is requesting a cash payment, the applicant and the department must mutually determine both the type and amount according to the requirements of WAC 388-27-0230 (~~(and 388-27-0235)~~).

~~(3) (If the applicant is requesting a supplemental cash payment, the applicant and the department must mutually determine the services for which the payment will be used and the expected duration of those services according to the requirements of WAC 388-27-820.~~

(4)) If the applicant is requesting reimbursement of non-recurring costs, the applicant must include this request in the application. (See WAC 388-27-0380 and 388-27-0385 for the type and amount of expenses the department may reimburse.)

~~((5))~~ (4) The applicant must furnish a copy of the applicant's most recently filed federal income tax return. If the applicant is not required to file a federal income tax return, the applicant must submit a financial statement with the applicant's adoption support application.

AMENDATORY SECTION (Amending WSR 01-08-045, filed 3/30/01, effective 4/30/01)

WAC 388-27-0175 What must be included in an adoption support agreement? The adoption support agreement must:

(1) State the amount of cash payments (if any) the department must make to the adoptive parent(s) on behalf of the child;

(2) Include an itemized list of the additional services (including Title XIX Medicaid and Title XX social services) for which the child is eligible;

(3) Contain statements that:

(a) Assure that participation in the adoption support program must continue, as long as the child is eligible, regardless of where the adoptive family resides;

(b) Inform the adoptive parent(s) ((that the agreement must be reviewed (and may be revised) at least once every five years; and)) of specific circumstances that may warrant further renegotiation and adjustment of the payment as agreed to by the adoptive parents and the department;

(c) Inform the adoptive parent(s) that the agreement must be reviewed every five years. Terms of the agreement may be modified according to WAC 388-27-0200;

(d) Inform the adoptive ~~((parents(s)))~~ parent(s) that the department may suspend a child from the program within thirty days of any changes in circumstances (of the child or family) that affect the child's eligibility for program payments if the adoptive parent has failed to notify the department of the changes(~~(-~~

~~(d))~~; and

(e) Define the circumstances under which the agreement may be terminated.

(4) Be signed by all relevant parties before the final adoption decree is issued (45 C.F.R. Sec. 1356.40).

AMENDATORY SECTION (Amending WSR 01-08-045, filed 3/30/01, effective 4/30/01)

WAC 388-27-0190 If the department implements adoption support services prior to the adoption, may the

adoptive parent(s) continue to receive department-funded foster care payments while also receiving adoption support payments? (1) The adoptive parent(s) may not continue to receive department-funded foster care payments for a child while also receiving adoption support payments for the same child.

(2) If the adoptive parent(s) receives department-funded foster care for the child to be adopted, the department's social worker assigned to the child must terminate that coverage on the last day of the month preceding the month in which the adoption support becomes effective.

(3) Foster care payments are paid after the month of service. Adoption Support payments are paid prior to the month ~~((of service))~~.

(4) The adoptive parent(s) may not receive foster care payments and adoption support cash ~~((or supplemental))~~ payments for the same child for the same month ~~((of service))~~.

(5) If the adoptive parent is adopting a relative child and has been receiving a nonneedy relative grant the adoptive parent must notify the community services office financial services specialist that the adoption has been finalized. The adoptive parent may not receive both the grant and adoption support payments for the same month for the same child.

AMENDATORY SECTION (Amending WSR 01-08-045, filed 3/30/01, effective 4/30/01)

WAC 388-27-0195 May the adoptive parent(s) change the benefits contained in the adoption support program? The adoptive parent may submit a written request asking that the department ~~((reexamine))~~ renegotiate the benefits offered in the adoption support agreement whenever either the family's economic circumstances or the condition of the child changes.

AMENDATORY SECTION (Amending WSR 01-08-045, filed 3/30/01, effective 4/30/01)

WAC 388-27-0200 When may the department modify the terms of the adoption support agreement? The department's adoption support program may modify the terms of an adoption support agreement:

(1) At the request of the adoptive parent(s);

(2) When specific circumstances warrant renegotiation and adjustment of monthly cash payment as agreed to by the adoptive parents and the department;

(3) When the department loses contact with the adoptive parent(s);

~~((3))~~ (4) When the child is placed outside of the adoptive parents' home at department expense;

~~((4))~~ (5) If the adoptive parent is no longer providing for the child's daily care and living expenses; or

~~((5))~~ (6) If the adoptive parent fails to notify the department's adoption support program within thirty days of a change of circumstance which affects the adopted child's continuing eligibility for adoption support program cash payments or services.

AMENDATORY SECTION (Amending WSR 01-08-045, filed 3/30/01, effective 4/30/01)

WAC 388-27-0210 Under what circumstances would the adoption support agreement be terminated? The adoption support agreement is terminated according to the terms of the agreement or if any one of the following events occurs:

(1) The child reaches eighteen years of age; (If a child is at least eighteen but less than twenty-one years old and is a full-time high school student or working full time toward the completion of a GED (high school equivalency) certificate and continues to receive financial support from the adoptive parent(s), the department may extend the terms of the adoption support agreement until the child completes high school or achieves a GED. Under no circumstances may the department extend the agreement beyond the child's twenty first birthday.) Adoption support benefits will automatically stop on the child's eighteenth birthday unless the parent(s) requests continuation per this rule and have provided documentation of the child's continuation in school. To prevent disruption in services the parent should contact the adoption support program at least ninety days prior to the child's eighteenth birthday if continued services are to be requested.

~~((The adoptive parents request termination of the agreement;~~

~~((3))~~ (3) The adoptive parents no longer have legal responsibility for the child;

~~((4))~~ (3) The adoptive parents are no longer providing financial support for the child;

~~((5))~~ (4) The child dies; or

~~((6))~~ (5) The adoptive parents die. (A child who met federal Title IV-E eligibility criteria for adoption assistance will be eligible for adoption assistance in a subsequent adoption.)

AMENDATORY SECTION (Amending WSR 01-08-045, filed 3/30/01, effective 4/30/01)

WAC 388-27-0215 What benefits may the adoptive parent or child receive from the adoption support program? The adoption support program may provide one or more of the following benefits:

(1) Reimbursement for nonrecurring adoption finalization costs;

(2) Cash payments;

(3) ~~((Supplemental cash payments (only for adoptions finalized on or after July 1, 1996);~~

~~((4))~~ Payment for counseling services as pre-authorized (see WAC 388-27-0255 for conditions and terms)~~((;~~

~~((5))~~; or

(4) Medical services through the department's Medicaid program~~((; or~~

~~((6) Child care as pre-authorized per WAC 388-27-0270 (for children adopted on or after July 1, 1996)).~~

AMENDATORY SECTION (Amending WSR 01-08-045, filed 3/30/01, effective 4/30/01)

WAC 388-27-0220 What factors affect the amount of adoption support benefits a child receives? The depart-

ment bases the amount of support it provides on the child's needs and the family's circumstances, but limits ~~((the amount to the rates set by these rules, federal laws and rules, and the state legislature))~~ the cash payment to an amount that does not exceed the foster care maintenance rate the child would receive if the child was in a foster family home. Specific circumstances as agreed to by the adoptive parent and the department in the agreement, may warrant future renegotiation and adjustment of the payment determined in an assessment of the child.

AMENDATORY SECTION (Amending WSR 01-08-045, filed 3/30/01, effective 4/30/01)

WAC 388-27-0230 How does the department evaluate a request for ~~((basic))~~ adoption support monthly cash payments? (1) ~~((To determine the amount of basic monthly cash payment to be made, the department considers the child's physical, mental, developmental, cognitive and emotional condition and expenses as well as the adoptive family's))~~ The amount of the adoption support monthly cash payment is determined through the discussion and negotiation process between the adoptive parents and representatives of the department based upon the needs of the child and the circumstances of the family. The payment that is agreed upon should combine with the parents' resources to cover the ordinary and special needs of the child projected over an extended period of time. Anticipation and discussion of these needs are part of the negotiation of the amount of the adoption assistance payment.

(2) Family circumstances to be considered include:

- (a) Size, including the adopted child;
- (b) Normal living expenses, including education and childcare expenses;
- (c) Exceptional circumstances of any family member;
- (d) Income;
- (e) Resources and savings plans;
- (f) Medical care and hospitalization needs;
- (g) Ability to purchase or otherwise obtain medical care; and
- (h) Additional miscellaneous expenses related to the adopted child.

~~((2))~~ (3) The department and the adoptive parents will jointly determine the level of adoption support cash payments needed to meet the basic needs of the child without creating a hardship on the family.

~~((3))~~ (4) Under no circumstances may the amount of the ~~((basic))~~ adoption support monthly ~~((rate))~~ cash payment the department pays for the child exceed the ~~((adoption support rate established by the legislature for a child of that age))~~ amount of foster care maintenance payment that would be paid if the child were in a foster family home.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-27-0225 What are the current maximum rates available for basic adoption support monthly

cash payments and special rate?

WAC 388-27-0235

How does the department evaluate a request for adoption support special rate cash payments?

WAC 388-27-0240

How does the department evaluate a request for adoption support supplemental cash payments?

WAC 388-27-0245

What specific department requirements apply to supplemental cash payments?

WAC 388-27-0270

What department requirements apply to child care services?

WSR 04-01-135

PROPOSED RULES

DEPARTMENT OF FISH AND WILDLIFE

[Filed December 18, 2003, 4:43 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-22-096.

Title of Rule: Duties of commercial fishers.

Purpose: To clarify duties of commercial fisheries as regards commercial food fish and shellfish transportation tickets.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Clarifies section to include reference to rules governing the transportation and inspection of catch of food fish and shellfish.

Reasons Supporting Proposal: Improves clarity of fisher duties and provides ready reference so fishers do not overlook other requirements.

Name of Agency Personnel Responsible for Drafting: Morris Barker, 1111 Washington Street, Olympia, WA, 902-2826; Implementation: Lew Atkins, 1111 Washington Street, Olympia, WA, 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, WA, 902-2373.

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule adds a reference to another existing rule to clarify the responsibilities of the commercial fisher and fish holder that might otherwise be overlooked. The effect would result in better compliance rates for commercial fishers.

Proposal Changes the Following Existing Rules: Clarifies duties of commercial fishers transporting catch and persons holding commercial fish and shellfish.

PROPOSED

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

Small Business Economic Impact Statement

1. Description of the Reporting, Record-keeping, and Other Compliance Requirements of the Proposed Rule: Transportation ticket to be retained and displayed upon request.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: None required.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: No costs for compliance.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? No loss of sales or revenue.

5. Cost of Compliance for the 10% of Businesses That are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs:

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

There are no costs for compliance.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: No steps taken as no costs exist.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: The department will involve industry members through the auspices of the Fish and Wildlife Commission's public hearing process.

8. A List of Industries That Will Be Required to Comply with the Rule: All commercial fishers and persons holding fish and shellfish for commercial fishers.

A copy of the statement may be obtained by writing to Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulic rules.

Hearing Location: Natural Resources Building, 1111 Washington Street, Olympia, WA, on February 6-7, 2004, begins at 8:00 a.m. February 6, 2004.

Assistance for Persons with Disabilities: Contact Susan Yeager by January 23, 2004, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by January 30, 2003.

Date of Intended Adoption: February 6, 2003.

December 18, 2003

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 03-32, filed 2/18/03, effective 3/21/03)

WAC 220-69-241 Duties of commercial fishers. (1) Every fisher selling food fish or shellfish to the consumer, restaurant, boathouse, or other retail outlet, and every fisher who places, or attempts to place, into inter-state commerce

any food fish or shellfish previously landed in this state, or caught, or harvested from the territorial waters of this state, is required to possess a valid wholesale dealer's license or a direct retail endorsement. Such fishers must immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket in their own name for each landing or delivery of fish. The fish receiving ticket must show the total of all fish and shellfish aboard the harvesting vessel upon landing or delivery. The fisher selling at retail must complete a fish receiving ticket before offering fish or shellfish for retail sale except if food fish or shellfish are being offered for sale directly off the catcher vessel the fisher may complete the ticket with an estimated number or weight. At the completion of the retail activity, the fisher who has completed a ticket with an estimated number or weight is required to complete a corrected fish receiving ticket with the actual number and weight of fish or shellfish that were sold at retail. The price shown on the fish ticket must be the actual sale price of the fish or shellfish.

(2) Each fisher offering food fish or shellfish for retail sale must maintain a sequentially numbered receipt book, which receipt book contains a receipt duplicate copy, and must give each purchaser of salmon or crab a receipt showing the number, weight and value of food fish or shellfish sold to that purchaser. The duplicate receipts must be retained by the seller for one year.

(3) In the commercial geoduck fishery, a vessel operator so designated by the geoduck tract holder must be present at all times on each vessel commercially harvesting geoducks or having commercially harvested geoducks aboard. For each day's harvest of geoducks from each tract, the designated operator must legibly and accurately enter the following information on a fish receiving ticket before leaving the department of natural resources geoduck harvest tract:

(a) Enter in the "dealer's use" column the number of cages of geoducks harvested.

(b) Write across the top of the fish receiving ticket directly below the tear strip, the harvest vessel name, its Washington department identification number and the date.

(c) Sign the fish receiving ticket as the fisher.

(4) Commercial fishers who are neither wholesale dealers nor holders of a direct retail endorsement must complete a transportation ticket as provided for in WAC 220-69-300 when transporting commercial fish or shellfish away from the catching vessel or, for a fishery that does not require a vessel, the catch site. The transportation ticket is to remain with the fish or shellfish until a fish receiving ticket is completed, and must be presented for inspection by persons transporting, holding, or storing fish or shellfish when requested by authorized department personnel.

WSR 04-01-136

PROPOSED RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Filed December 18, 2003, 4:43 p.m.]

Original Notice.

PROPOSED

Preproposal statement of inquiry was filed as WSR 03-21-132.

Title of Rule: Coastal spot shrimp pot experimental fishery—Seasons and gear—Species restriction.

Purpose: To eliminate by-catch of finfish, and prohibit delivery of bottom fish while spot shrimp are aboard.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Eliminates ocean spot shrimp fishers catching and delivering finfish as part of their allowable catch.

Reasons Supporting Proposal: The circumstances of the ocean ground fish management and stock health have changed significantly since the rule was first adopted. Current circumstance has change to the point where the minor catch of species under management protection are constraining major fishery industries and the conservation interests of the state of Washington and the Pacific Fishery Management Council take precedent over this impacting fishery.

Name of Agency Personnel Responsible for Drafting: Morris Barker, 1111 Washington Street, Olympia, WA, 902-2826; Implementation: Lew Atkins, 1111 Washington Street, Olympia, WA, 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, WA, 902-2373.

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule will eliminate the current allowable by-catch of finfish from the landings of ocean spot shrimp pot fishers, and the delivery of bottomfish taken while spot shrimp are aboard. The purpose is to reduce the incidental and/or target catch of fish stocks that are driving much of the Pacific Fishery Management Council (PFMC) considerations for conservation and management of coastal bottomfish stocks. The anticipated effect is to provide a greater buffer for management precision and increase the PFMC ability to rebuild stocks of fish. This rule will also help prevent setting of groundfish gear inside restricted zones.

Proposal Changes the Following Existing Rules: Deletes ability to land catch of finfish under the emerging commercial fishery license for ocean spot shrimp fishers.

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

Small Business Economic Impact Statement

1. Description of the Reporting, Record-keeping, and Other Compliance Requirements of the Proposed Rule: No recordkeeping required. Compliance requires no landing of finfish on the underlying license, or while spot shrimp are aboard.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: No professional services required.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: There will be additional margin costs in having to make additional trips to deliver groundfish without spot shrimp being aboard.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? Yes, there will be minor revenue losses due to the restriction on no landing of by-catch.

5. Cost of Compliance for the 10% of Businesses That are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs:

- Cost per employee;
- Cost per hour of labor; or
- Cost per one hundred dollars of sales.

There are only twelve licenses affected out of approximately 4,000 commercial fishing licenses issued - of the twelve licenses, only one to two vessels have landed finfish under the emerging commercial fishery license/permit for ocean spot shrimp by pot gear. These businesses comprise less than 0.1% of the commercial fishing industry. These same vessels may land finfish under other existing licenses.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: The agency has met with the industry to discuss the change which included possible alternatives to address the landing need for individual fishers.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: The agency has worked with the coastal spot shrimp fishing industry to develop this regulation and explained the need for the change. The industry will be able to participate further under the auspices of the Fish and Wildlife Commission public hearing process.

8. A List of Industries That Will Be Required to Comply with the Rule: Those participants in the ocean spot shrimp pot fishery.

A copy of the statement may be obtained by writing to Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, (360) 902-2155.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulic rules.

Hearing Location: Natural Resources Building, 1111 Washington Street, Olympia, WA, on February 6-7, 2004, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Yeager by January 23, 2004, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by January 30, 2003.

Date of Intended Adoption: February 6, 2004.

December 18, 2003

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 03-187, filed 8/7/03, effective 9/7/03)

WAC 220-88B-030 Emerging commercial fishery—Eligibility for coastal experimental fishery permits—Terms and conditions of use—Renewal—Vessel restriction—Incidental catch. (1) No individual may hold more than one Washington coastal spot shrimp experimental fishery permit.

(2) Coastal spot shrimp experimental fishery permits are not transferable. Only the vessel designated on the emerging commercial fishery license and coastal spot shrimp experimental fishery permit may be used to fish for or deliver spot shrimp.

(3) A coastal spot shrimp experimental fishery permit will be issued only to a natural person who:

(a) Held such a permit the previous year; and

(b) Can demonstrate by valid Washington fish receiving tickets that at least 1,000 cumulative round weight pounds of spot shrimp taken from waters of the Pacific Ocean adjacent to the state of Washington were landed from the person's designated vessel or vessels during the previous two calendar years. Landings of spot shrimp reported as "tails" on fish receiving tickets will be converted to round pounds by multiplying the reported weight of tails by two.

(4) Coastal spot shrimp experimental fishery permits may be revoked by the director, and future permits denied by the director, for failure to comply with conditions specified in the permits or violations of other fishing regulations. A coastal spot shrimp experimental fishery permit will not be renewed if the emerging commercial fishery license is revoked or future fishing privileges of the licensee are suspended.

(5) The director may issue a coastal spot shrimp experimental fishery permit to another person if a permittee fails to make the requisite landings, if the person's experimental coastal spot shrimp experimental fishery permit is revoked, or if no application for an emerging commercial fishery license is received by March 31st of each year. The total number of permits issued, including replacement permits, shall not exceed fifteen. Selection of persons to receive replacement permits shall be by gear or gear replacement type, and replacement permits will be offered in descending order first to persons who made the largest total of Washington coastal spot shrimp landings in each gear type during the original qualifying period, and then in descending order to persons who made the largest total of Washington coastal spot shrimp landings in each gear type. If no persons with coastal spot shrimp landings wish to participate, the director may offer a replacement permit by random drawing.

(6) Coastal spot shrimp experimental fishery permits are only valid for the year issued and expire on December 31st of the year issued with the expiration of the emerging commercial fishery license.

(7) The total allowable catch of spot shrimp taken from Washington territorial waters west of the Bonilla-Tatoosh line and from adjacent waters of the Pacific Ocean during a calendar year is 250,000 pounds round weight provided that not more than 100,000 pounds may be taken south of 47°04.00' N. latitude.

(8) Beginning January 1, 2003, through December 31, 2005, the allowable catch shall be allocated as follows: 175,000 pounds available to all permit holders and 75,000 pounds available to fishers who were converted from trawl to pot permits. Beginning January 1, 2006, the allowable catch is available to all permit holders.

(9) Vessel restriction: A coastal spot shrimp experimental fishery permit will not be issued to a person who designates a vessel greater than ten feet longer than the vessel des-

ignated as of March 31, 2003, provided that if the vessel designated as of March 31, 2003, is ten or more feet greater than the vessel used by the person to initially qualify for a coastal spot shrimp experimental fishery permit, the person may not designate a vessel greater in length than the vessel designated as of March 31, 2003.

(10) Incidental catch:

(a) It is unlawful to retain more than 50 pounds round weight of other shrimp species. It is lawful to retain octopus and squid.

(b) It is unlawful to retain salmon.

(c) It is unlawful to retain any bottomfish species ~~((except as provided for in WAC 220-44-050))~~.

AMENDATORY SECTION (Amending Order 01-287, filed 12/27/01, effective 1/27/02)

WAC 220-88B-040 Coastal spot shrimp pot experimental fishery—Season and gear—Species restriction. It is unlawful to fish for spot shrimp for commercial purposes in coastal and offshore waters using shellfish pot gear except as provided in this section:

(1) Season - Open to shellfish pot gear the entire year.

(2) Gear restrictions:

(a) Maximum of 500 shellfish pots per permit.

(b) Pot size is limited to a maximum 153 inch bottom perimeter and a maximum 24 inch height.

(c) Shrimp pot gear must be constructed with net webbing or rigid mesh, and at least 50 percent of the net webbing or mesh covering the sides of the pot must easily allow passage of a seven-eighths inch diameter dowel.

(d) Pot gear is required to have an escape mechanism as provided for in WAC 220-52-035.

(e) Groundline end marker buoys must be floating and visible on the surface of the water, equipped with a pole, flag, radar reflector and operating light, and marked with the clear identification of the permittee.

(3) Incidental catch: It is unlawful to retain any species of finfish or shellfish taken with spot shrimp pot gear, except that it is lawful to retain octopus, squid, and up to 50 pounds round weight of other shrimp species taken with shrimp pot gear. It is ~~((lawful))~~ unlawful for persons fishing in the coastal spot shrimp experimental fishery to ~~((participate in the coastal bottomfish fishery under WAC 220-44-050, and to retain))~~ deliver spot shrimp while having on board bottomfish taken in ~~((that))~~ the coastal bottomfish fishery under WAC 220-44-050.

WSR 04-01-138

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed December 19, 2003, 9:17 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-22-041.

Title of Rule: WAC 308-125-200.

Purpose: Incorporation by reference of the 2004 edition of the Uniform Standards of Professional Appraisal Practice,

the generally recognized national organized standards of real estate appraisal. Incorporation by reference is required because to incorporate the whole text would be unduly cumbersome and expensive.

Statutory Authority for Adoption: RCW 18.140.030(1) and 18.235.030(1).

Statute Being Implemented: Chapter 18.140 RCW.

Summary: Incorporate the 2004 edition of the Uniform Standards of Professional Appraisal Practice into WAC 308-125-200.

Reasons Supporting Proposal: That real estate appraisals in Washington be performed in accordance with current generally accepted appraisal standards as evidenced by the most recent amendments to appraisal standards promulgated by the Appraisal Standards Board of the Appraisal Foundation. This is required by Section 1110, Title XI of the Financial Institutions Recovery and Enforcement Act of 1989, (12 U.S.C. 3339).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cleotis Borner, Jr., Olympia, (360) 664-6504.

Name of Proponent: Department of Licensing, Real Estate Appraiser Program, governmental.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 308-125-200 will incorporate by reference the 2004 edition of the Uniform Standards of Professional Appraisal Practice as promulgated by the Appraisal Standards Board of the Appraisal Foundation.

Proposal Changes the Following Existing Rules: [No Information Supplied by Agency.]

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed change only adopts the current edition of the Uniform Standards of Professional Appraisal Practice.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Licensing, Business and Professions Division, 405 Black Lake Boulevard, Building #2, BPD #102, Olympia, WA, on Tuesday, January 27, 2004, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Ralph Birkedahl by January 22, 2004, TDD (360) 664-0116 or (360) 664-6504.

Submit Written Comments to: Cleotis Borner, Jr., Real Estate Appraiser Program, P.O. Box 9015, Olympia, WA 98507-9015, fax (360) 586-0998, by January 25, 2004.

Date of Intended Adoption: January 27, 2004.

December 19, 2003

Cleotis Borner, Jr.
Program Manager

AMENDATORY SECTION (Amending WSR 03-02-040, filed 12/24/02, effective 1/24/03)

WAC 308-125-200 Standards of practice. (1) The standard of practice governing real estate appraisal activities will be the ((2003)) 2004 edition of the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation. A copy of the Uniform Standards of Professional Appraisal Practice is available for review and inspection at the office of the Real Estate Appraiser Unit Office, Olympia, Washington.

The Uniform Standards of Professional Appraisal Practice is a copyright document. Copy of the full text may be obtained from the Appraisal Foundation at The Appraisal Foundation, P.O. Box 96734, Washington, DC 20090-6734.

(2) Expert review appraisers as defined by RCW 18.140.010(11) while performing expert reviews pursuant to chapter 18.140 RCW are exempt from the Uniform Standards of Professional Appraisal Practice, Standard 3 review provisions while performing expert reviews for the director.

WSR 04-01-154
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
(Filed December 22, 2003, 9:58 a.m.)

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-07-062.

Title of Rule: SERS substitutes.

Purpose: Implements the "SERS Substitutes" legislation, chapter 157, Laws of 2003 (SB 5094). Amends WAC 415-108-680 Am I eligible for membership?, 415-110-010 Definitions, 415-110-680 Am I eligible for membership?, 415-110-728 If I work in both a SERS position and TRS position during the same school year, which system will I be in?, and 415-110-910 Conversion of service from PERS to SERS. Adds new WAC 415-110-685 Am I eligible for membership and service credit as a classified substitute?

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: RCW 41.35.010, 41.35.-030, 41.35.033.

Summary: Implements the "SERS Substitutes" legislation, chapter 157, Laws of 2003 (SB 5094).

Reasons Supporting Proposal: Implement chapter 293, Laws of 2003 (SHB 1202).

Name of Agency Personnel Responsible for Drafting: Merry A. Kogut, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291; Implementation and Enforcement: Dorothy Bailey, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291.

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: Please see Title of Rule above.

Proposal Changes the Following Existing Rules: Please see Title of Rule above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These amendments have no effect on businesses.

RCW 34.05.328 does not apply to this rule adoption. The Department of Retirement Systems is not one of the named departments in RCW 34.05.328.

Hearing Location: Department of Retirement Systems, 6835 Capitol Boulevard, Conference Room 115, Tumwater, WA, on January 27, 2004, at 9:00 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 January 27, 2004.

Date of Intended Adoption: No sooner than January 28, 2004.

December 22, 2003
Merry A. Kogut
Rules Coordinator

AMENDATORY SECTION (Amending WSR 02-18-046, filed 8/28/02, effective 9/30/02)

WAC 415-108-680 Am I eligible for membership? (1) You are eligible for membership if you are employed in an eligible position. Your position is eligible under RCW 41.40.010 if the position, as defined by your employer, normally requires at least five months of seventy or more hours of compensated service per month during each year. If you are a PERS Plan 1 member working in a SERS substitute position, the SERS substitute laws do not apply. If you are a Plan 2 or 3 member, hours worked as a SERS substitute are not counted when determining eligibility for membership.

(2) **If you leave an eligible position to serve in a project position, you may retain eligibility.**

(a) Project positions may use a twelve-month period other than a school year to evaluate eligibility. The employer must consistently apply this twelve-month period to evaluate the eligibility of this position.

(b) If you are a member and you leave employment in an eligible position to serve in a project position, the project position is eligible if:

((a)) (i) The position, as defined by the employer, normally requires at least five months of seventy or more hours of compensated service each month; or

((b)) (ii) The position requires at least seventy hours per month and you take the position with the understanding that you are expected to return to your permanent eligible position at the completion of the project.

(3) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Eligible position" - RCW 41.40.010.
- (b) "Employer" - RCW 41.40.010.
- (c) "Member" - RCW 41.40.010.
- (d) "Membership" - RCW 41.40.023.
- (e) "Normally" - WAC ((415-108-0102)) 415-108-010.
- (f) "Project position" - WAC 415-108-010.
- (g) "Year" - WAC 415-108-010.

AMENDATORY SECTION (Amending WSR 02-18-046, filed 8/28/02, effective 9/30/02)

WAC 415-110-010 Definitions. All definitions in RCW 41.35.010 and WAC 415-02-030 apply to terms used in this

chapter. Other terms relevant to the administration of chapter 41.35 RCW are defined in this chapter.

(1) **Annual leave** means leave provided by an employer for the purpose of taking regularly scheduled work time off with pay. Annual leave does not include leave for illness, personal business if in addition to and different than vacation leave, or other paid time off from work. However, if an employer authorizes only one type of leave to provide paid leave for vacation and illness as well as any other excused absence from work, such leave will be considered annual leave for purposes of RCW 41.50.150.

(2) **Normally** as used in the definition of eligible position under RCW 41.35.010 means a position is eligible if it is expected to require at least five months of seventy or more hours of compensated service each month during each of two consecutive years. Once a position is determined to be eligible, it will continue to be eligible if it requires at least five months of seventy or more hours of compensated service during at least one year in any two-year period.

(3) **Project position** means a position, established by an employer, that has a specific goal and end date.

(4) **Report** means an employer's reporting of an employee's hours of service, compensation and contributions to the department on the monthly transmittal report.

(5) **Reportable compensation** means compensation earnable as that term is defined in RCW 41.35.010(6).

(6) **System acronyms** used in this chapter are defined as follows:

(a) "PERS" means the public employees' retirement system.

(b) "SERS" means the school employees' retirement system.

(c) "TRS" means the teachers' retirement system.

(7) **Year** means any twelve consecutive month period established and applied consistently by an employer to evaluate the eligibility of a specific position. The term may include, but is not limited to, a school year, calendar year, or fiscal year.

Example: An employer has used the twelve consecutive month period from September 1 to August 31 to evaluate the eligibility of positions. When the employer hires a new employee to fill an existing position, the employer must continue to use the September 1 through August 31 period to define a year for the position.

Example: If the same employer in the above example hires a person to work in a project position beginning in November, the employer will use the twelve-month period beginning in November to evaluate the eligibility of the new position. The employer must consistently apply this twelve-month period to evaluate the eligibility of this position.

(8) **School year for Plan 2 and 3 members means the twelve-month period from September 1 of one year to August 31 of the following year.**

(9) **Substitute employee includes any classified employee who is employed as a substitute for an absent employee or working in an ineligible position.**

AMENDATORY SECTION (Amending WSR 02-18-046, filed 8/28/02, effective 9/30/02)

WAC 415-110-680 Am I eligible for membership? (1) You are eligible for membership if you are employed in an eligible position. Your position is eligible under RCW 41.35.010 if the position, as defined by your employer, normally requires at least five months of seventy or more hours of compensated service per month during each year. If you are a PERS Plan 1 member working in a SERS substitute position, the SERS substitute laws do not apply. If you are a Plan 2 or 3 member, hours worked as a SERS substitute are not counted when determining eligibility for membership.

(2) **If you leave an eligible position to serve in a project position, you may retain eligibility.**

(a) Project positions may use a twelve-month period other than a school year to evaluate eligibility. The employer must consistently apply this twelve-month period to evaluate the eligibility of this position.

(b) If you are a member and you leave employment in an eligible position to serve in a project position, the project position is eligible if:

((~~(a)~~)) (i) The position, as defined by the employer, normally requires at least five months of seventy or more hours of compensated service each month; or

((~~(b)~~)) (ii) The position requires at least seventy hours per month and you take the position with the understanding that you are expected to return to your permanent eligible position at the completion of the project.

(3) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Eligible position" - RCW 41.35.010.
- (b) "Employer" - RCW 41.35.010.
- (c) "Member" - RCW 41.35.010.
- (d) "Membership" - RCW 41.35.030.
- (e) "Normally" - WAC 415-110-010.
- (f) "Project position" - WAC 415-110-010.
- (g) "Year" - WAC 415-110-010.

NEW SECTION

WAC 415-110-685 Am I eligible for membership and service credit as a classified substitute? (1) You may establish or reestablish membership by purchasing service credit in SERS as a classified substitute if you meet eligibility criteria.

(a) **SERS Plan 2.**

You may apply to the department for membership in Plan 2 if you work at least seventy hours for five or more months during a school year and:

- (i) Were previously a member of SERS Plan 2 and withdrew; or
 - (ii) Are or were a member of PERS Plan 2.
- (b) **SERS Plan 3.**

You may apply to the department for membership in Plan 3 if you work at least seventy hours for five or more months during a school year and:

- (i) You have never been a member of SERS Plan 2;
- (ii) You have never been a member of PERS Plan 2; or
- (iii) You were a member of PERS Plan 2 who transferred to PERS Plan 3.

(2) **As an established member you may purchase any amount of service credit as a classified substitute.**

SERS Plan 2 or 3.

(a) You must purchase all of the service you rendered during the school year.

(b) You do not have a minimum amount of service you must have worked.

(3) **To apply, you must submit your application to the department at the end of the school year.**

To apply for membership and service credit as a classified substitute, you must submit the correct application form (Plan 2 or Plan 3) and your employer's quarterly reports to the department, if applicable, no earlier than August 31 of the school year for which you are applying for service credit.

(4) **You must make payments within six months of the end of the school year to avoid recovery interest charges.**

(a) You have six months following the end of the school year (September through February) in which the service was provided to purchase the service credit by paying the appropriate member contributions in full to avoid interest charges.

(b) After the six-month period recovery, interest shall be charged prospectively (March 1 forward) on the contributions due.

(i) **SERS Plan 2 members:** Interest is charged on both employer and member contributions.

(ii) **SERS Plan 3 members:** Interest is charged on employer contributions only.

(4) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Classified employee" - RCW 41.35.010(37).
- (b) "Member" - RCW 41.35.010(5).
- (c) "Service" - RCW 41.35.010(7).
- (d) "Substitute employee" - RCW 41.35.010(38).

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 02-18-046, filed 8/28/02, effective 9/30/02)

WAC 415-110-728 If I work in both a SERS position and TRS position during the same school year, which system will I be in? (1) If you work in both a SERS and TRS position during the same year, your membership status and the nature of your positions will determine the system your employer will report you in. You will be reported in either SERS or TRS according to the following table:

~~((Former TRS Plan 1 Members~~

PROPOSED

Type of Employment^{2/}	Type of Employer(s)	System You Will Be Reported In
A substitute or less than full-time teaching position and a SERS-eligible position	Same SERS employer	SERS – for both positions.
	Separate SERS employers	SERS – for SERS position only. Your substitute part-time position is not reported unless you qualify for and elect to establish TRS membership under RCW 41.32.240. If you elect to establish TRS membership, your employers will report you in TRS for both positions. Any previously reported service credit and compensation in SERS will be transferred to TRS.
A full-time teaching position and an eligible SERS position	Same employer	TRS – for both positions.
	Separate SERS employers	TRS – for both positions.

TRS Plan 1 Members

Type of Employment^{2/}	Type of Employer(s)	System You Will Be Reported In
A full-time or less than full-time TRS position and an eligible SERS position	Same employer	TRS – for both positions.
	Separate SERS employers	TRS – for both positions.
A full-time or less than full-time TRS position and an ineligible SERS position	Same employer	TRS – for both positions.
	Separate SERS employers	TRS – for both positions.

TRS Plan 2 or 3 Members

Type of Employment^{2/}	Type of Employer(s)	System You Will Be Reported In
An eligible TRS position and an ineligible PERS position	Same employer	TRS – for both positions.
	Separate SERS employers	TRS – for TRS position only; your ineligible SERS position is not reported.
An eligible TRS position and an eligible SERS position	Same employer	TRS – for both positions.
	Separate SERS employers	TRS – for both positions. ^{3/}

SERS Members

Type of Employment^{2/}	Type of Employer(s)	System You Will Be Reported In
An eligible SERS position and an ineligible TRS or substitute position	Same employer	SERS – for both positions.
	Separate SERS employers	SERS – for the SERS position only, unless you qualify for and elect to establish membership in TRS at the end of the school year under WAC 415-112-125(1). If you elect to establish TRS membership, your employers will report you in TRS for both positions. Any previously reported service credit and compensation in SERS will be transferred to TRS.

Neither TRS Nor SERS Member

Type of Employment^{2/}	Type of Employer(s)	System You Will Be Reported In
An ineligible TRS and an ineligible SERS position	Same employer	TRS for both positions if the positions combined, qualify as an eligible position.
	Separate SERS employers	Neither position reported.
A substitute teaching position and an ineligible SERS position	Same employer	Neither position reported. However, if you qualify, you may elect to establish membership in TRS at the end of the school year for your substitute teaching position under RCW 41.32.013 and WAC 415-112-140.
	Separate SERS employers	Neither position reported. However, if you qualify, you may elect to establish membership in TRS at the end of the school year for your substitute teaching position under RCW 41.32.013 and WAC 415-112-140.)

Former TRS Plan 1 Members^{1/}

Type of Employment^{2/}	Type of Employer(s)	System You Will Be Reported In
A SERS-eligible position and a full-time teaching position	Same SERS employer	<u>TRS regular reporting for both positions.</u>
	Separate SERS employers	<u>TRS regular reporting for both positions.</u>
A SERS-eligible position and a less than full-time teaching position	Same SERS employer	<u>SERS regular reporting for both positions.</u>
	Separate SERS employers	<u>SERS regular reporting for SERS position.</u> <u>TRS substitute reporting for TRS position. If the service qualifies you to reestablish membership under RCW 41.32.240 and you choose to purchase the service, then any previously reported SERS service for that same fiscal year will be transferred to TRS.</u>
A SERS substitute or ineligible position and a full-time teaching position	Same SERS employer	<u>TRS regular reporting for both positions.</u>
	Separate SERS employers	<u>TRS regular reporting for TRS position.</u> <u>SERS substitute reporting for SERS position. If you choose to purchase the service, it will be billed in TRS.</u>
A SERS substitute or ineligible position and a less than full-time teaching position	Same SERS employer	<u>TRS regular reporting if combined, the position would qualify as a full-time teaching position. Otherwise report all of the time as TRS substitute reporting.</u>
	Separate SERS employers	<u>SERS substitute reporting for SERS position.</u> <u>TRS substitute reporting for TRS position. If the TRS service qualifies you to reestablish membership and you choose to purchase the service credit, then any time for that same fiscal year must be purchased as TRS service credit. If the SERS service qualifies you for membership and you choose to purchase only the SERS service, it will be billed in SERS.</u>

PROPOSED

TRS Plan 1 Members

Type of Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
A SERS-eligible position and a full-time teaching position	<u>Same employer</u>	<u>TRS regular reporting for both positions.</u>
	<u>Separate SERS employers</u>	<u>TRS regular reporting for both positions.</u>
A SERS-eligible position and a less than full-time teaching position	<u>Same employer</u>	<u>TRS regular reporting for both positions.</u>
	<u>Separate SERS employers</u>	<u>TRS regular reporting for both positions.</u>
A SERS substitute or ineligible position and a full-time teaching position	<u>Same employer</u>	<u>TRS regular reporting for both positions.</u>
	<u>Separate SERS employers</u>	<u>TRS regular reporting for TRS position.</u> <u>SERS substitute reporting for SERS position. If you purchase the SERS service, it will be billed into TRS.</u>
A SERS substitute or ineligible position and less than full-time teaching position	<u>Same employer</u>	<u>TRS regular reporting for both positions.</u>
	<u>Separate SERS employers</u>	<u>TRS regular reporting for TRS position.</u> <u>SERS substitute reporting for SERS position. If you purchase the SERS service, it will be billed into TRS.</u>

TRS Plan 2 or 3 Members

Type of Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
A SERS-eligible position and a TRS-eligible position	<u>Same employer</u>	<u>TRS regular reporting for both positions.</u>
	<u>Separate SERS employers</u>	<u>TRS regular reporting for both positions.</u>
A SERS-eligible position and a TRS-ineligible or substitute position	<u>Same employer</u>	<u>SERS regular reporting for both positions.</u>
	<u>Separate SERS employers</u>	<u>SERS regular reporting for SERS position.</u> <u>TRS substitute reporting for TRS position. If you choose to purchase the service, then any previously reported SERS service for that same school year will be transferred to TRS.</u>
A SERS-ineligible or substitute position and a TRS-eligible position	<u>Same employer</u>	<u>TRS regular reporting for both positions.</u>
	<u>Separate SERS employers</u>	<u>TRS regular reporting for TRS position.</u> <u>SERS substitute reporting for the SERS position. If the SERS service qualifies for membership, then it would be billed into TRS.</u>
A SERS-ineligible or substitute position and a TRS-ineligible or substitute position	<u>Same employer</u>	<u>TRS regular reporting if combined, the position would qualify as an eligible teaching position. Otherwise report all of the time as TRS substitute reporting.</u>
	<u>Separate SERS employers</u>	<u>TRS substitute reporting for TRS position. If you choose to purchase the service credit, then any time for that same fiscal year must be purchased as TRS service credit.</u> <u>SERS substitute reporting for SERS position. If the SERS service qualifies you for membership and you choose to purchase only the SERS service, it will be billed in SERS.</u>

SERS Members

Type of Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
A SERS-eligible position and a TRS-eligible position	<u>Same employer</u>	<u>TRS regular reporting for both positions.</u>
	<u>Separate SERS employers</u>	<u>TRS regular reporting for both positions.</u>

PROPOSED

PROPOSED

<u>Type of Employment ^{2/}</u>	<u>Type of Employer(s)</u>	<u>System You Will Be Reported In</u>
<u>A SERS-eligible position and a TRS-ineligible or substitute position</u>	<u>Same employer</u>	<u>SERS regular reporting for both positions.</u>
	<u>Separate SERS employers</u>	<u>SERS regular reporting for SERS position.</u> <u>TRS substitute reporting for TRS position. If the service qualifies you to establish membership and you choose to purchase the service, then any previously reported SERS service for that same school year will be transferred to TRS.</u>
<u>A SERS-ineligible or substitute position and a TRS-eligible position</u>	<u>Same employer</u>	<u>TRS regular reporting for both positions.</u>
	<u>Separate SERS employers</u>	<u>TRS regular reporting for TRS position.</u> <u>SERS substitute reporting for the SERS position. If you purchase the SERS service, it would be billed into TRS.</u>
<u>A SERS-ineligible or substitute position and a TRS-ineligible or substitute position</u>	<u>Same employer</u>	<u>TRS regular reporting if combined, the position would qualify as an eligible teaching position. Otherwise report all of the time as TRS substitute reporting.</u>
	<u>Separate SERS employers</u>	<u>TRS substitute reporting for TRS position. If the TRS service qualifies you to establish membership and you choose to purchase the service credit, then any time for that same fiscal year must be purchased as TRS service credit.</u> <u>SERS substitute reporting for SERS position. If you choose to purchase only the SERS service, it will be billed in SERS.</u>

Neither TRS Nor SERS Member

<u>Type of Employment ^{2/}</u>	<u>Type of Employer(s)</u>	<u>System You Will Be Reported In</u>
<u>A SERS-eligible position and a TRS-eligible position</u>	<u>Same employer</u>	<u>TRS regular reporting for both positions.</u>
	<u>Separate SERS employers</u>	<u>TRS regular reporting for both positions.</u>
<u>A SERS-eligible position and a TRS-ineligible or substitute position</u>	<u>Same employer</u>	<u>SERS regular reporting for both positions.</u>
	<u>Separate SERS employers</u>	<u>SERS regular reporting for SERS position.</u> <u>TRS substitute reporting for TRS position. If the service qualifies you to establish membership and you choose to purchase the service, then any previously reported SERS service for that same school year will be transferred to TRS.</u>
<u>A SERS-ineligible or substitute position and a TRS-eligible position</u>	<u>Same employer</u>	<u>TRS regular reporting for both positions.</u>
	<u>Separate SERS employers</u>	<u>TRS regular reporting for TRS position.</u> <u>SERS substitute reporting for the SERS position. If the SERS service qualifies for membership, and you choose to purchase the service, then it would be billed into TRS.</u>
<u>A SERS-ineligible or substitute position and a TRS-ineligible or substitute position</u>	<u>Same employer</u>	<u>TRS regular reporting if combined, the position would qualify as an eligible teaching position. Otherwise report all of the time as TRS substitute reporting.</u>

<u>Type of Employment</u> ^{2/}	<u>Type of Employer(s)</u>	<u>System You Will Be Reported In</u>
	Separate SERS employers	<p>TRS substitute reporting for TRS position. If the TRS service qualifies you to establish membership and you choose to purchase the service credit, then any time for that same school year must be purchased as TRS service credit.</p> <p>SERS substitute reporting for SERS position. If the SERS service qualifies you for membership and you choose to purchase only the SERS service, it will be billed in SERS.</p>

PROPOSED

^{1/} "Former TRS 1 member," as used here, means you terminate your membership by withdrawing your contributions.

^{2/} Means during the same school year.

^{(3/} ~~EXAMPLE: A TRS 2 member is employed concurrently by School District A in an eligible TRS position and by School District B in an eligible SERS position. Because he is a TRS 2 member, School District B employer must report his service and compensation from the SERS position to the department in TRS 2. If the member terminates his employment in the TRS position with School District A, School District B will report him in SERS for the SERS position.)~~

(2) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Eligible position" - RCW 41.35.010 (SERS); RCW 41.32.010 (TRS).

(b) "Employer" - RCW 41.35.010 (SERS); RCW 41.32.010 (TRS).

(c) "Ineligible position" - RCW 41.35.010 (SERS); RCW 41.32.010 (TRS).

(d) "Member" - RCW 41.35.010 (SERS); RCW 41.32.010 (TRS).

(e) "Membership" - RCW 41.35.030 (SERS).

(f) "Report" - WAC 415-110-010.

(g) "Service" - RCW 41.35.010 (SERS); RCW 41.32.010 (TRS).

AMENDATORY SECTION (Amending WSR 02-03-120, filed 1/23/02, effective 3/1/02)

WAC 415-110-910 Conversion of service from PERS to SERS. (1) You will be converted from the public employees' retirement system (PERS) to the school employees' retirement system (SERS) if:

(a) You were employed with a school district or educational service district in an eligible position as of September 1, 2000;

(b) You participated and then separated in PERS prior to September 1, 2000, and became reemployed in an eligible position at a school district or educational service district after September 1, 2000;

(c) You are a participating member in PERS and move to a SERS employer in an eligible position after September 1, 2000;

(d) You were or are a participating member of PERS Plan 2 and establish membership in SERS through the substitute process. (See WAC 415-110-680.)

(e) You retired out of PERS Plan 2 and:

(i) Returned to PERS covered employment and became an active PERS member; and

(ii) Were a member as of September 1, 2000, at a school district or educational service district; or

(e) You retired out of PERS Plan 2 and:

(i) Returned to PERS covered employment and became an active PERS member;

(ii) Separated from your PERS position; and

(iii) Become employed in an eligible SERS position prior to applying for reretirement in PERS.

(2) **What happens to my existing PERS service and account history when I am converted from PERS to SERS membership?** All of your PERS service and account history with any PERS employer will be moved to SERS.

(3) **How many times will my PERS service be moved to SERS?** Your PERS service shall be moved to SERS only once pursuant to subsection (1) of this section. After you have been converted from PERS to SERS, subsequent re-enrollment(s) into SERS shall not cause any additional conversions of any PERS service. Any future eligible employment in PERS shall be reported into PERS and any future eligible employment in SERS shall be reported into SERS.

Example:

Employed in PERS prior to conversion. Joe has 15 years of service in PERS. He has been employed by a school district for the last 5 years. Joe previously was employed by a county for 10 years.

Conversion from PERS to SERS. Since Joe is employed with the school district on September 1, 2000, his PERS service is moved to SERS service. Both his 5 years of service with the school district and his 10 years of service with the county are moved to SERS. Joe's PERS account now has zero service credit and contributions; Joe's SERS account now has 15 years of service credit and contributions.

Return to PERS service. After another year of service with the school district, Joe separates employment with 16 years of credit in SERS and returns to employment with the county. Joe's 16 years of service remains in SERS and he begins to accrue service in PERS, starting from zero, for his new employment with the county.

Return to SERS employment. Joe works for the county for 5 years. He now has 5 years of service credit in PERS and he still has 16 years of service credit in SERS. Joe separates employment from the county and goes back to work in a SERS covered posi-

tion with an educational service district. Joe's PERS employer will stop reporting him and the educational service district will begin reporting Joe into SERS. He will begin accumulating service in SERS starting at 16 years. The 5 years of service that Joe rendered at the county stays in PERS.

(4) **If I am a PERS Plan 2 retiree and become employed in an eligible SERS position, will my service be converted from PERS to SERS?** Except as allowed in subsection (1)(d) and (e) of this section, a PERS Plan 2 retiree will not have any of his or her service, account or retirement history converted to SERS.

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.

WSR 04-01-155
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed December 22, 2003, 11:12 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-21-126.

Title of Rule: Chapter 296-45 WAC, Safety standards for electrical workers; chapter 296-78 WAC, Safety standards for sawmills and woodworking operations; chapter 296-155 WAC, Safety standards for construction work; chapter 296-305 WAC, Safety standards for fire fighters; chapter 296-307 WAC, Safety standards for agriculture; chapter 296-800 WAC, Safety and health core rules.

Purpose: In *Dep't of Labor & Indus. v. Nat'l Sec. Consultants*, the Division II Court of Appeals determined that WISHA first-aid rules in chapter 296-800 WAC, Safety and health core rules do not apply to employers with fewer than fifty employees. However, exempting employers with less than fifty employees from the first-aid training requirements would result in the department being less effective than OSHA. RCW 49.17.050(2) requires that WISHA adopt rules that are at-least-as-effective-as OSHA rules. The department plans to repeal the current first-aid rules in the core rules and the agriculture standards and adopt a rule in each that references the OSHA first-aid rule.

Other Identifying Information:

AMENDED SECTIONS:

WAC 296-45-125 Medical services and first aid, 296-78-540 First-aid training and certification, 296-155-120 First-aid training and certification, and 296-305-01515 First-aid training and certification.

- The proposal removes a reference to WAC 296-800-150.

WAC 296-307-039 First-aid rule summary.

- The proposal updates summary of the rule.
- The proposal adds a note to WAC 296-62-080 Occupational exposure to bloodborne pathogens.

WAC 296-307-03905 Make sure that first-aid trained personnel are available to provide quick and effective first aid.

- The proposal will delete current wording.
- The proposal will add language from 29 C.F.R. 1910.151, which will make the rule at-least-as-effective-as the federal equivalent.

WAC 296-800-150 Rule summary.

- The proposal updates summary of the rule.
- The proposal adds a note to chapter 296-823 WAC, Occupational exposure to bloodborne pathogens.

WAC 296-800-15005 Make sure that first-aid trained personnel are available to provide quick and effective first aid.

- The proposal will delete current wording.
- The proposal will add language from 29 C.F.R. 1910.151, which will make the rule at-least-as-effective-as the federal equivalent.

REPEALED SECTIONS:

WAC 296-307-03910 Make sure first-aid training contains required subjects, 296-307-03915 Document your first-aid training, 296-307-03925 Provide a first-aid station when required, 296-800-15010 Make sure first-aid training contains required subjects, 296-800-15015 Document your first-aid training, and 296-800-15025 Provide a first-aid station when required.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: The department is repealing the current first-aid rules in chapter 296-800 WAC, Safety and health core rules, and chapter 296-307 WAC, Safety standards for agriculture, and adopt a rule in each that references the OSHA first-aid rule.

Reasons Supporting Proposal: The department is conducting rule making based upon the Division II Court of Appeals ruling.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; **Implementation and Enforcement:** Michael A. Silverstein, Tumwater, (360) 902-5495.

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

Rule is necessary because of state court decision, [*Dept. of Labor and Indus., v. Nat'l Sec. Consultants.*]

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of the first-aid rule is to provide guidance to employers on providing first-aid trained personnel. There are no anticipated effects due to rule making.

Proposal Changes the Following Existing Rules: The current first-aid requirements will be replaced with the federal wording, 29 C.F.R. 1910.151.

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 proposal will make the rule at-least-as-effective-as the federal equivalent.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 does not apply to this rule making, since all the changes will make the rule at-least-as-effective-as the federal equivalent.

Hearing Location: Department of Labor and Industries, Auditorium, 7273 Linderson Way S.W., Tumwater, WA, on January 28, 2004, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Sally Elliott by January 5, 2004, at (360) 902-5484 or yous235@lni.wa.gov.

Submit Written Comments to: Cindy Ireland, Administrative Regulations Analyst, WISHA Services, P.O. Box 44620, Olympia, WA 98504-4620, fax (360) 902-5529, by February 4, 2004.

Date of Intended Adoption: March 1, 2004.

December 22, 2003

Paul Trause

Director

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-45-125 Medical services and first aid. The employer shall provide medical services and first aid as required in WAC ~~((296-800-160))~~ 296-800-150. ~~((In addition to the requirements of WAC 296-800-160,))~~ The following requirements also apply:

(1) Cardiopulmonary resuscitation and first-aid training. When employees are performing work on or associated with exposed lines or equipment energized at 50 volts or more, persons trained in first aid including cardiopulmonary resuscitation (CPR) shall be available as follows:

(a) For field work involving two or more employees at a work location, at least two trained persons shall be available. However, only one trained person need be available if all new employees are trained in first aid, including CPR, within 3 months of their hiring dates.

(b) For fixed work locations such as generating stations, the number of trained persons available shall be sufficient to ensure that each employee exposed to electric shock can be reached within 4 minutes by a trained person. However, where the existing number of employees is insufficient to meet this requirement (at a remote substation, for example), all employees at the work location shall be trained.

(2) First-aid supplies. First-aid supplies required by WAC ~~((296-800-160))~~ 296-800-150 shall be placed in weatherproof containers if the supplies could be exposed to the weather.

(3) First-aid kits. Each first-aid kit shall be maintained, shall be readily available for use, and shall be inspected frequently enough to ensure that expended items are replaced but at least once per year.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-78-540 First-aid training and certification. The employer must ensure that first-aid trained personnel are available to help employees who are injured or who become acutely ill on the job. The employer must meet this requirement by maintaining first-aid trained staff on the job site. The employer must ensure that:

(1) Each person in charge of employees has first-aid training; or another person with first-aid training is present or

available to the employees. Such training must be successfully completed every two years ~~((as required in WAC 296-800-150))~~;

(2) Documentation of first-aid training is kept ~~((as required in WAC 296-800-150))~~;

(3) Emergency telephone numbers are adequately posted~~((;~~

~~((4) First-aid training includes the core elements contained in WAC 296-800-150)).~~

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-155-120 First-aid training and certification. This section is designed to assure that all employees in this state are afforded quick and effective first-aid attention in the event of an on the job injury. To achieve this purpose the presence of personnel trained in first-aid procedures at or near those places where employees are working is required. Compliance with the provisions of this section may require the presence of more than one first-aid trained person.

~~((1) ((The first-aid training requirements of the safety and health core rules, chapter 296-800 WAC, apply within the scope of chapter 296-155 WAC.~~

~~((2))~~ Each employer must have available at all worksites, where a crew is present, a person or persons holding a valid first-aid certificate.

~~((3))~~ ~~((2))~~ All crew leaders, supervisors or persons in direct charge of one or more employees must have a valid first-aid certificate.

~~((4))~~ ~~((3))~~ For the purposes of this section, a crew means a group of two or more employees working at any worksite.

Note: The requirement that all crew leaders, supervisors or person in direct charge of one or more employees (subsection (3) of this section) applies even if other first-aid trained person(s) are available. In emergencies, crew leaders will be permitted to work up to thirty days without having the required certificate, providing an employee in the crew or another crew leaders in the immediate work area has the necessary certificate.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

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 296-823 WAC, Occupational exposure to bloodborne pathogens, shall apply.

AMENDATORY SECTION (Amending WSR 02-12-098, filed 6/5/02, effective 8/1/02)

WAC 296-307-039 First-aid rule summary. Your responsibility: Make sure first-aid trained personnel are available to provide quick and effective first aid.

You must:

Make sure that first-aid trained personnel are available to provide quick and effective first aid.

WAC 296-307-03905.

~~((Make sure first aid training contains required subjects.~~

~~WAC 296-307-03910.~~

~~Keep current and document your first aid training.~~

~~WAC 296-307-03915.))~~

Make sure appropriate first-aid supplies are readily available.

WAC 296-307-03920.

~~((Provide a first aid station when required.~~

~~WAC 296-307-03925.))~~

Note:

- : Employers who require their employees to provide first aid must comply with the bloodborne pathogen rule, WAC 296-62-080.
- : Additional requirements relating to first aid are also located in the following sections:
 - WAC 296-307-07013(12), What rules apply to vehicles used to transport employees?
 - WAC 296-307-16175, First-aid requirements for operators of temporary worker housing.
 - WAC 296-307-16380, First-aid requirements for operators of cherry harvest camps.

Definitions:

First aid: The extent of treatment you would expect from a person trained in basic first aid, using supplies from a first-aid kit.

Emergency medical service: Medical treatment and care given at the scene of any medical emergency or while transporting any victim to a medical facility.

You can get copies of these rules by calling 1-800-4BE SAFE (1-800-423-7233), or by going to <http://www.lni.wa.gov>.

AMENDATORY SECTION (Amending WSR 01-17-033, filed 8/8/01, effective 9/1/01)

WAC 296-307-03905 Make sure that first-aid trained personnel are available to provide quick and effective first aid. ((You must:

~~Choose one of the following two options to make sure that your employees have access to personnel who are trained in first aid.~~

~~Option 1:~~

~~Make sure first-aid trained persons are in your workplace to help your employees if they become hurt or ill on the job by doing the following:~~

~~Make sure that:~~

- ~~Each person in charge of employees has first-aid training; or~~
- ~~Another person with first-aid training is present or available to your employees, whenever you have 2 or more employees present.~~

Note: This rule is met if persons other than an employee, such as the farm operator or spouse, hold a current first-aid certificate and are available during working hours.

~~EXCEPTION: This rule does not apply to individual employees whose duties require them to work alone at isolated workstations. However, employees working alone must be checked at intervals by some method agreed upon by you and the employee.~~

~~Adequately post emergency telephone numbers in your workplace.~~

~~Option 2:~~

~~Develop and maintain a written first-aid response plan for your workplace. If you choose this option, you must do all of the following:~~

~~Determine how many, if any, employees should be trained in first aid, based on the following factors:~~

- ~~What type(s) of occupational hazards are present in your workplace?~~
- ~~How likely is it that a workplace injury or illness will occur?~~
- ~~How serious are the occupational hazards in your workplace?~~
- ~~How remote is your workplace?~~
- ~~How complex is your worksite in terms of size, design, etc.?~~
- ~~What medical emergencies have occurred at your workplace in the past?~~
- ~~How far away and how long does it take to get to emergency medical services?~~

Note: Employers who require their employees to provide first aid must comply with the bloodborne pathogen rule, WAC 296-62-080.

You must:

- ~~Make sure your first-aid response plan:~~
 - ~~Fits your work location, type of work, and environmental conditions.~~
 - ~~Identifies the available emergency medical services and access numbers and where they are posted.~~
 - ~~Describes the type of first-aid training employees receive, if applicable.~~
 - ~~Identifies the location(s) of first-aid supplies and/or first-aid stations.~~
 - ~~Identifies the contents of first-aid kits.~~
 - ~~Describes how first-aid supplies or kits will be inspected and maintained.~~
 - ~~Describes how injured or ill employees will have access to first-aid trained employees.))~~

Comply with the first-aid training requirements of 29 CFR 1910.151(b) which states:

"In the absence of an infirmary, clinic, or hospital in near proximity to the workplace which is used for the treatment of all injured employees, a person or persons shall be adequately trained to render first aid."

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|-------------------|--|
| WAC 296-307-03910 | Make sure first-aid training contains required subjects. |
| WAC 296-307-03915 | Document your first-aid training. |

PROPOSED

WAC 296-307-03925 Provide a first-aid station when required.

AMENDATORY SECTION (Amending WSR 02-16-047, filed 8/1/02, effective 10/1/02)

WAC 296-800-150 Rule summary. Your responsibility: Make sure first-aid trained personnel are available to provide quick and effective first aid.

You must:

Make sure that first-aid trained personnel are available to provide quick and effective first aid.

WAC 246-800-15005.

~~((Make sure first-aid training contains required subjects.~~

~~WAC 296-800-15010.~~

~~Keep current and document your first-aid training.~~

~~WAC 296-800-15015))~~

Make sure appropriate first-aid supplies are readily available.

WAC 296-800-15020.

~~((Provide a first-aid station when required.~~

~~WAC 296-800-15025.))~~

Make sure emergency washing facilities are functional and readily accessible.

WAC 296-800-15030.

Inspect and activate your emergency washing facilities.

WAC 296-800-15035.

Make sure supplemental flushing equipment provides sufficient water.

WAC 296-800-15040.

~~((Reference))~~

Note: • Employers who require their employees to provide first aid must comply with chapter 296-823 WAC, Occupational exposure to bloodborne pathogens.

• Your workplace may be covered by separate first-aid rules. If you do any of the types of work listed below, you must follow separate industry specific rules:

Industry	Chapter (WAC)
Agriculture	296-307
Compressed air	296-36
Construction	296-155
Fire fighting	296-305
Logging	296-54
Sawmill	296-78
Ship building and repairing	296-304

You can get copies of these rules by calling 1-800-4BE SAFE (1-800-423-7233), or by going to <http://www.lni.wa.gov>.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

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 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.))~~ **You must:**

Comply with the first-aid training requirements of 29 CFR 1910.151(b) which states:

"In the absence of an infirmary, clinic, or hospital in near proximity to the workplace, which is used for the treatment of all injured employees, a person or persons shall be adequately trained to render first aid."

PROPOSED

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-800-15010	Make sure first-aid training contains required subjects.
WAC 296-800-15015	Document your first-aid training.
WAC 296-800-15025	Provide a first-aid station when required.

WSR 04-01-157
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed December 22, 2003, 11:17 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-20-080.

Title of Rule: Chapter 296-829 WAC, Helicopters used as lifting machines; chapter 296-24 WAC, General safety and health standards; and chapter 296-155 WAC, Safety standards for construction workers.

Purpose: The helicopter rules in chapter 296-24 WAC, General safety and health standard; and chapter 296-155 WAC, Safety standards for construction workers, are being rewritten and reorganized for clarity and ease of use for employers and employees. The two sections will become one rule and will be placed into new chapter 296-829 WAC, and repealed from chapters 296-24 and 296-155 WAC. This rule making is part of our clear rule-writing initiative to rewrite for clarity all of the safety and health rules.

NEW SECTIONS:

WAC 296-829-100 Introduction, 296-829-200 Design and installation requirements for helicopters, 296-829-20005 Follow Federal Aviation Administration requirements, 296-829-20010 Install and test hooks correctly, 296-829-300 Maintenance of helicopters, 296-829-30005 Keep landing and deposit areas safe, 296-829-30010 Follow safe refueling procedures, 296-829-400 Operating the helicopter, 296-829-40005 Hold daily briefings, 296-829-40010 Make sure employees are dressed correctly, 296-829-40015 Make sure loads are attached correctly, and 296-829-40020 Make sure the load is handled correctly.

REPEALED SECTIONS:

WAC 296-24-260 Helicopters, 296-155-575 Helicopters and helicopter cranes, and 296-155-576 Figure L-1.

- Moved requirements to chapter 296-829 WAC, Helicopters used as lifting machines.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: The helicopter rules in chapter 296-24 WAC, General safety and health standard; and chapter 296-155 WAC, Safety standards for construction workers, are being rewritten and reorganized for clarity and ease of use for

employers and employees. The rules will be placed into new chapter 296-829 WAC, and repealed from chapters 296-24 and 296-155 WAC. This rule making is part of our clear rule-writing initiative to rewrite for clarity all of the safety and health rules. See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 296-829 WAC, Helicopters used as lifting machines, will contain all the rules relating to helicopters. Employers and employees will have one easy to use book for all of the helicopters requirements. There are no anticipated effects to this rule making.

Proposal does not change existing rules. The helicopter rules in chapter 296-24 WAC, General safety and health standards; and chapter 296-155 WAC, Safety standards for construction workers, are being rewritten and reorganized for clarity and ease of use for employers and employees. The proposal does not change the requirements relating to helicopters.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The helicopter rules in chapter 296-24 WAC, General safety and health standard, and chapter 296-155 WAC, Safety standards for construction workers, were rewritten and reorganized for clarity and ease of use for employers and employees without changing its effect. Therefore, a small business economic impact statement is not required per RCW 34.05.310 (4)(d).

RCW 34.05.328 does not apply to this rule adoption. This rule is exempt under RCW 34.05.328 (5)(b) since it only corrects typographical errors and clarifies language without changing its effect. The proposal does not increase requirements.

Hearing Location: Department of Labor and Industries, 7273 Linderson Way S.W., Room S117 and S118, Tumwater, WA, on February 24, 2004, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact (360) 902-5484 or yous235@lni.wa.gov by February 17, 2004.

Submit Written Comments to: Sally Elliott, Administrative Regulations Analyst, WISHA Services Division, P.O. Box 44620, Olympia, WA 98504-4620, e-mail yous235@lni.wa.gov, fax (360) 902-5484, by March 4, 2004.

Date of Intended Adoption: April 1, 2004.

December 22, 2003

Paul Trause
Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-24-260 Helicopters.

PROPOSED

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-155-575 Helicopters and helicopter cranes.

WAC 296-155-576 Figure L-1.

Chapter 296-829 WAC**HELICOPTERS USED AS LIFTING MACHINES****NEW SECTION**

WAC 296-829-100 Scope. Chapter 296-829 WAC applies to helicopters when used to carry loads, suspended with a cargo sling, powered hoist, or other attaching methods.

Exemption: This chapter does not apply to the use of helicopters:

- In the logging industry.
- For rescue operations when a winch or hoist is used.

NEW SECTION

WAC 296-829-200 Design and installation requirements for helicopters.

Summary:**Your responsibility:**

To make sure your helicopters meet design specifications and are equipped properly.

You must:

Follow Federal Aviation Administration (FAA) requirements

WAC 296-829-20005.

Install and test hooks on helicopters correctly

WAC 296-829-20010.

NEW SECTION

WAC 296-829-20005 Follow Federal Aviation Administration (FAA) requirements.

You must:

- Make sure helicopter cranes and their use meet the applicable requirements of the Federal Aviation Administration (FAA).

NEW SECTION

WAC 296-829-20010 Install and test hooks on helicopters correctly.

You must:

- Make sure electrically operated cargo hooks are:
 - Designed and installed to prevent accidental operation.
 - Equipped with an emergency mechanical control to release the load.
- Make sure a competent person tests all hooks before each day's operation to make sure both the electrical and mechanical releases work properly.

NEW SECTION

WAC 296-829-300 Maintenance.

Summary:**Your responsibility:**

To keep helicopters in safe operating condition.

You must:

Keep landing and deposit areas safe

WAC 296-829-30005.

Follow safe refueling procedures

WAC 296-829-30010.

NEW SECTION

WAC 296-829-30005 Keep landing and deposit areas safe.

You must:

(1) Make sure precautions are taken to prevent loose objects from being caught in the downwash and flying around.

- Secure or remove all loose gear:

- Within one hundred feet of lift and deposit areas.

- In all other areas affected by rotor downwash.

(2) Make sure employees do not work under hovering craft, except where necessary to hook or unhook loads.

(3) Make sure safe access and exit, including an emergency escape route, is provided for employees who hook or unhook loads.

(4) Prohibit open fires in any area that could be affected by the rotor downwash.

(5) Make sure unauthorized people do not go within fifty feet of the helicopter when the rotor blades are turning.

(6) Make sure all employees:

- Stay in full view of the pilot, in a crouched position, when approaching or leaving a helicopter with rotating blades.

- Stay away from the area behind the cockpit or cabin unless the operator authorizes them to work there.

(7) Take precautions to eliminate reduced visibility.

(8) Make sure ground personnel take special care to stay clear of rotors when visibility is reduced by dust or other conditions.

NEW SECTION

WAC 296-829-30010 Follow safe refueling procedures.

You must:

- Make sure refueling areas are safe.

- Post "NO SMOKING" signs at all entrances to the refueling area.

- Provide at least one thirty-pound fire extinguisher, or a combination totaling thirty pounds, good for class A, B, and C fires, within one hundred feet on the upwind side of the refueling operation.

Reference: For additional requirements relating to portable fire extinguishers, see WAC 296-800-300 in the safety and health core rules.

You must:

- Make sure workers involved in refueling are trained in both:

- The refueling operation;
- AND**
- The use of fire extinguishing equipment they may need.
 - Make sure the following precautions are taken before and during refueling:
 - Keep unauthorized people at least fifty feet away from the refueling operation or equipment.
 - Prohibit smoking and open flames within fifty feet of the refueling area or fueling equipment.
 - Make sure helicopter engines are shut down before refueling, if using aviation gasoline or jet B type fuel.
 - Pump fuel, either by hand or power.
 - Use self-closing nozzles or deadman controls:
 - Do not allow these to be blocked open.
 - Make sure nozzles are not dragged along the ground.
 - Make sure the helicopter and the fueling equipment are grounded.
 - Electrically bond the fueling nozzle to the helicopter:
 - Do not use conductive hose for this bonding.
 - Make sure all grounding and bonding connections are:
 - Electrically and mechanically firm.
 - On clean unpainted metal parts.
 - Stop fueling **immediately** if there is a spill:
 - Do not continue operation until the person in charge has determined it is safe.

NEW SECTION**WAC 296-829-400 Operating the helicopter.****Summary:****Your responsibility:**

To make sure helicopters are operated safely.

You must:

- Hold daily briefings
WAC 296-829-40005.
- Make sure employees are dressed correctly
WAC 296-829-40010.
- Make sure loads are attached correctly
WAC 296-829-40015.
- Make sure the load is handled correctly
WAC 296-829-40020.

NEW SECTION**WAC 296-829-40005 Hold daily briefings.****You must:**

- Make sure the helicopter pilot and ground personnel hold a briefing before each day's operation to discuss cargo-handling plans.

NEW SECTION**WAC 296-829-40010 Make sure employees are dressed correctly.****You must:**

- Make sure employees receiving the load:
 - Do NOT wear loose-fitting clothes that could snag on the hoist line.

- Wear personal protective equipment (PPE), including complete eye protection and hard hats that are secured by chin straps.

Reference: For other requirements relating to PPE, see WAC 296-800-160 in the safety and health core rules.

NEW SECTION**WAC 296-829-40015 Make sure loads are attached correctly.****You must:**

- Make sure loads are properly slung so tag lines cannot be drawn up into rotors.
- Make sure precautions are taken on all freely suspended loads to keep hand splices from spinning open or cable clamps from loosening, such as using pressed sleeves or swedged eyes.
 - Make sure the weight of the load does not exceed the manufacturer's load ratings.
 - Make sure hoist wires and other gear are **not** attached to or allowed to catch on any fixed structure.

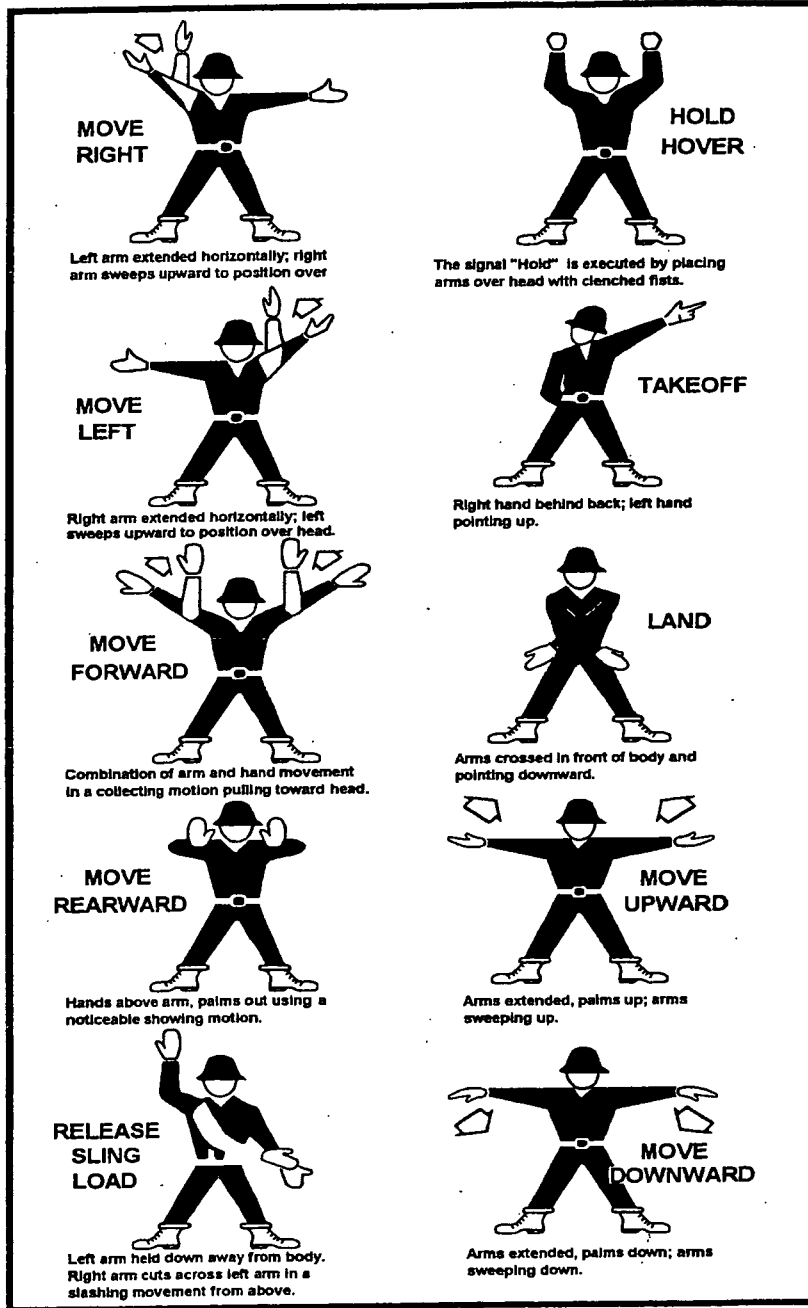
Exemption: This requirement does not apply to pulling lines or conductors that "pay out" from a container or reel.

NEW SECTION**WAC 296-829-40020 Make sure the load is handled correctly.****You must:**

- Make sure signal systems, whether radio or hand signals, are checked before hoisting the load:
 - When using hand signals, use those shown in Figure 1.
 - Make sure workers on the ground do **either** of the following before touching the suspended load:
 - Use a ground device to safely discharge any static charge;
- OR**
 - Put on and wear rubber gloves.
 - Make sure there are enough employees for safe loading and unloading operations.
 - Make sure constant communications are maintained between the pilot and signal person:
 - The signal person must be distinctly recognizable from other ground personnel.

PROPOSED

HELICOPTER HAND SIGNALS



NEW SECTION

WAC 296-829-500 Definitions.

Aviation gasoline

Gasoline fuel for reciprocating piston engine helicopters, also known as avgas.

Cargo hook

A device attached to a helicopter that is used to hold suspended loads.

Competent person

One who is capable of identifying existing and predictable hazards in the surroundings, or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.

Deadman controls

A control, switch or device that will automatically shut off whenever the operator releases it.

Deposit area

An area that is designated for dropping off and picking up suspended loads.

Downwash

The wind created by the rotating blades of a helicopter.

Ground device

A device used to dissipate the static electricity charge that has built up on a suspended load.

Helicopter crane

A helicopter that carries cargo or equipment suspended underneath it.

Jet A type fuel

A kerosene grade fuel suitable for helicopters with turboprop engines.

Jet B type fuel

A blend of gasoline and kerosene fuel.

Powered hoist

A powered device designed to lift and lower equipment and cargo.

Tag line

A line or rope used to control suspended loads that can swing freely.

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 04-01-160**PROPOSED RULES****SPOKANE COUNTY AIR POLLUTION CONTROL AUTHORITY**

[Filed December 22, 2003, 12:10 p.m.]

Original Notice.

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

Title of Rule: Spokane County Air Pollution Control Authority (SCAPCA) Regulations I and II, repeal all of Regulation II; revise Regulation I, Articles I, II, III, IV, V, VI, and X; repeal Regulation I, Article VII.

Purpose: Amend the existing Regulation I and repeal the existing Regulation II. Revisions include deletion of sections that no longer apply (i.e., delete Articles and Sections that contain outdated compliance schedules, limitations, and requirements established in the original Regulation's inception; Article VII), delete sections that are duplicative within the Regulation or that are duplicative of state regulations (i.e. where it is not necessary for SCAPCA to have certain sections, since SCAPCA implements and enforces the equivalent state regulation sections). Incorporate EPA required changes to Regulation I, Articles I, II, IV, and V so that they can be incorporated into the SIP. Centralize, revise and add to the definitions in Article I. Make corrections to spelling, punctuation, sentence structure, references to other section. Add some fees (Article X). Revise paragraph formats to be consistent throughout the Regulation. Attempt to make the Regulation more understandable and readable.

Statutory Authority for Adoption: RCW 70.94.141 and 70.94.380.

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

Summary: Nearly every Article in Regulation I was revised in some manner, for differing reasons: SCAPCA attempted to make regulations consistent with Washington state and other local regulations and incorporate changes required by EPA to make SCAPCA's Regulations SIP acceptable. Regulation II is being repealed.

Reasons Supporting Proposal: Portions or all of Articles I, II, and VII had not been revised since their inception in 1969, thus they were significantly outdated. EPA required the state and local authorities to update their registration and NSR regulations (in SCAPCA's case, Articles IV and V) and incorporate them into the SIP. EPA also made recommendations that SCAPCA revise other sections of Regulation I, so that they are in line with present federal and state law. Article X has been updated to ensure that SCAPCA receives compensation for work that is requested by the proponent or is required by state law.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Spokane County Air Pollution Control Authority, 1101 West College, #403, Spokane, WA 99201, (509) 477-4727.

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

Explanation of Rule, its Purpose, and Anticipated Effects: SCAPCA's Regulation addresses different aspects and impacts of air pollution in Spokane County in order to secure and maintain such levels of air quality that protect human health and safety, including the health and safety of the most sensitive members of the population, to comply with the requirements of the Federal Clean Air Act (FCAA) and the Washington Clean Air Act (WCAA), to prevent injury to plant and animal life and to property, to foster the comfort and convenience of its inhabitants, to promote the economic and social development of the county and to facilitate the enjoyment of the natural attractions of the county.

Further, it is the intent of this Regulation to protect the public welfare, to preserve visibility, to protect scenic, aesthetic, historic, and cultural values, and to prevent air pollution problems that interfere with the enjoyment of life, property, or natural attractions.

SCAPCA's Regulation was developed to control the emissions of air contaminants from stationary sources within Spokane County, to provide for the uniform administration and enforcement of the Authority's Regulation, and to carry out the requirements and purposes of the Washington Clean Air Act (WCAA).

It has been historically proven that this Regulation has been instrumental in improving the air quality in Spokane County by:

1. Reducing criteria pollutant (PM₁₀, PM_{2.5}, NO_x, SO_x, CO, ozone, lead) emissions;
2. Reducing public exposure to toxic air pollutants, as listed in chapter 173-460 WAC;
3. Reducing emissions of precursors to the formation of tropospheric ozone and other photochemical oxidants;
4. Improving visibility in Spokane County; and
5. Encouraging pollution prevention.

Proposal Changes the Following Existing Rules: The Regulation is more understandable and better organized.

Definitions, for the most part, were moved to Section 1.04 to centralized terms that are used throughout the Regulation.

Regulation I, Article VII and all of Regulation II are repealed.

Articles I, II, III, IV, V, Section 6.13; and Article X have been extensively revised, mostly because of EPA's requirements so that the Registration (Article IV) and New Source Review (Article V) Regulations will be federally enforceable by being acceptable for incorporation into the SIP.

Article II, Sections 2.03, 2.04, 2.05, 2.07, 2.09, 2.11, 2.12; Article VI, Sections 6.06, 6.07, 6.08, 6.09, and 6.11 have been deleted, because SCAPCA implements and enforces the equivalent sections in chapter 173-400 WAC, therefore, those sections are not needed in SCAPCA's Regulation I.

Section 2.13 was added in order to centralize updating the date of the federal laws and regulations that are being implemented and enforced by SCAPCA.

Control Officer discretion for exempting sources was eliminated in Article IV.

Exhibit "R" of Article IV was revised in a number of places and a few new sources were added to the list.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This is a local air pollution control authority rule. RCW 34.05.328 does not apply to local air pollution control authority rule development/amendments.

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

Hearing Location: Spokane County Public Works Building, 1206 West Broadway, Hearing Room Lower Level, Spokane, WA 99201, on March 4, 2004, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Charles Studer by 4:30 p.m., March 1, 2004, TDD (509) 477-4727 ext. 107.

Submit Written Comments to: Charles E. Studer, Spokane County Air Pollution Control Authority, 1101 West College, Suite #403, Spokane, WA 99201, fax (509) 459-6828, by 4:30 p.m., March 1, 2004.

Date of Intended Adoption: March 4, 2004.

December 19, 2003

Charles E. Studer

Environmental Engineer

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-03 issue of the Register.

WSR 04-01-164
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed December 22, 2003, 2:19 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-16-083.

Title of Rule: Amending WAC 296-19A-210(2) What are the qualifications to provide vocational rehabilitation services to industrially injured or ill workers?, VRC supervisor of interns (supervisor); and WAC 296-19A-480 When must providers comply with these rules?

Purpose: These amendments will clarify the expectations and qualification requirements for vocational rehabilitation counselors who apply to the department to supervise vocational rehabilitation interns. In addition, the qualifications requirements were modified to reflect a broader range of experience, which will result in being able to more fairly count the experience of applicants, regardless of whether the experience was gained in the private or public sector.

Statutory Authority for Adoption: RCW 51.32.095, 51.04.030, 51.36.085, 51.36.100, 51.36.110.

Summary: The proposed language would broaden the types of experience that would qualify a counselor for supervisor status. The number of years of experience would remain at five, but the proposed rule would change the requirement that a minimum of three be under Title 51 RCW. The change would also clarify the expectations for supervision of interns in five particular areas (monitoring billing, monitoring work, instructing and monitoring compliance with professional standards, assisting with professional development, and communicating statute, rule and policy).

Reasons Supporting Proposal: The proposed changes improve this regulation in two ways. First, it allows a broader array of experience to count for vocational counselors applying for supervisory status. This would include evaluative work performed by vocational counselors working in the public sector and vocational counselors who have worked in other states. This is a fairer approach to evaluating vocational counselor experience. It also improves the existing rule by more explicitly defining the expectations of supervisors in providing education and training to interns. This is intended to raise the quality of vocational intern supervision.

Name of Agency Personnel Responsible for Drafting: Blake Maresh, Manager, Program Analysis and Development, 7273 Linderson Way, Tumwater, WA 98501, (360) 902-6564; Implementation: Roy Plaeger-Brockway, Program Manager, Health Services Analysis, 7273 Linderson Way, Tumwater, WA 98501, (360) 902-6699; and Enforcement: Rich Wilson, Supervisor, Private Sector Rehabilitation Services, 7273 Linderson Way, Tumwater, WA 98501, (360) 902-5447.

Name of Proponent: Department of Labor and Industries.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This section of rule spells out the requirements for vocational rehabilitation counselors who apply to the department to become supervisors of vocational interns. The intent of this rule is to create standards and expectations for intern supervisors so that those who are working toward becoming vocational counselors receive appropriate training and guidance.

The primary reason for this rule making is to revise the supervisory requirements to provide for a broader definition of qualifying experience. The current rule (adopted in May 2003 and effective February 1, 2004) requires five years of "direct" service delivery to Washington state injured workers to count as qualifying experience. This requirement may unfairly exclude the experience of those in the public sector or those from other states.

The anticipated effects of this rule are that valuable experience either from working in other states or in capacities other than face-to-face service delivery may also be recognized as qualifying experience to supervise vocational interns. This rule should also have the effect of improving the education and oversight given to interns through clarifying what the department expects of those who supervise interns.

Proposal Changes the Following Existing Rules: The proposed language would broaden the types of experience that would qualify a counselor for supervisor status. The number of years of experience would remain at five, but the proposed rule would change the requirement that a minimum of three be under Title 51 RCW. The change would also clarify the expectations for supervision of interns.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule change makes clarification changes to existing language pertaining to the requirements for vocational counselors to qualify to supervise interns. However, it does not change the underlying intent. The rule change also broadens the language explaining the types of work experience that will qualify counselors to become supervisors. The change will make the rule fairer, but does not impose any additional financial burden.

RCW 34.05.328 does not apply to this rule adoption. The subject and scope of this rule making does not qualify as a significant rule making.

Hearing Location: Department of Labor and Industries, Tumwater Headquarters Auditorium, 7273 Linderson Way, Tumwater, WA 98501, on February 2, 2004, at 10:00 a.m.; and at Department of Labor and Industries, Spokane Service Location, 901 North Monroe Street, Suite 100, Spokane, WA 99201-2149, on February 3, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Linda Alguire by January 27, 2004, (360) 902-6799.

Submit Written Comments to: Blake Maresh, Manager, Program Analysis and Development, Department of Labor and Industries, Health Services Analysis, P.O. Box 44322, Olympia, WA 98504-4322, fax (360) 902-4249, by February 11, 2004.

Date of Intended Adoption: July 1, 2004.

December 22, 2003

Paul Trause

Director

AMENDATORY SECTION (Amending WSR 03-11-009, filed 5/12/03, effective 2/1/04)

WAC 296-19A-210 What are the qualifications to provide vocational rehabilitation services to industrially injured or ill workers? Provider community commentary, expert opinion and best practices suggest that there is a corre-

lation between a higher quality level of vocational rehabilitation services and higher qualifications of vocational rehabilitation providers. To ensure the provision of the highest possible quality of vocational rehabilitation services, the department shall only issue a provider number to persons, firms, partnerships, corporations, and other legal entities that meet the following qualification requirements:

(1) Vocational rehabilitation counselor (VRC).

(a) VRCs not registered with the department and applying for a provider number with the department effective on or after December 1, 2000, must meet the following minimum qualifications:

Education Masters Degree	Experience 1 year full-time industrial insurance experience	Certification and CRC or CDMS or ABVE
OR		
Bachelors Degree	2 years full-time industrial insurance experience	and CRC or CDMS

CRC = Certified Rehabilitation Counselor

CDMS = Certified Disability Management Specialist

ABVE = American Board of Vocational Experts

(b) VRCs registered with the department as of November 30, 2000, will be required to meet the qualification criteria in (a) of this subsection no later than November 30, 2010.

(c) The VRC assigned to or directly receiving the referral from the referral source is responsible for all work performed by any vocational provider on that referral.

(2) VRC supervisor of interns (supervisor).

(a) ~~((In order to supervise interns providing vocational rehabilitation services to industrially injured or ill workers beginning on or after December 1, 2000, the VRC supervisor must provide proof of five years full time experience providing direct vocational services to Washington state injured workers.))~~ The ~~((VRC))~~ supervisor must meet ~~((all of))~~ the qualification requirements for a VRC in subsection (1)(a) and (b) of this section.

(b) ~~((Supervisors registered with the department as of November 30, 2000, will be required to meet the qualification criteria in (a) of this subsection no later than November 30, 2010.~~

~~((e) The VRC supervisor is responsible for ensuring that all work performed by an intern for the department or self-insurer conforms with Title 51 RCW, department rules and department policies.))~~ The supervisor must provide proof of a total of five years full-time experience providing, evaluating, analyzing and/or assessing vocational services. For the purposes of this rule, "vocational services" are those defined in WAC 296-19A-010(2). At least three of the five years must be under Title 51 RCW.

(c) Internship time does not count toward five years of VRC experience needed to become a supervisor.

(d) Supervisors are expected to monitor and assist in the training and professional development of interns under their supervision, in order to ensure that interns develop the requi-

PROPOSED

site knowledge and professional skills to become competent VRCs. A supervisor's responsibilities, include, but are not limited to:

- (i) Monitoring billing;
- (ii) Monitoring work;
- (iii) Professional behavior;
- (iv) Professional development and assisting the intern in meeting the department's requirements to become a VRC; and
- (v) Communicating statute, rule and policy.

(3) Forensic services—In order to provide forensic services to the department, on or after the effective date of this rule, a VRC must provide proof of five years full-time experience providing direct vocational services to Washington state industrially injured or ill workers, and must possess a CRC or ABVE certification. Vocational providers previously approved to provide this service, under chapter 296-19A WAC, will retain that status.

(4) Intern.

(a) Interns not registered with the department and applying for a provider number with the department on or after December 1, 2000, must meet the following minimum qualifications:

Degree	Internship Length
Masters Degree in field acceptable to CRC or CDMS or ABVE	Equal to required experience to obtain CRC or CDMS or ABVE certification including at least 1 year working with industrially injured or ill workers.
OR	
Bachelors Degree in field acceptable by CDMS	Equal to required experience to obtain CDMS certification including at least 2 years working with industrially injured or ill workers.

(b) Interns not registered with the department and applying for a provider number with the department on or after December 1, 2000, must obtain one of the required VRC certifications within one year of completing their required internship. Interns will remain in internship status during this time frame.

(c) Interns registered with the department as of November 30, 2000, will be required to apply for a provider number with the department and may work as an intern until the end of their current internship. Upon completion of the internship the intern may submit an application to the department as a VRC. These providers must obtain one of the required VRC certifications by November 30, 2010.

(d) All interns are required to conform to Title 51 RCW, department rules, and department policies. All interns granted a provider number by the department must be supervised by a VRC supervisor.

(e) No person shall serve as an intern under these rules for more than seventy-two months of full-time experience, or its equivalent, working with industrially injured or ill workers. The intern must notify the department when there is a change in the status of an internship.

(5) Interns may not receive referrals directly from the department or self-insured employers. Interns may perform

aspects of vocational rehabilitation services under the supervision of a VRC supervisor.

(6) Providers who receive or are assigned referrals must comply with all electronic security requirements in place for accessing department files.

(7) Providers registered with the department as of November 30, 2000, who do not meet the above qualification requirements within the ten-year period will no longer be eligible to provide vocational rehabilitation services to industrially injured or ill workers and the department will terminate their provider number(s).

(8) Business requirements.

(a) Providers must comply with all federal and state laws, regulations and other requirements with regard to business operations. In order to be eligible to receive referrals from the department, providers must satisfy the requirements set forth in this subsection in every service location in which they wish to operate.

(b) Providers must be covered by general liability insurance, automobile liability insurance, errors and omission insurance, malpractice insurance, and industrial insurance if required by Title 51 RCW.

(c) Providers must have services and facilities that provide injured workers a private and professionally suitable location in which to discuss vocational rehabilitation services issues. In order to be eligible to receive referrals from the department, providers must satisfy the requirements set forth in this subsection in every service location in which they wish to operate.

(d) Providers must have telephone-answering capability during regular business hours, Monday through Friday. In order to be eligible to receive referrals from the department, providers must satisfy the requirements set forth in this subsection in every service location in which they wish to operate.

(e) In order to receive referrals made by the department, providers must maintain or have access to equipment that can utilize the department's remote access system for transmitting vocational referrals.

(9) The department may assign a provider number to a vocational rehabilitation firm, partnership, corporation or other legal entity so long as substantial control over the daily management of the vocational rehabilitation firm, partnership, corporation or other legal entity is performed by a VRC that satisfies the qualifications set forth in this rule.

AMENDATORY SECTION (Amending WSR 03-11-009, filed 5/12/03, effective 7/1/03)

WAC 296-19A-480 When must providers comply with these rules? (1) The amendments to ~~((the following section of chapter 296-19A))~~ WAC 296-19A-210(2) become~~((s))~~ effective ~~((on))~~ July 1, ~~((2003:~~

~~WAC 296-19A-137 "When can the department request a stand alone job analysis?"))~~ 2004.

(2) The following amendments to chapter 296-19A WAC and new sections become effective February 1, 2004:

WAC 296-19A-010 "Definitions."

WAC 296-19A-020 "When may the department offer vocational rehabilitation services?"

WAC 296-19A-025 "What information does the department consider when exercising discretion?"

WAC 296-19A-030 "What are the responsibilities of the parties?"

WAC 296-19A-040 "What vocational rehabilitation services require authorization?"

WAC 296-19A-045 "Which rules under 'department vocational rehabilitation referrals' apply only to the department?"

WAC 296-19A-060 "What reports does the department require when early intervention services are provided at its request?"

WAC 296-19A-065 "What are ability to work assessment (AWA) services?"

WAC 296-19A-070 "What is an ability to work assessment?"

WAC 296-19A-080 "How often must written progress reports be completed and submitted during assessment activities?"

WAC 296-19A-090 "What are vocational rehabilitation plan development services?"

WAC 296-19A-100 "What reports does the department require when vocational rehabilitation plan development services are provided at its request?"

WAC 296-19A-110 "What are vocational rehabilitation plan implementation and monitoring services?"

WAC 296-19A-120 "What reports does the department require when vocational rehabilitation plan implementation and monitoring services are provided at its request?"

WAC 296-19A-125 "What is the purpose of forensic services?"

WAC 296-19A-130 "What are the requirements for a forensic evaluation?"

WAC 296-19A-135 "What reports does the department require when forensic services are provided?"

WAC 296-19A-140 "What information must a provider include in a labor market survey?"

WAC 296-19A-170 "What information must a provider include in a job analysis?"

WAC 296-19A-180 "What job modification assistance benefits are available?"

WAC 296-19A-190 "How much is available for job modification assistance?"

WAC 296-19A-191 "What prejob accommodations are available?"

WAC 296-19A-192 "How much is available for prejob accommodations?"

WAC 296-19A-193 "What are the requirements for prejob accommodations?"

WAC 296-19A-200 "How does an employer apply for job modification assistance?"

WAC 296-19A-210 "What are the qualifications to provide vocational rehabilitation services to industrially injured or ill workers?"

WAC 296-19A-230 "Why does the department audit vocational rehabilitation providers?"

WAC 296-19A-240 "What authority does the department have to audit vocational rehabilitation providers?"

WAC 296-19A-245 "What is the department's formal appeal process?"

WAC 296-19A-260 "What are the possible consequences for a provider that does not comply with the RCWs, WACs or department policies?"

WAC 296-19A-270 "In what situation(s) can the department take corrective action(s)?"

WAC 296-19A-300 "How does the department evaluate performance when a vocational rehabilitation provider does not have either a performance rating with the department or previous experience delivering services to Washington injured workers?"

WAC 296-19A-350 "What are the requirements for case notes?"

WAC 296-19A-400 "What records are vocational rehabilitation providers required to maintain?"

WAC 296-19A-440 "What elements of a vocational determination may be disputed?"

(3) All remaining sections of chapter 296-19A WAC shall remain in full force and effect.

WSR 04-01-179

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed December 23, 2003, 2:34 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-20-091.

Title of Rule: WAC 16-302-685 Small grains standards for seed certification.

Purpose: The proposed amendments to WAC 16-302-685 modify isolation standards for the production of certified small grain seed to bring them in line with national standards as set by the Association of Official Certifying Agencies.

Statutory Authority for Adoption: Chapter 34.05 RCW and RCW 15.49.370(3) and 15.49.310.

Statute Being Implemented: RCW 15.49.370(3).

Summary: The Washington State Department of Agriculture (WSDA) proposes modifying the isolation distances in the small grain certification standards so they comply with the standards set by the Association of Official Certifying Agencies.

Reasons Supporting Proposal: As a member agency of the Association of Official Certifying Agencies, WSDA is compelled to maintain Washington certification standards that are, at a minimum, equal to national standards.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Victor Shaul, Operations Manager, Yakima, (509) 225-2630.

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: WAC 16-302-685 Small grains standards for seed certification. This proposal is intended to modify the isolation distances in the small grain certification standards so they will comply with recent changes adopted by the Association of Official Seed Certifying Agencies.

PROPOSED

Proposal Changes the Following Existing Rules: The proposal changes the isolation distances in the small grain certification standards in WAC 16-302-685.

No small business economic impact statement has been prepared under chapter 19.85 RCW. WSDA concludes that there are no new costs imposed by the proposed amendments; therefore, the proposal does not impose a "more than minor cost" on the seed industry and a small business economic impact statement is not required according to RCW 19.85-030 (1)(a).

RCW 34.05.328 does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in RCW 34.05.328 (5)(a)(i).

Hearing Location: Washington State Department of Agriculture, 21 North First Avenue, Suite 103, Conference Room, Yakima, WA 98902, on January 27, 2004, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact agency receptionist by calling TDD (360) 902-1996 or (360) 902-1976.

Submit Written Comments to: George Huffman, Rules Coordinator, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2085, by 5 p.m., January 27, 2004.

Date of Intended Adoption: February 23, 2004.

December 11, 2003

Robert W. Gore

Assistant Director

AMENDATORY SECTION (Amending WSR 02-12-060, filed 5/30/02, effective 6/30/02)

WAC 16-302-685 Small grains standards for seed certification. (1) Land, isolation, and field standards for small grains (barley, oat, rye, triticale, and wheat) seed certification are:

CLASS	LAND STANDARDS MINIMUM YEARS	ISOLATION STANDARDS MINIMUM FEET	FIELD STANDARDS		
			OFF-TYPE MAXIMUM HEAD RATIO	OTHER CROP MAXIMUM HEAD RATIO	WILD OAT MAXIMUM PLANTS/ACRE
Foundation	2*	90 same genus** 3 different genus	None found	None found***	None found
Registered	1*	((3)) 10 same genus 3 different genus**	1/148,000	1/148,000***	5
Certified	1*	((3)) 10 same genus 3 different genus**	1/49,000	1/49,000***	5

* Waived if the previous crop is grown from an equal or higher certified class of seed of the same variety.

** ~~((Refers to distance from other small grain fields. Foundation class fields must be isolated ninety feet from fields of the same genus. In addition,))~~ Each rye field for certification must be isolated by three feet from fields producing a certified class of the same variety, and by six hundred sixty feet from other rye fields. Each triticale field for certification must be isolated by three feet from fields producing a certified class of the same variety, and by three hundred feet from other triticale, rye and wheat fields for foundation and registered class, and ~~((three))~~ ten feet for certified class, unless otherwise stated by the plant breeder.

*** Refers to other small grains, except that no rye or triticale is permitted in barley, oat, or wheat; and no vetch is permitted in barley, oat, rye, triticale, or wheat.

(*) The combination of other small grain and off-type must not exceed 2/lb for registered class, and 4/lb for certified class. The tolerance for rye or triticale, is none found in barley, oat, or wheat. The tolerance for rye is none found in triticale. The tolerance for triticale is none found in rye.

(**) Excluding off-type and other small grain. No vetch is allowed in small grain seed

(***) Excluding wild oat.

(****) 1/lb for certified class oat.

(*****) A certification certificate is issued upon receipt of either an official AOSA tetrazolium or germination test which meets minimum Washington viability standards. NOTE: State and federal seed laws require seed be labeled based on a germination test.

Note: For all classes the purity analysis is based on 100 grams examined. For registered and certified classes, noxious weed, vetch, off-type, and other small grain determinations are based on 500 grams examined. For foundation class, noxious weed, vetch, off-type, and other small grain determinations are based on 1000 grams examined.

(2) Small grains - seed standards:

Class	Foundation	Registered	Certified
Pure seed (min.)	98%	98%	98%
Inert (max.)	2%	2%	2%
off-type(*) (max.)	None found	2/lb	4/lb
Other small grain(*) (max.)	None found	1/lb	2/lb
Other crop(**) (max.)	None found	0.03%	0.05%
Weed seed (max.)	0.01%	0.01%	0.03%
Objectionable weed seed(***) (max.)	None found	None found	1/lb None found
Wild oat (max.)	None found	None found	(****)
Viability(*****) (min.)	85%	85%	85%

WSR 04-01-180
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed December 23, 2003, 2:35 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-20-092.

Title of Rule: WAC 16-319-041 Application for certification of forest reproductive material.

PROPOSED

Purpose: The department proposes to increase the certification of forest reproductive material fees by the Office of Financial Management (OFM) fiscal growth rate factor for fiscal year 2004 (3.20%) in order to ensure that the fees charged for Washington Crop Improvement Association services are sufficient to recover operating costs.

Statutory Authority for Adoption: Chapter 34.05 RCW and RCW 15.49.370(3) and 15.49.310.

Statute Being Implemented: RCW 15.49.370(3).

Summary: The Washington State Department of Agriculture (WSDA) proposes increasing forest reproductive certification fees in WAC 16-319-041 by the OFM 2004 fiscal growth rate factor of 3.20%.

Reasons Supporting Proposal: The proposed fee increases are necessary to help offset inflationary increases in the cost of operating that portion of the forest reproductive material certification program delegated to the Washington State Crop Improvement Association by the WSDA director.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Victor Shaul, Operations Manager, Yakima, (509) 225-2630.

Name of Proponent: Washington State Crop Improvement Association, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 16-319-041 Application for certification of forest reproductive material. The proposed fee increases are intended to assure that fees charged for the certification of forest reproductive material are sufficient to recover the costs of providing said services. Certification fees for forest reproductive material would be increased by the OFM fiscal growth rate factor for the fiscal year 2004 (3.20%).

Proposal Changes the Following Existing Rules: The proposal increases the fees in WAC 16-319-041 by the allowable fiscal growth rate factor for the fiscal year 2004 (3.20%).

No small business economic impact statement has been prepared under chapter 19.85 RCW. WSDA concludes that the proposed increases in current fees, based upon the OFM fiscal growth rate factor, do not impose a "more than minor cost" on the seed industry and, therefore, a small business economic impact statement is not required according to RCW 19.85.030 (1)(a).

RCW 34.05.328 does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in RCW 34.05.328 (5)(a)(i).

Hearing Location: Washington State Department of Agriculture, 21 North First Avenue, Suite 103, Conference Room, Yakima, WA 98902, on January 27, 2004, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact agency receptionist by calling TDD (360) 902-1996 or (360) 902-1976.

Submit Written Comments to: George Huffman, Rules Coordinator, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2085, by 5 p.m., January 27, 2004.

Date of Intended Adoption: February 24, 2004.

December 11, 2003

Robert W. Gore
Assistant Director

AMENDATORY SECTION (Amending WSR 03-06-006, filed 2/20/03, effective 3/23/03)

WAC 16-319-041 Application for certification of forest reproductive material. (1) The conditions of applicant's submittal and of certifying agency's acceptance of application are:

(a) The application should show all classes for which certification services are requested.

(b) All reproductive material acquired or distributed by applicant of a type for which certification is requested is subject to audit.

(c) Applicant shall be responsible for payment of fees for certification services.

(d) Applicant is responsible for developing a record keeping system and labels available and satisfactory to the certifying agency.

(e) Certifying agency reserves the right to refuse certification service to applicant.

(f) Application for audit certification reproductive material shall be filed with certifying agency of the state in which warehouse, nursery, etc., is located with a copy to the certifying agency in the state where the reproductive material is collected.

(2) Timing of application requests for certification services:

(a) Application requests for source identified subclass B and lower classes for the current year's production of reproductive material shall be received by certifying agency from applicant not later than three days prior to initiation of collection, production, or propagation of forest reproductive material.

(b) For source identified subclass A and higher certification class, the applicant shall make application for service, and present a written plan to the certifying agency two weeks prior to the beginning of the collection season. The written plan will include the following:

(i) For subzone collection, areas shall be defined by legal description.

(ii) Details of the collection organization including names of buyers and field supervisors, estimated harvest volume, receiving station location(s), and other pertinent information.

(c) Application requests for all other services shall be received by certifying agency from applicant not later than seven days before need.

(3) The certifying agency establishes the fee schedule for certification services. These may be adjusted at the beginning of a crop year if certifying agency determines that costs are significantly more or less than anticipated: Provided, That increases shall not exceed twenty-five percent.

(a) Cones and seed:

(i) Tested and selected - the service includes review of test plans, audit of pertinent records and field inspection at the hourly job time rate shown in current fee schedule.

(ii) Source identified classes - the fee includes field inspection at the per bushel rate shown in the current fee schedule and audit of conditioning at the hourly rate also shown in the current fee schedule.

The fee for each lot containing less than sixty bushels shall be a maximum of thirty-six dollars: Provided, That the

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certifying agency, due to specific circumstances, may waive this maximum fee or a part thereof.

(iii) Audit class - the fee includes audit of applicant's field and conditioning records at the hourly rate shown in the current fee schedule.

(b) Trees: The fee includes the verification of the source of the trees from the seed source, stratification, sowing, bed identification, lifting, sorting, package identification, storing and/or transplanting.

(c) Not entered for certification: The fee for audit of reproductive material not entered for certification service is performed as required by and satisfactory to certifying agency to exercise said audit simultaneously with audit of reproductive material which applicant has requested certification service.

(d) The fee for certification classes applied for shall be charged whether or not offered material qualifies.

(e) The certifying agency may provide other services, such as training to comply with these standards, advising on the development of recordkeeping systems directly connected with certification needs if requested by the applicant.

(4) Fee schedule:

(a) Tree cones and seed -

Certification Classes Tested and Selected	Field		Fee Due
	Inspection	Audit	
	\$ ((25-60)) <u>26.41/hr.</u>	\$ ((25-60)) <u>26.41/hr.</u>	When billed
Source Identified Classes:			
Lots 11 bu. and more	\$ ((0-84)) <u>0.86/bu.</u>	\$ ((25-60)) <u>26.41/hr.</u>	
Lots 6-10 bu.	\$ ((20-60)) <u>21.25/lot</u>	\$ ((25-60)) <u>26.41/hr.</u>	
Lots 0-5 bu.	\$ ((12-46)) <u>12.85/lot</u>	\$ ((25-60)) <u>26.41/hr.</u>	
Audit	None	\$ ((25-60)) <u>26.41/hr.</u>	When billed

(b) Tree certification - \$ ((25-60)) 26.41/hr.

Seedling certification - experience has shown that seedling certification normally requires a minimum of five nursery visits totalling approximately thirty-two hours. Plantation certification procedures shall be billed at the hourly rate.

(c) Other services including education to comply with the standards, development of record system, verification of source of pollen, cuttings, audit of forest reproductive material not offered for certification by applicant or other services requested, etc. at \$ ((25-60)) 26.41/hr. payable when billed.

(d) OECD certification (certificates of provenance) - \$ ((0-59)) 0.60 per certificate plus the hourly audit rate. (Auditors shall issue certificates.)

Preproposal statement of inquiry was filed as WSR 03-20-090.

Title of Rule: WAC 16-303-340 Seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains.

Purpose: This proposal is intended to assure that fees charged for Washington Crop Improvement Association services are sufficient to recover operating costs. Seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains would be increased by the Office of Financial Management (OFM) fiscal growth rate factor for fiscal year 2004 (3.20%).

Statutory Authority for Adoption: Chapter 34.05 RCW and RCW 15.49.370(3) and 15.49.310.

Statute Being Implemented: RCW 15.49.370(3).

Summary: The Washington State Department of Agriculture (WSDA) proposes increasing seed certification fees in WAC 16-303-340 by the OFM 2004 fiscal growth rate factor of 3.20%.

Reasons Supporting Proposal: The proposed fee increases are necessary to help offset inflationary increases in the cost of operating that portion of the seed certification program delegated to the Washington State Crop Improvement Association by the WSDA director.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Victor Shaul, Operations Manager, Yakima, (509) 225-2630.

Name of Proponent: Washington State Crop Improvement Association, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 16-303-340 Seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains. The proposed fee increases are intended to assure that fees charged for Washington State Crop Improvement Association services are sufficient to recover operating costs. Seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean and small grains would be increased by the OFM fiscal growth rate factor for fiscal year 2004 (3.20%).

Proposal Changes the Following Existing Rules: The proposal increases the fees in WAC 16-303-340 by the allowable OFM fiscal growth rate factor for fiscal year 2004 (3.20%).

No small business economic impact statement has been prepared under chapter 19.85 RCW. WSDA concludes that the proposed increases in current fees, based upon the OFM fiscal growth rate factor, do not impose a "more than minor cost" on the seed industry and, therefore, a small business economic impact statement is not required according to RCW 19.85.030 (1)(a).

RCW 34.05.328 does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in RCW 34.05.328 (5)(a)(i).

Hearing Location: Washington State Department of Agriculture, 21 North First Avenue, Suite 103, Conference Room, Yakima, WA 98902, on January 27, 2004, at 11:00 a.m.

WSR 04-01-181

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed December 23, 2003, 2:36 p.m.]

Original Notice.

Assistance for Persons with Disabilities: Contact agency receptionist by calling TDD (360) 902-1996 or (360) 902-1976.

Submit Written Comments to: George Huffman, Rules Coordinator, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2085, by 5 p.m., January 27, 2004.

Date of Intended Adoption: February 24, 2004.

December 11, 2003

Robert W. Gore

Assistant Director

AMENDATORY SECTION (Amending WSR 03-06-005, filed 2/20/03, effective 3/23/03)

WAC 16-303-340 Seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains. (1) Seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains are as follows:

(a) Application fee per variety per grower	\$(20.02) <u>20.66</u>
(b) Field inspection fee per acre except millet and hybrid sorghum	\$(2.78) <u>2.86</u>
(c) Millet - first acre	\$(29.78) <u>30.73</u>
- each additional acre	\$(5.94) <u>6.13</u>
(d) Hybrid sorghum - first acre	\$(29.78) <u>30.73</u>
- each additional acre	\$(11.90) <u>12.28</u>
(e) Special field inspection fee per acre	\$(2.37) <u>2.44</u>
(f) Late application fee	\$(18.76) <u>19.36</u>
(g) Reinspection fee	\$(37.56) <u>38.76</u>

minimum for each field which did not pass field inspection plus \$ ~~((0.41))~~ 0.42 for each acre over twenty-five. The reinspection fee for isolation requirements only for a field of any size is \$ ~~((37.56))~~ 38.76.

(h) Final certification fee	\$(0.235) <u>0.240</u>
per cwt. of clean seed sampled, which is charged to conditioning plant, or production fee	\$0.105

per cwt. of production from fields inspected which is utilized for seed, which is charged to the grower or the final seller prior to brokerage, retail sale, sale to plant not approved for conditioning certified seed, or transshipment out-of-state.

(i) Sampling fee \$0.105

per cwt. of clean seed sampled, with minimum charge of ten dollars per sample, which is charged to conditioning plant in lieu of mechanical sampling.

(2) A field may be withdrawn upon notification by the applicant to the certifying agency's office before field inspection. In such case, the field inspection fee is refunded upon request until June 30 of the year following harvest.

(3) Harvest before field inspection causes forfeitures of both the application and field inspection fees, and completion of certification.

WSR 04-01-182

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed December 23, 2003, 2:37 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-21-158.

Title of Rule: WAC 16-301-250 Annual bluegrass quarantine—Definitions, 16-301-265 Annual bluegrass quarantine—Regulated articles, 16-301-270 Annual bluegrass quarantine—Conditions governing movement of regulated articles, 16-301-310 Rough bluegrass quarantine—Definitions, 16-301-325 Rough bluegrass quarantine—Regulated articles, 16-301-330 Rough bluegrass quarantine—Conditions governing movement of regulated articles, and 16-301-335 Rough bluegrass—Procedures for clearing seed stocks.

Purpose: This proposal is intended to remove range, reclamation, and forage type grass seed stocks from the annual and rough bluegrass quarantines.

Statutory Authority for Adoption: Chapter 34.05 RCW, RCW 17.24.011 and 17.24.041.

Statute Being Implemented: RCW 17.24.041.

Summary: The Washington State Department of Agriculture (WSDA) based upon a recommendation from the seed program advisory committee, is proposing amendments in the WAC sections identified in Title of Rule above that remove range, reclamation, and forage grass seed stocks from regulation under the annual and rough bluegrass quarantine.

Reasons Supporting Proposal: The proposed changes in the quarantines are necessary to facilitate the seed production of range, reclamation, and forage type grasses.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Victor Shaul, Operations Manager, Yakima, (509) 225-2630.

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: WSDA, based upon a recommendation from the seed program advisory committee, is proposing amendments in the following WAC sections to remove range, reclamation, and forage grass seed stocks from regulation under the annual

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and rough bluegrass quarantine. The proposed changes in the quarantines are necessary to facilitate the seed production of range, reclamation, and forage type grasses.

- WAC 16-301-250 Annual bluegrass quarantine—Definitions.
- WAC 16-301-265 Annual bluegrass quarantine—Regulated articles.
- WAC 16-301-270 Annual bluegrass quarantine—Conditions governing movement of regulated articles.
- WAC 16-301-310 Rough bluegrass quarantine—Definitions.
- WAC 16-301-325 Rough bluegrass quarantine—Regulated articles.
- WAC 16-301-330 Rough bluegrass quarantine—Conditions governing movement of regulated articles.
- WAC 16-301-335 Rough bluegrass—Procedure for clearing seed stocks.

Proposal Changes the Following Existing Rules: The proposed amendments modify WAC 16-301-250, 16-301-265, 16-301-270, 16-301-310, 16-301-325, 16-301-330, and 16-301-335, so range, reclamation, and forage type seed stocks are removed from the annual bluegrass and rough bluegrass quarantine requirements.

No small business economic impact statement has been prepared under chapter 19.85 RCW. WSDA concludes that this proposal does not impose any additional costs on the regulated industry. In fact, this proposal will result in a reduction in cost, paperwork, and reporting requirements. Therefore, the small business economic impact statement discussed in chapter 19.85 RCW is not required.

RCW 34.05.328 does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in RCW 34.05.328 (5)(a)(i).

Hearing Location: Washington State Department of Agriculture, 21 North First Avenue, Suite 103, Conference Room, Yakima, WA 98902, on January 27, 2004, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact agency receptionist by calling TDD (360) 902-1996 or (360) 902-1976.

Submit Written Comments to: George Huffman, Rules Coordinator, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2085, by 5 p.m., January 27, 2004.

Date of Intended Adoption: February 23, 2004.

December 11, 2003

Robert W. Gore
Assistant Director

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-301-250 Annual bluegrass quarantine—Definitions. Definitions for terms in this chapter may be found in chapter 15.49 RCW and WAC 16-301-005, except for the purposes of WAC 16-301-255 through 16-301-295, the following definitions shall apply:

(1) "Annual bluegrass" means *Poa annua* and all related subspecies and hybrids.

(2) "Seed stock" means those seeds of turf type grasses which are to be planted for seed increase or with intent of seed increase.

(3) "Annual bluegrass analysis certificate" means a test report from an official seed laboratory showing freedom from annual bluegrass based on a ten gram sample for bentgrass or redtop; and a twenty-five gram sample for other turf type grasses.

(4) "Quarantine tag" means a tag issued by Washington state department of agriculture to be sealed to each bag showing said seed has met quarantine requirements.

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-301-265 Annual bluegrass quarantine—Regulated articles. Articles regulated under the requirements of the annual bluegrass quarantine include seed stocks of all turf type grass species, such as, but not limited to, Kentucky bluegrass, ryegrass and red and chewings fescue.

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-301-270 Annual bluegrass quarantine—Conditions governing movement of regulated articles. (1) No seed stock may be shipped, transported, moved within, or into the annual bluegrass quarantine regulated area unless such seed stock is accompanied by a test report from an official laboratory showing said seed stock is free of annual bluegrass on the basis of a minimum ten gram analysis for bentgrass and a minimum of twenty-five gram analysis for other grasses except that seed stock found to contain annual bluegrass may be planted in the regulated area if planted in a nursery under an inspection program as established by the state department of agriculture.

(2) This quarantine shall not apply to seed sown for forage or turf. This quarantine shall not apply to range, reclamation, or forage type seed production fields.

(3) This quarantine shall not apply to:

(a) Experiments or trial grounds of the United States Department of Agriculture;

(b) Experiments or trial grounds of Washington State University experiment station; or

(c) Trial grounds of any person, firm, or corporation; provided said trial ground plantings are approved by the director and under supervision of technically trained personnel familiar with annual bluegrass control.

(4) Any person shipping, moving or transporting any seed stock for planting purposes in or into the regulated area that is not tagged with official "annual bluegrass quarantine" tags or a test report showing freedom of annual bluegrass as allowed in subsection (1) of this section must:

(a) State where and when seed stock can be sampled for the required annual bluegrass test; or

(b) Attach a copy of the official laboratory analysis showing freedom from annual bluegrass; or

(c) Submit a representative sample for testing.

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-301-310 Rough bluegrass quarantine—Definitions. Definitions for terms in this chapter may be found in chapter 15.49 RCW and WAC 16-301-005, except for the purposes of WAC 16-301-305 through 16-301-355, the following definitions shall apply:

- (1) "Rough bluegrass" means *Poa trivialis* and all related subspecies.
- (2) "Seed stock" means those seeds of turf type grasses which are to be planted for seed increase or with intent of seed increase.
- (3) "Rough bluegrass analysis certificate" means a test report from an official seed laboratory showing freedom from rough bluegrass based on a twenty-five gram sample.

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-301-325 Rough bluegrass quarantine—Regulated articles. Articles regulated under the requirements of the rough bluegrass quarantine include:

- (1) Seed stocks of all varieties of all turf type grasses.
- (2) Seed production fields of rough bluegrass.
- (3) Rough bluegrass sown for forage or turf.
- (4) Regulated articles are not to include seed stock of species that are commonly used for range, reclamation or forage purposes.

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-301-330 Rough bluegrass quarantine—Conditions governing movement of regulated articles. No seed stock of turf type grasses may be shipped, transported, moved within, or into the rough bluegrass quarantine regulated area unless such seed stock is accompanied by a test report from an official laboratory showing said seed stock is free of rough bluegrass on the basis of a minimum twenty-five gram analysis, except that seed stock found to contain rough bluegrass may be planted in the regulated area if planted in a nursery under an inspection program as established by the Washington state department of agriculture.

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-301-335 Rough bluegrass quarantine—Procedure for clearing seed stocks. Each person moving, shipping or transporting seed stock of turf type grasses in or into the rough bluegrass quarantine regulated area must:

- (1) Submit an official laboratory analysis of a representative sample showing freedom from rough bluegrass; or
- (2) Submit a representative sample for testing.

WSR 04-01-185

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed December 23, 2003, 2:41 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-14-142.

Title of Rule: Chapter 16-449 WAC, Washington controlled atmosphere storage requirements for winter pears; chapter 16-459 WAC, Controlled atmosphere storage; and chapter 16-690 WAC, Fruit storage.

Purpose: As a result of its ongoing Executive Order 97-02 effort, the department is proposing to repeal chapters 16-449, 16-459 and 16-690 WAC and replace them with chapter 16-450 WAC, Controlled atmosphere storage requirements for Washington fruits and vegetables. The new chapter 16-450 WAC is written in a clear and readable style that combines the relevant content of the department's current controlled atmosphere storage rules while repealing rule sections that are outdated and no longer needed. No new requirements are introduced into chapter 16-450 WAC. The application fee in WAC 16-450-022(3) is not new. It is currently contained in WAC 16-400-210(11) and the department believes that it is more appropriate to incorporate this fee into its controlled atmosphere storage rules rather than keeping it in a separate fruit and vegetable inspection fee chapter.

Statutory Authority for Adoption: Chapters 15.17 and 34.05 RCW.

Statute Being Implemented: Chapter 15.17 RCW.

Summary: This rule proposal eliminates a number of redundancies by combining three very similar rule chapters into one. It also gives industry a clearly written set of rules that reflect current department and industry practices. No new requirements are contained in chapter 16-450 WAC.

Reasons Supporting Proposal: A new, updated, clearly written set of rules regulating controlled atmosphere storage for fruits and vegetables in Washington state will be much easier to read and understand, which will benefit both the department and the regulated community.

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

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: The department is proposing to repeal chapters 16-449, 16-459 and 16-690 WAC and replace them with chapter 16-450 WAC, Controlled atmosphere storage requirements for Washington fruits and vegetables. By combining these three very similar rule chapters into one chapter, the department is able to eliminate:

- Redundant regulations (for example, licensing requirements are now in one chapter rather than two and controlled atmosphere storage requirements for fruits and vegetables are in one rule chapter rather than three).

- Rule sections that are outdated such as the several "Promulgation" sections in the three chapters proposed for repeal.
- Rule sections that are no longer needed such as the fees in WAC 16-459-030, which the department no longer collects.

The new chapter also gives the department and industry a clearly written set of rules that reflect current department and industry practices without adding any new requirements. It is written in a clear and readable style using a "Question and Answer" format with shorter rule sections that are written in plain English and whose content is much more focused than the content in traditional rule sections. These new rule sections, because they are easier to read and understand, will make administration, enforcement and compliance easier.

Finally, the application fee in WAC 16-450-022(3) is not new. It is currently contained in WAC 16-400-210(11). The department believes that it is more appropriate to incorporate this fee into the controlled atmosphere storage rules rather than continuing to keep it in a separate chapter on fruit and vegetable inspection fees.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed new chapter 16-450 WAC does not impose any new compliance costs on business. Also, the new chapter, because it is rewritten in plain English and reformatted for ease of use, should reduce the regulated industry's cost of compliance. For these reasons, a formal small business economic impact statement as discussed in chapter 19.85 RCW is not required.

RCW 34.05.328 does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in RCW 34.05.328 (5)(a)(i).

Hearing Location: Washington Cattleman's Association, 1301 Dolarway, Ellensburg, WA, on January 27, 2004, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Virginia Walsh by January 19, 2004, TDD (360) 902-1996 or (360) 902-1976.

Submit Written Comments to: George Huffman, Rules Coordinator, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2085, e-mail ghuffman@agr.wa.gov, by 5:00 p.m., January 27, 2004.

Date of Intended Adoption: February 18, 2004.

December 23, 2003

Robert W. Gore

Assistant Director

Chapter 16-450 WAC

CONTROLLED ATMOSPHERE STORAGE REQUIREMENTS FOR WASHINGTON FRUITS AND VEGETABLES

NEW SECTION

WAC 16-450-005 What definitions are important to this chapter? "Department" means the Washington state department of agriculture (WSDA).

"Director" means the director of the Washington state department of agriculture or the director's designee.

"Person" means an individual, firm, partnership, corporation, or association.

"CA number" means the license number assigned to a facility by the director.

NEW SECTION

WAC 16-450-010 What are "controlled atmosphere fruits and vegetables"? "Controlled atmosphere fruits and vegetables" are fruits and vegetables that are:

(1) Inspected by the director of the Washington state department of agriculture (WSDA) or the director's designee;

(2) Stored in containers or subcontainers marked with a CA number and either a dated state lot number or a sequential state lot number; and

(3) Identified by a certificate documenting:

(a) Their quality and condition;

(b) That they have been stored in a CA facility licensed according to the requirements of this chapter; and

(c) That they comply with all of the requirements of this chapter.

NEW SECTION

WAC 16-450-012 Where must the letters "CA" appear? The letters "CA" or a similar designation must appear only on containers or subcontainers of fruits or vegetables that comply with the requirements of this chapter.

NEW SECTION

WAC 16-450-014 When must controlled atmosphere fruit enter commercial trade channels? (1) Controlled atmosphere (CA) fruits or vegetables must enter commercial trade channels within two weeks following a CA inspection and certification.

(2) If the CA fruits and/or vegetables do not enter commercial channels within the two weeks following a CA inspection and certification, they must be reinspected to meet controlled atmosphere conditions and maturity requirements before they are shipped.

NEW SECTION

WAC 16-450-016 What is controlled atmosphere storage? (1) Controlled atmosphere storage is an area of one or more rooms in a facility where atmospheric gases are controlled by amount and degrees of temperature.

(2) The purpose of a controlled atmosphere storage area is to control the condition and maturity of any fresh fruits or vegetables stored there so when those fruits and vegetables are removed from storage they can be designated as having been exposed to controlled atmosphere.

NEW SECTION

WAC 16-450-020 Is a license required to operate or lease a controlled atmosphere storage facility in Washington state? (1) Before any person can operate or lease a con-

trolled atmosphere storage facility, they must obtain a license from the department. These are annual licenses that expire each year on August 31.

(2) When the WSDA director issues a controlled atmosphere storage facility license, the licensee receives a facility number preceded by the letters "WN CA" or "WA CA."

(a) These letters and numbers are the "CA number" of the storage facility.

(b) This CA number verifies that the fruits or vegetables meet the requirements for controlled atmosphere storage.

(c) This CA number must appear on all containers, after they are certified, in which CA fruits or vegetables are packed.

NEW SECTION

WAC 16-450-022 How can I obtain a license to operate or lease a controlled atmosphere storage facility in Washington state? (1) To apply for a license, you must complete and submit WSDA form 6074 (Application for a Controlled Atmosphere License) to the department.

(2) You can obtain this form (and any others required by this chapter) by *writing*:

WA State Department of Agriculture
Commodity Inspection Division
Fruit & Vegetable Inspection Program
P.O. Box 42560
Olympia, WA 98504;

Or *calling* 360-902-1828 or *faxing* 360-902-2085 or *on-line* at agr.wa.gov.

(3) Your application for an annual license to operate a controlled atmosphere storage warehouse or warehouses must be accompanied by an annual license fee of five dollars per room, with a minimum fee of twenty-five dollars for five rooms or less.

NEW SECTION

WAC 16-450-024 When must I apply for a license to operate or lease a controlled atmosphere storage facility in Washington state? You must apply for your initial license before September 1 of any given year. Once issued, your license is valid for one year and must be renewed each year on or before August 31.

NEW SECTION

WAC 16-450-026 Can I renew my license after August 31? (1) You can renew your license after August 31 but such a renewal is considered "late." Late renewals are regulated by RCW 15.30.070, which requires that you pay your original license fee plus a late renewal penalty of two dollars and fifty cents.

(2) You do not have to pay a late renewal penalty if you submit an affidavit to the department declaring that you have not operated or leased a controlled atmosphere storage facility since your previous license expired.

NEW SECTION

WAC 16-450-028 What requirements affect all licensed controlled atmosphere storage facility operators? (1) Every licensed operator or lessee must submit to the manager of their local WSDA fruit and vegetable inspection district a signed, completed copy of WSDA form 6075A (Storage Closing and Inventory - Operator) or a form approved by the director whenever they close a CA room in one of their facilities. The completed form must contain the following information:

- (a) Location of the room;
- (b) Storage room number;
- (c) Date the room was sealed;
- (d) Quantity of loose fruit in the room identified by variety; and
- (e) Quantity of packed fruit in the room identified by variety.

(2) Every licensed operator or lessee must, at least once a day, record the following information on a form approved by the director:

- (a) The percentage of carbon dioxide and oxygen inside the sealed storage area;
- (b) The temperature inside the sealed storage area; and
- (c) The time the percentages and temperature were measured.

(3) WSDA fruit and vegetable inspectors have the right to audit the forms required in this section. Upon completing an audit, the inspector must report their audit results on WSDA form 6076 (Audit of Daily Log) or a form approved by the director.

(4) All Standard and Red Delicious apple varieties must be stored in sealed controlled atmosphere storage on or before December 15 of each year to qualify and be identified as Washington controlled atmosphere storage apples.

(5) For auditing purposes, all licensed operators must notify their local WSDA inspection office before they open any controlled atmosphere storage rooms or before they pack any controlled atmosphere storage fruit.

NEW SECTION

WAC 16-450-032 Violations of this chapter and/or chapter 15.30 RCW. Any willful violation of either chapter 15.30 RCW or this chapter by any controlled atmosphere operator or lessee is sufficient cause for the suspension of their license by the department.

NEW SECTION

WAC 16-450-040 What requirements apply to controlled atmosphere storage facilities? All controlled atmosphere facilities must comply with the following controlled atmosphere requirements:

(1) The oxygen content of each storage room must be reduced to five percent within twenty calendar days after the room is sealed.

(2) Stored fruits or vegetables must be kept in controlled atmosphere storage under required degrees of temperature and percentage of air components for the specified period, including the following:

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Apple Varieties:	Storage Period:
<ul style="list-style-type: none"> Gala and Jonagold varieties 	<ul style="list-style-type: none"> At least forty-five continuous calendar days
<ul style="list-style-type: none"> Other varieties 	<ul style="list-style-type: none"> At least sixty continuous calendar days
Pear Varieties:	Storage Period:
<ul style="list-style-type: none"> Bartlett varieties 	<ul style="list-style-type: none"> At least forty-five continuous calendar days
<ul style="list-style-type: none"> Other summer varieties 	<ul style="list-style-type: none"> At least sixty continuous calendar days
<ul style="list-style-type: none"> Bosc variety 	<ul style="list-style-type: none"> At least forty-five continuous calendar days
<ul style="list-style-type: none"> Other winter varieties 	<ul style="list-style-type: none"> At least sixty continuous calendar days

NEW SECTION

WAC 16-450-042 What are the specific controlled atmosphere storage requirements for Bartlett pears? To qualify as controlled atmosphere storage pears, Bartlett pears must comply with the requirements in chapter 15.30 RCW, this chapter and the following additional requirements:

(1) Oxygen content of each room where the pears are stored must be reduced to five percent within twenty calendar days after the room is sealed.

(2) The pears must be kept in controlled atmosphere storage, under the required degrees of temperature and percentage of air components, for at least forty-five continuous calendar days.

(3) At the time of shipment, the pears marked with a CA number must:

(a) Be no further advanced in maturity than "mostly hard—some firm."

(b) Not exceed an average of two percent decay and/or breakdown.

(4) Pears that fail to meet any requirement in this section:

(a) Must not be sold as CA storage fruit; and

(b) Their containers must not be marked with a CA number.

NEW SECTION

WAC 16-450-044 What are the specific controlled atmosphere requirements for winter pears? To qualify as controlled atmosphere storage pears, winter pears must comply with the requirements in chapter 15.30 RCW, this chapter and the following additional requirements:

(1) Oxygen content of each room where the pears are stored must be reduced to five percent within twenty calendar days after the room is sealed.

(2) The pears must be kept in controlled atmosphere storage, under the required degrees of temperature and percentage of air components, for:

(a) At least forty-five continuous calendar days for Bosc pears; and

(b) At least sixty continuous calendar days for all other varieties of winter pears.

(3) All CA-marked winter pears must meet the following standards when shipped:

(a) **Condition standards:**

• No more than two percent decay;

• No more than two percent scald; and

• A five percent maximum aggregate for all condition factors including cork.

(b) **Maturity standards:**

• No more than five percent must be advanced beyond "firm."

NEW SECTION

WAC 16-450-046 When must controlled atmosphere fruits and vegetables be identified for certification? (1) All fruits and vegetables intended for controlled atmosphere storage certification must be identified before being placed in the controlled atmosphere storage room.

(2) Before the controlled atmosphere room is sealed, all packed fruit or vegetable containers intended for controlled atmosphere storage must be:

(a) Marked either with "WSDA and (year of production)" or with a department-supplied stamp; and

(b) Marked under the supervision of WSDA inspection personnel.

NEW SECTION

WAC 16-450-048 What inspection, certification and marking requirements apply to controlled atmosphere fruits and vegetables? All Washington state fruits and vegetables sold as CA fruits or vegetables:

(1) Must be inspected and certified as to grade and condition; and

(2) At time of certification, all containers holding CA fruits and vegetables must be marked with both a dated state lot number and a CA number.

NEW SECTION

WAC 16-450-050 When is a reinspection of controlled atmosphere fruit and vegetables required? (1) If CA fruits or vegetables are not shipped within two weeks after they are inspected and certified, they must be reinspected to meet controlled atmosphere and maturity requirements in order to qualify for an additional two-week shipping period.

(2) If identification of a reinspected lot:

(a) Can be accomplished without a problem, the reinspected containers do not have to be restamped with a current date state lot number.

(b) May be a problem, the reinspected containers must be restamped with a current date state lot number.

NEW SECTION

WAC 16-450-060 What are the shipping standards for controlled atmosphere storage fruits and vegetables?

(1) When shipped, all controlled atmosphere fruits and vegetables must be certified and marked with a CA number and dated state lot stamp.

(2) Apples must meet U.S. condition standards for export.

(3) Pears must meet the maturity requirements of WAC 16-450-042 (3)(a) and (b) or 16-450-044 (3)(b).

NEW SECTION

WAC 16-450-070 What if my fruit does not comply with the requirements of this chapter? If your fruit does not comply with any of the requirements in this chapter, you are prohibited from:

(1) Selling your fruit as controlled atmosphere storage fruit; or

(2) Representing your fruit using terms, words or symbols that imply that it has been exposed to controlled atmosphere storage. For example, the words "controlled atmosphere" or the symbol "CA" must be removed from the container and/or subcontainer.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 16-449-001 Promulgation.
- WAC 16-449-010 Requirements.
- WAC 16-449-020 Maturity and condition standards.
- WAC 16-449-030 Effective date.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 16-459-001 Promulgation.
- WAC 16-459-00101 Promulgation.
- WAC 16-459-010 Requirements—General.
- WAC 16-459-020 Identification of controlled atmosphere fruit prior to inspection.
- WAC 16-459-030 Fees.
- WAC 16-459-040 Penalties.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 16-690-001 Promulgation.
- WAC 16-690-010 Washington controlled atmosphere storage requirements—Definitions.
- WAC 16-690-015 Washington controlled atmosphere storage requirements—Annual license.

WAC 16-690-020

Washington controlled atmosphere storage requirements—Warehouse number.

WAC 16-690-025

Washington controlled atmosphere storage requirements—Controlled storage requirements.

WAC 16-690-030

Washington controlled atmosphere storage requirements—Inspection, certification and marking.

WAC 16-690-035

Washington controlled atmosphere storage requirements—Standards for shipping.

WAC 16-690-040

Washington controlled atmosphere storage requirements—Reinspection.

WAC 16-690-045

Washington controlled atmosphere storage requirements—Failure to meet requirements.

WAC 16-690-100

Washington controlled atmosphere storage requirements—Bartlett pears.

WSR 04-01-186

PROPOSED RULES

HEALTH CARE AUTHORITY

[Order 03-02—Filed December 23, 2003, 3:06 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-14-096.

Title of Rule: Prescription drug programs.

Purpose: These rules govern prescription drug programs established pursuant to chapter 41.05 RCW and are necessary to implement SB 6088 (chapter 29, Laws of 2003), as codified at RCW 41.05.021. This new administrative chapter 182-50 WAC is set aside for management of the prescription drug programs administered by the Health Care Authority.

Statutory Authority for Adoption: RCW 41.05.160, SB 6088, section 10 [chapter 29, Laws of 2003].

Statute Being Implemented: RCW 41.05.011 and [41.05].021.

Summary: These rules manage the pharmacy and therapeutics committee and the endorsing practitioner therapeutic interchange program established by the 2003 legislature (SB 6088, chapter 29, Laws of 2003).

Reasons Supporting Proposal: These rules are necessary to implement and manage the prescription drug programs established by the 2003 legislature and chapter 41.05 RCW.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Duane Thurman, Seattle, Washington, (206) 521-2036.

PROPOSED

Name of Proponent: Health Care Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules manage prescription drug programs established pursuant to chapter 41.05 RCW and are necessary to implement SB 6088 (chapter 29, Laws of 2003), as codified at RCW 41.05.021. This new chapter 182-50 WAC is set aside for management of the prescription drug programs administered by the Health Care Authority.

WAC 182-50-001, sets forth the authority and purpose of this chapter.

WAC 182-50-005, defines terms used in this chapter.

WAC 182-50-010 through 182-50-035, sets forth rules regarding administration of the pharmacy and therapeutics committee established by the 2003 legislature. These rules mirror the plan of operations and bylaws of the committee.

WAC 182-50-200, provides direction to pharmacists regarding administration of the endorsing practitioner therapeutic interchange program (established by the 2003 legislature).

RCW 41.05.011(2), as amended by SB 6088 (chapter 29, Laws of 2003), defines "state purchased health care" to include purchases made by several Washington state agencies including the Departments of Social and Health Services, Health, Labor and Industries, Corrections, Veterans Affairs, local school districts, as well as the basic health and public employee programs administered by the Health Care Authority. At this time the fee-for-service programs of the following agencies are participating: Health Care Authority, Department of Social and Health Services, Medical Assistance Administration, and the Department of Labor and Industries.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. HCA is not required by chapter 19.85 RCW to prepare a small business economic impact statement.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 does not apply to the Health Care Authority rules unless requested by the joint administrative rules review committee or applied voluntarily.

Hearing Location: Attorney General's Office, RoweSix Building, 4224 6th Avenue S.E., Building #1, Olympia, WA 98504-0130, on January 30, 2004, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Nikki Johnson by January 21, 2004, TDD (888) 923-5622 or (360) 923-2805.

Submit Written Comments to: Duane Thurman, Health Care Authority, 1511 Third Avenue, Suite 201, Mailstop TB-51, Seattle, WA 98101-3662, fax (206) 521-2001, by 4:00 p.m. on January 30, 2004.

Date of Intended Adoption: February 12, 2004.

December 23, 2003

Melodie Bankers

Rules Coordinator

Chapter 182-50 WAC

PRESCRIPTION DRUG PROGRAMS

NEW SECTION

WAC 182-50-001 Authority and purpose. RCW 41.05.021 (1)(a)(iii) and 70.14.050 authorize the administrator to establish an independent Washington state pharmacy and therapeutics committee within the health care authority to evaluate the effectiveness of prescription drugs in the development of an evidence-based prescription drug program for participating state purchased health care programs. This section requires the administrator to adopt rules governing practitioner endorsement and use of any preferred drug list developed as part of the prescription drug program.

NEW SECTION

WAC 182-50-005 Definitions. When used in this chapter:

(1) "Appointing authority" shall mean the following persons acting jointly: The administrator of the health care authority, the secretary of the department of social and health services, and the director of the department of labor and industries.

(2) "Committee" means the independent Washington state pharmacy and therapeutics committee created by RCW 41.05.021 (1)(a)(iii) and 70.14.050. At the election of the department of social and health services, the committee may serve as the drug use review board provided for in WAC 388-530-1850.

(3) "Drug" means the term as it is defined in RCW 69.41.010 (3) and (13).

(4) "Endorsing practitioner" means a practitioner who has reviewed the preferred drug list and has notified the health care authority that he or she has agreed to allow therapeutic interchange of a preferred drug for any nonpreferred drug in a given therapeutic class.

(5) "Practitioner" means a health care provider, except a veterinarian, as defined at RCW 18.64.011(9).

(6) "Preferred drug" means a drug selected by the appointing authority for inclusion in the preferred drug list used by applicable state agencies for state purchased health care programs.

(7) "Preferred drug list" or "PDL" means the list of drugs selected by the appointing authority to be used by applicable state agencies as the basis for the purchase of drugs in state purchased health care programs.

(8) "Prescription" has the meaning set forth in RCW 18.64.011(8).

(9) "Refill" means the continuation of therapy with the same drug (including the renewal of a previous prescription or adjustments in dosage) when a prescription is for an antipsychotic, antidepressant, chemotherapy, antiretroviral, or immunosuppressive drug.

(10) "State purchased health care" has the meaning set forth in RCW 41.05.011(2).

(11) "Therapeutic alternatives" are drug products of different chemical structure within the same pharmacologic or therapeutic class and that are expected to have similar thera-

peutic effects and safety profiles when administered in therapeutically equivalent doses.

(12) "Therapeutic interchange" means to dispense, with the endorsing practitioner's authorization, a therapeutic alternative to the prescribed drug.

NEW SECTION

WAC 182-50-010 Purpose of the pharmacy and therapeutics committee. The purpose of the committee is to evaluate the available evidence of the relative safety, efficacy, and effectiveness of prescription drugs within a class of prescription drugs and make recommendations to the appointing authority for its deliberation in the development of the preferred drug list established in RCW 70.14.050.

NEW SECTION

WAC 182-50-015 Open Public Meetings Act and Administrative Procedure Act; exception as technical review committee. (1) Meetings of the pharmacy and therapeutics committee shall in all respects comply with the provisions of the Open Public Meetings Act, chapter 42.30 RCW, and shall be subject to the provisions of the Administrative Procedure Act, chapter 34.05 RCW, as applicable.

(2) The pharmacy and therapeutics committee shall constitute a technical review committee created to facilitate the development, acquisition, or implementation of a preferred drug list, for the purposes of state purchased health care under RCW 41.05.026, and as such may hold an executive session in accordance with chapter 42.30 RCW during any regular or special meeting to discuss information submitted in accordance with RCW 41.05.026 (1) through (5).

NEW SECTION

WAC 182-50-025 Membership and qualifications of pharmacy and therapeutics committee. (1) The committee shall consist of no fewer than ten members appointed by the appointing authority.

(2) The appointing authority has the sole right to appoint committee members and may terminate appointment of any member at any time during the term.

(3) The appointing authority will make appointments to the committee from a pool of interested applicants. Interested persons will be provided an opportunity to submit applications to the appointing authority.

(4) Members shall enter into an agreement with the health care authority at the time of their appointment to the committee and shall act in accordance with all of its terms and conditions. Failure to do so may result in termination of the appointment.

(5) The membership composition at all times shall be consistent with applicable federal requirements under the Federal Social Security Act, Title 19 § 1927 and the requirements of the department of social and health services medical assistance administration for its drug utilization review board. Therefore, pharmacists and physicians each shall represent at least thirty-one percent, but no more than fifty-one percent of committee membership respectively.

(6) Members must be actively practicing in their clinical area of expertise throughout the entire term of their appointments.

(7) Members must have knowledge and expertise in one or more of the following:

(a) Clinically appropriate prescribing of covered outpatient drugs;

(b) Clinically appropriate dispensing and monitoring of covered outpatient drugs;

(c) Drug use review;

(d) Medical quality assurance;

(e) Disease state management; or

(f) Evidence-based medicine.

(8) Members of the committee shall not be employed by a pharmaceutical manufacturer, a pharmacy benefits management company, or by any state agency administering state purchased health care programs during their term shall not have been so employed and for eighteen months prior to their appointment.

(9) A member shall not have a substantial financial conflict of interest including any interest in any pharmaceutical company, including the holding of stock options or the receipt of honoraria or consultant moneys. The appointing authority in its sole discretion may disqualify any potential member if it determines that a substantial conflict of interest exists.

(10) As part of the application process, prospective committee members shall complete a conflict of interest disclosure form, provided by the appointing authority, and after appointment, annually by July 1st of each year. Members must keep their disclosure statements current and provide updated information whenever circumstances change.

(11) Committee members must agree to keep all proprietary information confidential.

NEW SECTION

WAC 182-50-030 Period of appointment. (1) Members shall be appointed to a term of three years and shall serve until a successor is duly appointed. A member may be reappointed to one additional three-year term for a total of six years. One year after the end of a six-year term, a person is eligible for appointment to one additional three-year term.

(2) Committee members serve staggered three-year terms. Of the initial appointees, in order to provide for staggered terms, some members may be appointed initially for less than three years. If the initial appointment is for less than twenty-four months, that period of time shall not be counted toward the limitation of years of appointment described in subsection (1) of this section.

(3) Vacancies on the committee will be filled for the balance of the unexpired term from nominee lists for the appropriate committee category as provided under WAC 182-50-025.

(4) Members of the committee will be compensated for participation in the work of the committee in accordance with a personal services contract executed after appointment and prior to commencement of activities related to the work of the committee.

NEW SECTION

WAC 182-50-035 Duties. Committee members shall:

- (1) Select a chair and a vice-chair from among the committee membership.
- (2) Meet at least quarterly and may meet at other times at the discretion of the chair.
- (3) Adopt a plan of operation that sets forth the policies and procedures established by the committee to develop an evidence-based prescription drug program as authorized by state law for approval by the appointing authority.
- (4) Operate according to the plan of operation as approved by the appointing authority.

NEW SECTION

WAC 182-50-200 Endorsing practitioner therapeutic interchange program; effect of practitioner's endorsing status; dispense as written instructions. (1) When filling prescriptions for participating state purchased health care programs, pharmacists shall dispense a preferred drug in place of a drug not included in the preferred drug list in a given therapeutic class whenever pharmacists receive a prescription from an endorsing practitioner except:

(a) If the endorsing practitioner determines the nonpreferred drug is medically necessary by indicating "dispense as written" on the prescription; or

(b) If the prescription is a refill of an antipsychotic, antidepressant, chemotherapy, antiretroviral, or immunosuppressive drug.

(2) When a therapeutic interchange is made, the pharmacist shall notify the endorsing practitioner of the specific drug and dose dispensed.

(3) When a nonendorsing practitioner issues a prescription for a drug not included in the preferred drug list, the pharmacist shall dispense the prescribed drug in accordance with the requirements of chapter 69.41 RCW.

WSR 04-01-191**PROPOSED RULES****DEPARTMENT OF LICENSING**

[Filed December 23, 2003, 3:53 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-10-084.

Title of Rule: Chapter 308-20 WAC, Cosmetologists, barbers, manicurists, and estheticians.

Amending: WAC 308-20-010 Definitions, 308-20-040 Records, 308-20-090 Student credit for training in a licensed school, 308-20-110 Minimum safety and sanitation standards for schools, cosmetologists, manicurists, estheticians, barbers, instructors, salons/shops, mobile units, and personal services, and 308-20-550 Posting of required licenses, registrations, permits, and notice to consumers.

New Sections: WAC 308-20-055 Apprentice records, 308-20-101 Apprentice credit for training in an approved apprentice salon/shop, and 308-20-555 Identification of apprentices and apprentice salon/shops.

Purpose: To provide for licensure of the participants of the apprenticeship program, including a mandatory requirement that apprentices complete in-classroom theory courses as part of their training. To amend current rules that need further written clarification as per the governor's directive on state rules review.

Statutory Authority for Adoption: RCW 18.16.030, 18.16.280, 43.24.023.

Statute Being Implemented: RCW 18.16.030 and 18.16.280.

Summary: The new and amended sections provide licensing requirements for individuals graduating from the apprenticeship program and requirements of salon/shops and apprentice trainers who will provide the training for apprentices.

Reasons Supporting Proposal: The new and amended rules will allow for licensure of apprentices and will provide requirements intended to maintain the safety and welfare of the public.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Rosie McGrew, 405 Black Lake Boulevard, Building 2, Olympia, WA 98502, 664-6643.

Name of Proponent: Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amended rules and new sections added will give the graduating apprentice the opportunity to become licensed once meeting the requirements of the department. In addition, requirements for the salon/salon shops and trainers have been added to increase the safety and welfare of the public.

Proposal Changes the Following Existing Rules: The following changes have been made to chapter 308-20 WAC:

Definitions of "apprentice salon/shop," "apprentice trainer," "completion of the apprenticeship program," and "monthly apprentice report" have been added.

Apprenticeship salon/shop has been added to "student credit for training in a licensed school."

New sections for "apprentice records," "apprentice credit for training in an approved apprentice salon/shop" and "identification of apprentices and apprentice salon/shops" has been added.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There will not be a burden on the industry due to increased fees or increased workloads.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Licensing, Business and Professions Division, 405 Black Lake Boulevard, Building 2, Conference Room 209, Olympia, WA 98502, on January 29, 2004, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Rosie McGrew by January 28, 2004, TDD (360) 664-8885 or (360) 664-6626.

Submit Written Comments to: Rosie McGrew, Cosmetology Section, P.O. Box 9026, Olympia, WA 98507-9026, fax (360) 664-2550, by January 28, 2004.

Date of Intended Adoption: January 30, 2004.

December 23, 2003

Trudie Touchette

Administrator

AMENDATORY SECTION (Amending WSR 03-14-046, filed 6/24/03, effective 7/25/03)

WAC 308-20-010 Definitions. (1) "Chemical compounds formulated for professional use only" are those compounds containing hazardous chemicals in a form not generally sold to the public; including but not limited to, bulk concentrates of permanent wave solution, neutralizers, chemical relaxers, oxidizing agents, flammable substances, facial creams, or approved chemical compounds. These compounds must be designated for use on the hair, face, neck, skin, or scalp.

(2) "Monthly student report" are forms provided by the school, approved by the department, preprinted with the school name. The report must include the daily activities of the student in each subject, (i.e., number of shampoos, haircuts, perms, colors, etc.) within each course (i.e., barbering, manicuring, cosmetology, esthetics, or instructor-trainee).

(3) "Completed and graduated" is the completion of the school curriculum and the state approved minimum hourly course of training.

(4) "Apprentice salon/shop" is a location certified by the advisory committee that provides training for individuals accepted into the apprenticeship program. Apprentice salon/shops shall not receive payment from the apprentice for training.

(5) "Apprentice trainer" is a person that is currently licensed and in good standing. This person provides training in a licensed shop approved for the apprenticeship program, who must have received Journey Level training and have held a license in the curriculum for which he or she is providing training for a minimum of three years.

(6) "Completion of the apprenticeship program" is the completion of the apprentice salon/shop curriculum that includes the state approved hourly course of training as described in WAC 308-20-080 and the in-classroom theory training from a school licensed with the department of licensing.

(7) "Monthly apprentice report" forms provided by the apprentice shop, approved by the department, printed with the shop name, for use in recording apprentice training hours and activities.

AMENDATORY SECTION (Amending WSR 03-14-046, filed 6/24/03, effective 7/25/03)

WAC 308-20-040 Student records. (1) Schools shall collect and record monthly and final student reports. These reports as described in WAC 308-20-010 shall contain the cumulative number of hours the student has attended class and the number of times the student performs an activity as described in WAC 308-20-080. The hours attended shall not be recorded in less than one-quarter hour increments.

(2) Monthly and final student reports shall be signed by either the school owner, school manager or a person the school has authorized to sign the student reports.

(3) The school shall certify to the department that the student has satisfied the minimum instruction guidelines described in WAC 308-20-080 on the student's license examination application. Certification shall be by a person authorized to sign student reports according to subsection (2) of this section.

(4) Schools shall maintain student records for at least three years. The student records shall include documentation of student training.

(5) The school shall notify the department of the persons authorized to sign student records.

(6) Weekly reports provided by salon/shops verifying hours student earns in salon training must be included in student's records and recorded on student's monthly and final reports.

NEW SECTION

WAC 308-20-055 Apprentice records. (1) Apprentice salon/shops shall collect and record monthly and final apprentice training records. Copies of each apprentice's records shall be forwarded to the apprenticeship program. The records shall contain the cumulative number of hours the apprentice has earned in each area of the minimum instruction guidelines and the number of times an apprentice performs an activity.

(2) Monthly and final apprentice records shall be signed by the trainer and shop owner. The apprentice salon/shop shall notify the department of persons authorized to sign the apprentice's records on forms provided by the department.

(3) The apprenticeship program shall certify to the department on forms provided by the department that the apprentice has satisfied the minimum number of training hours required in the standards of the apprenticeship program which must include the minimum instruction requirements for cosmetology, barbering, manicuring and esthetics training as described in WAC 308-20-080.

(4) The apprentice records shall be maintained by the shop during the training and by the apprenticeship program for three years once training is completed. The apprentice records shall include documentation of apprentice training.

AMENDATORY SECTION (Amending WSR 03-14-046, filed 6/24/03, effective 7/25/03)

WAC 308-20-090 Student credit for training in a licensed school. (1) A maximum of twenty students per instructor is required within a licensed school.

(2) Only those hours of instruction a student is given under the direction of a licensed instructor of the licensed school in which the student is enrolled and in the courses listed in WAC 308-20-080 and (~~308-30-105~~) 308-20-105 or hours earned under WAC 308-20-091 shall be credited toward completion of the course of study required in RCW 18.16.100.

(3) When all of a school's requirements have been met by a student and within thirty days of a student leaving a school,

the school shall provide to the student a copy of the student's final report.

(4) Students may transfer between the schools and apprenticeship salon/shops and may receive credit toward completion of the curriculum in the new school or apprenticeship salon/shop. In order to receive a transfer student or apprentice, the new school or apprentice salon/shop shall do the following:

(a) Evaluate the certified final student report provided by the student or apprentice and ~~((certified by the previous school and))~~ compare the report ~~((from))~~ with the ~~((previous school with the new school's))~~ new or apprentice salon/shop requirements;

(b) ~~((Accept the final student report from the previous school, in part or in total as if it was instruction meeting the new school's curriculum and prepare a monthly report that documents the amount of instruction being accepted by the new school; or~~

~~(e) Reject the final student report from the previous school.))~~ The school or apprentice salon/shop may accept or reject the final student or apprentice report in part or in total from the previous school or salon/shop and prepare a monthly report that documents the amount of instructions being accepted.

(5) Both the transferring and receiving school(s) or salon/shop shall maintain student records including the transfer record as required in WAC 308-20-040(4).

(6) Licensed instructors must be physically present where the students are training.

NEW SECTION

WAC 308-20-101 Apprentice credit for training in an approved apprentice salon/shop. (1) A minimum of one trainer per apprentice is required.

(2) Only the hours of instruction an apprentice is given under the direction of a trainer as defined in WAC 308-20-010 and in the standards developed by the apprenticeship program shall be credited toward completion of the apprenticeship training.

(3) Theory hours must be taught in a licensed school by a licensed instructor.

(4) When all of the apprenticeship program requirements have been met by the apprentice and within thirty days of an apprentice's completed training, the committee shall provide to the apprentice a copy of the apprentice's final report.

(5) An apprentice may transfer between shops only when the committee approves the transfer.

(6) Apprentice trainers must be physically present where apprentices are training.

AMENDATORY SECTION (Amending WSR 03-14-046, filed 6/24/03, effective 7/25/03)

WAC 308-20-110 Minimum safety and sanitation standards for schools, cosmetologists, manicurists, estheticians, barbers, instructors, salons/shops, mobile units and personal services. In addition to the requirements of RCW 18.16.175, every licensee shall maintain the following safety and sanitation standards:

(1) **Safety shall be maintained as follows:**

(a) A separate area with hot and cold running water shall be designated for use in dispensing and mixing chemicals and disinfecting supplies, tools, equipment, and other materials;

(b) All containers must be clearly labeled;

(c) All chemicals must be stored and labeled according to manufacturer's instructions;

(d) Disinfected supplies, tools, equipment and other material shall be stored separately from those that have been used;

(e) First-aid supplies shall be available; ~~((and))~~

(f) Licensees shall not work on clients with parasites, open wounds, or signs of infection; and

(g) School instructors and apprentice trainers shall not allow persons training in a school or apprentice salon/shop to work on clients with parasites, open wounds, or signs of infection.

(2) **Sanitation shall be maintained as follows:**

(a) Floors, walls, fixtures, work stations and ceilings shall be clean and free from dust, dirt and hair;

(b) Hair shall be removed from the floor after each service; and

(c) Waste receptacles shall be emptied and disinfected daily.

(d) Disposable products shall be placed in a waste receptacle;

(e) Creams and lotions shall be dispensed using a disposable, or sanitized applicator, and fluids shall be dispensed with a squeeze bottle or pump;

(f) Use clean towel, new neck strip ~~((or))~~ and other sanitized supplies for each client;

(g) Clean reusable supplies and implements with a disinfectant after each use; and

(h) Wash hands with single-use soap and disposable hand-drying towels after toilet use and before providing service to each client.

AMENDATORY SECTION (Amending WSR 03-14-046, filed 6/24/03, effective 7/25/03)

WAC 308-20-550 Posting of required licenses, registrations, permits, and notice to consumers. (1) Licenses ~~((and))~~, the consumer notice required by chapter 18.16 RCW, and the apprentice salon/shop notice as defined in WAC 308-20-555 shall be posted in direct public view.

(2) Original operator licenses with an attached current photograph shall be posted in clear view of clients in the operator's work station.

(3) School, instructor, salon/shop, and mobile unit licenses shall be displayed in the reception area.

(4) Personal services shall display their licenses and consumer notice in direct view of their client.

(5) A pocket identification card may not be used in lieu of an original license.

(6) No license which has expired or become invalid for any reason shall be displayed by any operator, instructor, or business in connection with the practice of cosmetology, barbering, esthetics, or manicuring. Any license so displayed shall be surrendered to a department representative upon its request.

(7) Licenses issued by another state, territory, or foreign country shall not be displayed in any salon/shop.

(8) A receipt, issued by the department of licensing, showing the application for a duplicate license may be used if the original has been lost, stolen, or otherwise destroyed until the duplicate license is received.

NEW SECTION

WAC 308-20-555 Identification of apprentices and apprentice salon/shops. (1) Salon shops must post notice to customers of participation in the apprenticeship program. At a minimum the notice shall state "This shop is a participant in a state approved apprenticeship program. Apprentices in this program are in training and have not yet received a license."

(2) Apprentices must wear identification visible to the public that states they are participants in the apprenticeship program.

WSR 04-01-195
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed December 24, 2003, 10:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-18-008.

Title of Rule: Personal use rules.

Purpose: Establish Seattle Parks Marine Preserves and provide for no intertidal recreational take, except fin fish taken with hook and line.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Seattle City Parks has requested that these intertidal zones be designated marine preserves.

Reasons Supporting Proposal: Preservation of intertidal organisms.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, (360) 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, (360) 902-2390; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2373.

Name of Proponent: Seattle City Parks, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Seattle City Parks and the Seattle Aquarium want to use certain intertidal areas as field classrooms. Protection of marine life in the intertidal area will allow for hands-on study of these organisms.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule proposal affects the recreational harvest of classified and unclassified marine organisms. There is no commercial harvest in the intertidal area, and no small businesses are affected.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Natural Resources Building, 1111 Washington Street, Olympia, WA, on February 6-7, begins at 8:00 a.m., February 6, 2004.

Assistance for Persons with Disabilities: Contact Susan Yeager by January 23, 2004, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by January 20, 2004.

Date of Intended Adoption: February 6, 2004.

December 24, 2003

Evan Jacoby

Rules Coordinator

NEW SECTION

WAC 220-16-800 Golden Gardens Marine Preserve. "Golden Gardens Marine Preserve" is defined as those tidelands owned by the City of Seattle at Golden Gardens city park, and the water column above these tidelands down to -4.5 feet (MLLW=0).

NEW SECTION

WAC 220-16-810 Carkeek Park Marine Preserve. "Carkeek Park Marine Preserve" is defined as those tidelands owned by the City of Seattle at Carkeek city park, and the water column above these tidelands down to -4.5 feet (MLLW=0).

NEW SECTION

WAC 220-16-820 Lincoln Park Marine Preserve. "Lincoln Park Marine Preserve" is defined as those tidelands owned by the City of Seattle at Lincoln city park, and the water column above these tidelands down to -4.5 feet (MLLW=0).

NEW SECTION

WAC 220-16-830 Discovery Park Marine Preserve. "Discovery Park Marine Preserve" is defined as those tidelands owned by the City of Seattle at Discovery city park, and the water column above these tidelands down to -4.5 feet (MLLW=0).

NEW SECTION

WAC 220-16-840 Emma Schmitz Marine Preserve. "Emma Schmitz Marine Preserve" is defined as those tidelands owned by the City of Seattle at Emma Schmitz city park, and the water column above these tidelands down to -4.5 feet (MLLW=0).

NEW SECTION

WAC 220-16-850 Richey Viewpoint Marine Preserve. "Richey Viewpoint Marine Reserve" is defined as those tidelands owned by the City of Seattle at Richey Viewpoint city park, and the water column above these tidelands down to -4.5 feet (MLLW=0).

PROPOSED

AMENDATORY SECTION (Amending Order 02-53, filed 3/29/02, effective 5/1/02)

WAC 220-20-100 General provisions—Marine protected areas. (1) It is unlawful to fish for or possess fish, shellfish, or wildlife taken from any conservation area defined in chapter 220-16 WAC.

(2) The following marine preserves are closed to the taking of fish, shellfish, and wildlife as indicated:

(a) The Admiralty Head Marine Preserve is closed to the taking of fish and wildlife, and closed to the taking of shellfish except sea cucumbers and sea urchins.

(b) The Colvos Passage Marine Preserve is closed to the taking of shellfish and wildlife, closed to all commercial harvest of fish, and closed to recreational harvest of fish except it is lawful to take salmon for personal use by trolling, defined as fishing from a vessel under power and in gear making forward progress.

(c) The San Juan Island Marine Preserve is closed to the taking of shellfish except it is lawful to take crab from Parks Bay, and closed to the taking of food fish other than salmon except it is lawful to take herring.

(d) The Titlow Beach Marine Preserve is closed to the taking of shellfish and wildlife, closed to the commercial harvest of all fish, and closed to the recreational harvest of all fish except that it is lawful to take salmon if taken with artificial lures from shore or from a nonmotorized vessel.

(e) The Zee's Reef Marine Preserve is closed to the taking of shellfish and wildlife, closed to the commercial harvest of all fish, and closed to the recreational harvest of all fish except that it is lawful to take salmon with fly fishing gear as defined in WAC 220-56-210.

(f) The Seattle city park marine preserves (Golden Gardens, Carkeek, Lincoln, Discovery, Emma Schmitz, and Richey Viewpoint) are closed to recreational removal of organisms from the intertidal areas, except that finfish may be harvested using hook and line gear. Any organism except finfish taken by hook and line in the intertidal area must be placed unharmed in the location it was found. Removal of organisms in amounts less than the statewide daily limits, except fin fish taken with hook and line gear, is an infraction.

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

**WSR 04-01-196
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed December 24, 2003, 10:17 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-22-097.

Title of Rule: License suspension rules.

Purpose: Clarify hunting activity for purposes of license suspension.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Clarify that hunting activity includes being in transit to or from hunting.

Reasons Supporting Proposal: Clarification.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, (360) 902-2930; Implementation and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2373.

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: RCW 77.15.720 provides that hunting privileges shall be suspended if a person shoots another person or domestic livestock while hunting. Persons who are in transit to or from hunting, and have a shooting accident, are engaged in hunting activities, and the shooting would be investigated as a hunting accident. This rule proposal clarifies what constitutes hunting for purposes of a license suspension.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule proposal affects only recreational hunters who shoot another person or domestic livestock. There is no regulatory effect on small businesses.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Natural Resources Building, 1111 Washington Street, Olympia, WA, on February 6-7, begins at 8:00 a.m., February 6, 2004.

Assistance for Persons with Disabilities: Contact Susan Yeager by January 23, 2004, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by January 20, 2004.

Date of Intended Adoption: February 6, 2004.

December 24, 2003

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 99-209, filed 12/16/99, effective 1/16/00)

WAC 220-125-010 Scope of rules—Definitions. The provisions of this chapter apply to the department's authority under chapter((s)) 77.15 ((~~and 77.16~~)) RCW to issue orders that revoke licenses, tags, or permits issued by the department, or to suspend privileges administered by the department.

(1) "Revoke" and "revocation" mean issuance of a department order under chapter 77.15 ((~~or 77.16~~)) RCW that takes away a license, tag, or permit. A revocation order nullifies all privileges represented by the license, tag, or permit, regardless of whether a revoked license is physically returned to the department, unless that order is withdrawn or reversed.

(2) "Suspend" and "suspension" mean issuance of a department order under chapter 77.15 ((~~or 77.16~~)) RCW that prohibits a person from enjoying or exercising a privilege that is regulated by any licenses, tags, or permits issued by

the department. When a person is subject to an order suspending privileges, then any license obtained in violation of the suspension is void.

(3) For purposes of suspending hunting privileges because of a person shooting another person or domestic livestock while hunting pursuant to RCW 77.15.720, a person is "hunting" if the person is in transit to or from engaging in hunting activities, or the person is in the field engaging in hunting activities.

WSR 04-01-200
PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed December 24, 2003, 10:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-11-077.

Title of Rule: Advanced life support (ALS)/intermediate life support (ILS) ongoing training and evaluation program (OTEP). The proposal will require amending WAC 246-976-161, 246-976-171, and 246-976-930.

Purpose: The Department of Health certifies and recertifies EMS personnel as part of the comprehensive, statewide emergency medical services and trauma system. These sections identify the standards for renewing a certification.

Statutory Authority for Adoption: RCW 18.71.205 and 18.73.081.

Statute Being Implemented: RCW 18.71.205 and 18.73.081.

Summary: The proposed changes will provide standards for an ALS/ILS OTEP, amend current CME requirements for endotracheal intubations, specifically regarding the use of human subjects, end-tidal CO2 measurement devices and intensive airway management training programs, and change the pediatric continuing education requirements to competency based learning with standardized learning objectives.

Reasons Supporting Proposal: The proposed changes will provide an additional option for ALS and ILS providers to renew their certification, it will provide for consistency in pediatric training, and it will provide standards that may be met without compromising patient care.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dane Kessler, 310 Israel Road S.E., Tumwater, WA, (360) 236-2842.

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 amendments will expand the method of recertification and allow ALS and ILS providers a second option; to complete an OTEP developed for these advanced levels of care. This is in addition to the CME method already established.

The proposed rules will amend the endotracheal intubation requirements for the CME method of recertification in regards to the use of human subjects versus artificial training aids, will require the use of end-tidal CO2 measurement

devices, and will allow for the use of a DOH approved intensive airway management training program. These changes will ensure that the skills maintenance requirements are more easily met without compromising patient care; while at the same time making certain that proper training is being done.

The proposed changes will provide pediatric continuing education requirements for all levels of providers that are based on learning objectives rather than just specific hours, and the training will be competency based. This will provide for consistent training.

Proposal Changes the Following Existing Rules: WAC 246-976-161: (1) Establishes standards for the ALS/ILS OTEP which were not previously set in rule. Note: The standards under this new method require fewer number of required IV starts and endotracheal intubations per year than the current CME method. (2) Reduces the number of endotracheal intubations that must be performed on humans to 4 per year in the CME method (the total number of intubations that must be performed each year has not been changed). (3) Requires the verification of proper tube placement and continued placement of the endotracheal tube in the trachea through the use of end-tidal CO2 measurement device (requirement in both OTEP and CME methods). (4) Allows for the use of DOH approved intensive airway management training programs when necessary (allowed for in both OTEP and CME methods). (5) Requires pediatric training to now be competency based, and redefines "Other pediatrics topics" to include pediatric objectives that must be covered during the training.

WAC 246-976-171 and 246-976-930: Eliminates unnecessary language, and incorporates the new ALS/ILS OTEP method in the requirements for applying for recertification.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department reviewed and analyzed this proposal and has determined that no small business economic impact statement (SBEIS) is required. The Regulatory Fairness Act, under RCW 19.85-.030 required agencies to conduct an SBEIS if a rule imposes more than minor costs on businesses within an industry. Since this proposal does not impose more than minor costs to businesses, the department has not completed an SBEIS on this proposal.

RCW 34.05.328 does not apply to this rule adoption. This proposal sets criteria that are necessary for an individual to comply with in order to obtain a certification.

Hearing Location: Department of Health, 310 Israel Road S.E., Tumwater, WA 98501, on January 27, 2004, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Tami Scheppe by January 20, 2004, TDD (800) 833-6388 or (360) 236-2829.

Submit Written Comments to: Tami Scheppe, P.O. Box 47853, Olympia, WA 98504-7853, fax (360) 236-2829, by January 20, 2004.

Date of Intended Adoption: January 28, 2004.

December 18, 2003

Mary C. Selecky
Secretary

PROPOSED

AMENDATORY SECTION (Amending WSR 00-08-102, filed 4/5/00, effective 5/6/00)

WAC 246-976-161 (~~Continuing medical education (CME), skills maintenance, and ongoing training and evaluation (OTEP).~~) **Education requirements for certification.** ((1) General requirements. See Tables A and B. You must document your annual CME and skills maintenance requirements, as indicated in the tables. You must complete all CME and skills maintenance requirements for your current certification period to be eligible for recertification.

(2)(a) You must complete the number of MPD approved CME hours appropriate to your level of certification, as indicated in Table A.

(b) If you are a first responder or EMT, you may choose to complete an approved OTEP program instead of completing the required number of CME hours and taking the recertification exams.

(3) You must demonstrate proficiency in certain critical skills, indicated in Table B, to the satisfaction of the MPD:

(4) IV starts:

(a) During your first year of certification as an IV technician, combined IV/airway technician, ILS technician, or paramedic, you must perform a minimum of thirty six successful IV starts. exception: If you have completed a certification period as an IV or ILS technician, you do not need to meet this requirement during your first year of certification as a paramedic.

(b) By the end of your initial certification period, you must perform a minimum of one hundred eight successful IV starts:

(5) Intubations:

(a) During your first year of certification as an airway technician, combined IV/airway technician, combined ILS/airway technician or paramedic, you must perform a minimum of twelve successful endotracheal intubations. exception: If you have completed a certification period as an airway technician, you do not need to meet this requirement during your first year of certification as a paramedic.

(b) By the end of your initial certification period, you must perform a minimum of thirty six successful endotracheal intubations:

(6) Description of selected terms used in the table:

TABLE A+ CME REQUIREMENTS	Basic Life Support		Intermediate Life Support					Paramedic
	FR	EMT	IV	Air	IV/Air	ILS	ILS/Air	Paramedic
Annual								
CPR & Airway	X	X	X	X	X	X	X	
Spinal Immobilization	X	X	X	X	X	X	X	
Patient Assessment	X	X	X	X	X	X	X	
-Certification Period								
Infectious Disease	X	X	X	X	X	X	X	X
Trauma		X	X	X	X	X	X	X
Pharmacology		X	X	X	X	X	X	
Pediatrics	X	2 hrs	2 hrs	2 hrs	2 hrs	2 hrs	2 hrs	6 hrs
Other CME, for a total of:	15 hrs	30 hrs	45 hrs	45 hrs	60 hrs	60 hrs	75 hrs	150 hrs
OR, complete an equivalent OTEP program as described in WAC 246-976-171	X	X	per MPD for BLS skills	per MPD for BLS skills	per MPD for BLS skills	per MPD for BLS skills	per MPD for BLS skills	per MPD for BLS skills

TABLE B+ SKILLS MAINTENANCE REQUIREMENTS	Intermediate Life Support					Paramedic
	IV	Air	IV/Air	ILS	ILS/Air	Paramedic
First Certification Period						
• First Year of Certification						
IV Starts—may not be averaged (see par 4)	36		36	36	36	36
Endotracheal intubations—may not be averaged (see par 5)		12	12		12	12
Demonstrate intraosseous infusion proficiency	X		X	X	X	X
• Second and Third Years of Certification						
IV Starts—average (see par 4)	36		36	36	36	36
Endotracheal intubations—average (see par 5)		12	12		12	12
Demonstrate intraosseous infusion proficiency	X		X	X	X	X

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TABLE B: SKILLS MAINTENANCE REQUIREMENTS	Intermediate Life Support					Paramedic
	IV	Air	IV/Air	ILS	ILS/Air	Paramedic
• During the Certification Period						
Demonstrate pediatric airway proficiency		X	X		X	X
Multi Lumen Airway				per-MPD	per-MPD	
Defibrillation				per-MPD	per-MPD	
Later Certification Periods						
• Annual Requirements						
IV Starts—demonstrate proficiency	X		X	X	X	X
Endotracheal intubations—average (see par 4)		4	4		4	4
Demonstrate intraosseous infusion proficiency	X		X	X	X	X
• During the Certification Period						
Demonstrate pediatric airway proficiency		X	X		X	X
Multi Lumen Airway				per-MPD	per-MPD	
Defibrillation				per-MPD	per-MPD	

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• **Infectious disease:** Infectious disease training must meet the requirements of chapter 70.24 RCW.

• **CPR:** includes the use of airway adjuncts appropriate to the level of certification.

• **Pharmacology:** Pharmacology specific to the medications approved by your MPD (not required for first responders).

• **Pediatrics:** This includes patient assessment, CPR and airway management, and spinal immobilization and packaging.

• **"IV starts":** Proficiency in intravenous catheterization performed on sick, injured, or preoperative adult and pediatric patients. With written authorization of the MPD, IV starts may be performed on artificial training aids.

• **Endotracheal intubation:** Proficiency in endotracheal intubations, at least half of which must be performed on human subjects. With written authorization of the MPD, up to half of the intubations may be performed on artificial training aids.

• **Intraosseous infusion:** Proficiency in intraosseous line placement in pediatric patients.

• **Proficiency:** Ability to perform a skill properly, demonstrated to the satisfaction of the MPD.

• **Pediatric airway:** Proficiency in pediatric airway management.) (1) Education is required for the recertification of all certified EMS personnel. This education may be obtained by completing the continuing medical education (CME) method, or through the ongoing training and evaluation program (OTEP) method, identified below.

(a) To complete the CME method you must:

(i) Complete and document the educational requirements, indicated in Table A of this section, appropriate to your level of certification.

(ii) Complete and document the skills maintenance requirements, indicated in Table B of this section, appropriate to your level of certification.

(A) IV starts for IV technicians, combined IV/airway technicians, ILS technicians, combined ILS/airway technicians, or paramedics:

(I) During your first certification period, you must perform a minimum of one hundred eight successful IV starts.

• During the first year, you must perform a minimum of thirty-six successful IV starts.

• During the second and third year, you must perform a minimum of thirty-six successful IV starts per year, which may be averaged over the second and third years of the certification period.

(II) If you have completed a certification period, you must demonstrate proficiency in starting IVs to the satisfaction of the MPD (see later certification periods in Table B of this section).

(B) Endotracheal intubations for airway technicians, combined IV/airway technicians, combined ILS/airway technicians or paramedics:

(I) During your first certification period, you must perform a minimum of thirty-six successful endotracheal intubations.

• During the first year, you must perform a minimum of twelve successful endotracheal intubations of which four of the endotracheal intubations must be performed on humans.

• During the second and third year, you must perform a minimum of twelve endotracheal intubations per year, which may be averaged over the second and third years of the certification period. Four of these endotracheal intubations per year must be performed on humans.

(II) If you have completed a certification period, you must perform a minimum of four successful human endotracheal intubations per year, which may be averaged over the

three-year certification period (see later certification periods in Table B of this section).

(III) Upon approval of the MPD, individuals unable to complete the required endotracheal intubations during the certification period, may meet the endotracheal intubation requirements by completing a department-approved intensive airway management training program, which includes lecture, hands-on training, and proficiency evaluation.

(iii) Successfully complete the Washington state written examination and practical skills examination as identified in WAC 246-976-171.

(b) To complete the OTEP method you must:

(i) Complete a DOH- and MPD-approved OTEP that includes requirements indicated in Table A of this section, appropriate to your level of certification.

(ii) Complete and document the skills maintenance requirements, indicated in Table B of this section, appropriate to your level of certification.

(A) IV starts for IV technicians, combined IV/airway technicians, ILS technicians, combined ILS/airway technicians, or paramedics:

(I) During your first certification period, you must perform a minimum of thirty-six successful IV starts.

• During the first year, you must perform a minimum of twelve successful IV starts.

• During the second and third year, you must perform a minimum of twelve successful IV starts per year, which may be averaged over the second and third years of the certification period.

(II) If you have completed a certification period, you must demonstrate proficiency in starting IVs to the satisfaction of the MPD (see later certification periods in Table B of this section).

(B) Endotracheal intubations for airway technicians, combined IV/airway technicians, combined ILS/airway technicians or paramedics:

(I) During your first certification period, you must perform a minimum of twelve successful endotracheal intubations.

• During the first year, you must perform a minimum of four successful human endotracheal intubations.

• During the second and third year, you must perform a minimum of four human endotracheal intubations per year, which may be averaged over the second and third years of the certification period.

(II) If you have completed a certification period, you must perform a minimum of two successful human endotracheal intubations per year, which may be averaged over the three-year certification period (see later certification periods in Table B of this section).

(III) Upon approval of the MPD, individuals unable to complete the required endotracheal intubations during the certification period, may meet the endotracheal intubation requirements by completing a department-approved intensive airway management training program, which includes lecture, hands-on training, and proficiency evaluation.

(C) Skills maintenance requirements may be obtained as part of the OTEP.

(D) Individuals participating in an OTEP meet skill maintenance requirements by demonstrating proficiency in the application of those skills to the county MPD during the OTEP.

(c) Any applicant changing from the OTEP method to the CME method must meet all requirements of the CME method.

(d) Education requirements for recertification - Table A:

TABLE A: EDUCATION REQUIREMENTS FOR RECERTIFICATION	Basic Life Support		Intermediate Life Support (EMT-Intermediate Levels)					Paramedic (ALS)
	FR	EMT	IV	Air	IV/A ir	ILS	ILS/A ir	Paramedic
Annual Requirements								
<u>CPR & Airway</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	
<u>Spinal Immobilization</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	
<u>Patient Assessment</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	
Certification Period Requirements								
<u>Infectious Disease</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Trauma</u>		<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Pharmacology</u>		<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	
<u>Other Pediatric Topics</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>*Additional education course hours totaling:</u>	<u>15 hrs</u>	<u>30 hrs</u>	<u>45 hrs</u>	<u>45 hrs</u>	<u>60 hrs</u>	<u>60 hrs</u>	<u>75 hrs</u>	<u>150 hrs</u>

"X" indicates an individual must demonstrate knowledge and competency in the topic or skill.

*Individuals obtaining education through the CME method must complete the total number of educational course hours indicated above. However, due to the competency-based nature of OTEP, fewer class hours may be needed to complete these requirements than the total course hours indicated above.

(e) Skill maintenance requirements - Table B:

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TABLE B: SKILLS MAINTENANCE REQUIREMENTS	Intermediate Life Support (EMT-Intermediate Levels)					Paramedic (ALS)
	IV	Air	IV/Air	ILS	ILS/Air	Paramedic
First Certification Period						
• First Year of Certification						
IV Starts						
Continuing Education Method may not be averaged	36		36	36	36	36
OTEP Method	12		12	12	12	12
Endotracheal intubations (4 must be performed on humans for each method)						
Continuing Education Method may not be averaged		12	12		12	12
OTEP Method		4	4		4	4
Intraosseous infusion placement	X		X	X	X	X
• Second and Third Years of Certification						
• Annual Requirements						
IV Starts*						
Continuing Education Method	36		36	36	36	36
OTEP Method	12		12	12	12	12
Endotracheal intubations* (4 per year must be performed on humans for each method)						
Continuing Education Method		12	12		12	12
OTEP Method		4	4		4	4
Intraosseous infusion placement	X		X	X	X	X
• During the Certification Period						
Pediatric airway management		X	X		X	X
Multi-lumen airway placement				X	X	
Defibrillation				X	X	
Later Certification Periods						
• Annual Requirements						
IV Starts	X		X	X	X	X
Endotracheal intubations (2 per year must be performed on humans for each method)						
Continuing Education Method		4	4		4	4
OTEP Method		2	2		2	2
Intraosseous infusion placement	X		X	X	X	X
• During the Certification Period						
Pediatric airway management		X	X		X	X
Multi-lumen airway placement				X	X	
Defibrillation				X	X	

X indicates an individual must demonstrate proficiency of the skill to the satisfaction of the MPD.
 *The second and third year requirements may be averaged over the two years.

(f) Skill maintenance requirements for individuals requesting reciprocal certification:

(i) Reciprocity candidates credentialed less than three years must meet Washington state's skill maintenance requirements for the initial certification period identified above.

(ii) Reciprocity candidates credentialed three years or more must meet Washington state's skill maintenance requirements for second and subsequent certification periods.

(iii) The county MPD may evaluate an individual's skills to determine if the individual is proficient in the application of those skills prior to recommending certification. The MPD may recommend an individual obtain specific training to become proficient in any skills deemed insufficient by the MPD or delegate.

(g) Description of selected terms used in Tables A and B:

• Class hours: Actual hours spent to become knowledgeable in a topic(s) or proficient in a skill(s).

• Course hours: The predetermined time scheduled to conduct a course or topic.

• CPR and airway management includes foreign body obstruction (FBAO) and the use of airway adjuncts appropriate to the level of certification, for adults, children and infants following national standards, assuring the following pediatric objectives are covered.

• Pediatric objectives - The EMS provider must be able to:

1. Identify and demonstrate airway management techniques for infants and children.

2. Demonstrate infant and child CPR.

3. Demonstrate FBAO technique for infants and children.

• Endotracheal intubation: Proficiency includes the verification of proper tube placement and continued placement of the endotracheal tube in the trachea through the use of an end-tidal CO₂ measurement device.

• Infectious disease: Infectious disease training must meet the requirements of chapter 70.24 RCW.

• Intraosseous infusion: Proficiency in intraosseous line placement in pediatric patients.

• IV starts: Proficiency in intravenous catheterization performed on sick, injured, or preoperative adult and pediatric patients. With written authorization of the MPD, IV starts may be performed on artificial training aids.

• Multi-lumen airway placement: Proficiency includes the verification of tube placement and continued placement for proper tracheal ventilation through the use of an end-tidal CO₂ measurement device.

• Other pediatric topics: This includes anatomy and physiology and medical problems including special needs patients appropriate to the level of certification, assuring the following pediatric objectives are covered.

• Anatomy and physiology - The EMS provider must be able to:

1. Identify the anatomy and physiology and define the differences in children of all ages.

2. Identify developmental differences between infants, toddlers, preschool, school age and adolescents, including special needs children.

• Medical problems including special needs patients - The EMS provider must be able to:

1. Identify the differentiation between respiratory distress and respiratory failure.

2. Identify the importance of early recognition and treatment of shock in the infant and child patient.

3. Identify causes and treatments for seizures.

4. Identify life-threatening complications of meningitis and sepsis.

5. Identify signs and symptoms of dehydration.

6. Identify signs and symptoms of hypoglycemia.

7. Identify how hypoglycemia may mimic hypoxemia.

8. Identify special needs pediatric patients that are technologically dependant (tracheotomy tube, central line, GI or feeding tubes, ventilators, community specific needs).

9. Identify the signs and symptoms of suspected child abuse.

10. Identify the signs and symptoms of anaphylaxis and treatment priorities.

11. Identify the importance of rapid transport of the sick infant and child patient.

• Patient assessment: This includes adult, pediatric and geriatric patients appropriate to the level of certification, assuring the following pediatric objectives are covered.

• Pediatric objectives - The EMS provider must be able to:

1. Identify and demonstrate basic assessment skills according to the child's age and development.

2. Demonstrate the initial assessment skills needed to rapidly differentiate between the critically ill or injured and the stable infant and child patient.

3. Identify and demonstrate the correct sequence of priorities to be used in managing the infant and child patient with life threatening injury or illness.

4. Identify that the priorities for a severely injured and critically ill infant and child are:

a. Airway management,

b. Oxygenation,

c. Early recognition and treatment of shock,

d. Spinal immobilization,

e. Psychological support.

5. Demonstrate a complete focused assessment of an infant and a child.

6. Demonstrate ongoing assessment of an infant and a child.

7. Identify the differences between the injury patterns of an infant and a child compared to that of an adult.

8. Identify the psychological dynamics between an infant and a child, parent or caregiver and EMS provider.

• Pharmacology: Pharmacology specific to the medications approved by the MPD (not required for first responders).

• Proficiency: Ability to demonstrate and perform all aspects of a skill properly to the satisfaction of the MPD or delegate.

• Spinal immobilization and packaging: This includes adult, pediatric and geriatric patients appropriate to the level of certification, assuring the following pediatric objectives are covered.

• Pediatric objectives - The EMS provider must be able to:

1. Demonstrate the correct techniques for immobilizing the infant and child patient.

2. Identify the importance of using the correct size of equipment for the infant and child patient.

3. Demonstrate techniques for adapting adult equipment to effectively immobilize the infant and child patient.

• Trauma: For adult, pediatric and geriatric patients appropriate to the level of certification, assuring the following pediatric objectives are covered.

• Pediatric objectives - The EMS provider must be able to:

1. Identify the importance of early recognition and treatment of shock in the infant and child patient.

2. Identify the importance of early recognition and treatment of the multiple trauma infant and child patient.

3. Identify the importance of rapid transport of the injured infant and child patient.

(2) Topic content to meet the educational requirements identified in subsection (1) of this section must:

(a) Meet annual and certification period educational requirements identified in Appendix A, utilizing:

(i) The course objectives found in curricula identified in WAC 246-976-021, Training course requirements, for the level of certification being taught.

(ii) The current national standards published for CPR, foreign body airway obstruction (FBAO), and automatic defibrillation.

(iii) County medical program director (MPD) protocols, regional patient care procedures, and county operating procedures.

(iv) Transitional training or updates in standards as identified by the department.

(b) Be approved by the MPD;

Any additions or major changes to an approved OTEP require documented approval from the county MPD and DOH.

(c) Be presented and evaluation by course personnel meeting the following qualifications:

(i) Evaluators must:

(A) Be a currently certified BLS or ALS provider who has completed at least one certification cycle. Certification must be at or above the level of certification being evaluated.

(B) Complete an evaluator's workshop, specific to the level of certification being evaluated;

(C) Complete the evaluator application, DOH Form 530-012;

(D) Be approved by the county MPD and DOH.

(ii) Instructors must:

(A) Be a currently certified BLS or ALS provider who has completed at least one certification cycle at or above the level of certification being taught.

(B) Be a currently approved evaluator at the level of certification being taught.

(C) Be approved by the county MPD to instruct and evaluate EMS topics.

(iii) Guest lecturers, when utilized, must have specific knowledge and experience in the skills of the prehospital

emergency care field for the topic being presented and be approved by the county MPD to instruct EMS topics.

AMENDATORY SECTION (Amending WSR 00-08-102, filed 4/5/00, effective 5/6/00)

WAC 246-976-171 To apply for recertification/renewal. ((1) The department will publish procedures for renewal of certification, including:

(a) An ongoing training and evaluation program (OTEP) of skills as authorized in RCW 18.73.081 (3)(b) for first responders and EMTs; and

(b) Examinations for renewal of certification.

If you are a first responder or an EMT, you may choose to complete an approved OTEP program instead of completing the required number of CME hours and taking the recertification exam.

(2) To apply for renewal of certification, submit to the department on approved forms:

(a) All the information identified in WAC 246-976-141(2); except current certification is considered proof of course completion, age, and initial infectious disease training;

(b) Proof of completion of CME and skills maintenance required for the level of certification sought, as defined in this chapter and identified on the table above. For first responders and EMTs, this includes proof of successful demonstration of skills, by:

(i) Successfully completing an approved OTEP; or

(ii) Passing an approved practical examination within the six months prior to application. An applicant changing from the ongoing training and evaluation program to the practical examination program must take the practical examination prior to the end of the certification period.)) To apply for recertification, the applicant must provide information that meets the requirements identified in WAC 246-976-141(2); EXCEPT current Washington state certification is considered proof of course completion, age, and initial infectious disease training.

(1) Proof of successful completion of education and skills maintenance, required for the level of certification, as defined in this chapter and identified in Tables A and B of WAC 246-976-161.

(2) Demonstrate knowledge and practical skills competency:

(a) For individuals participating in the OTEP method of education at the level of certification, successful completion of the OTEP fulfills the requirement of the DOH written and practical skills examinations.

(b) Individuals completing the CME method of education must provide proof of successful completion of the DOH written examination and practical skills examination for the level of certification.

(i) Basic life support (BLS) and intermediate life support (ILS) personnel must successfully complete the DOH approved practical skills examination for the level of certification.

(ii) Paramedics must successfully complete practical skills evaluations required by the MPD to determine ongoing competence.

AMENDATORY SECTION (Amending WSR 00-08-102, filed 4/5/00, effective 5/6/00)

WAC 246-976-930 General responsibilities of the department. In addition to the requirements described in chapters 18.71, 18.73, and 70.168 RCW, and elsewhere in this chapter:

(1) The department shall review, recommend changes to, and approve regional plans and regional patient care procedures based on the requirements of this chapter and recommendations from the steering committee, and upon consideration of the needs of patients.

(a) The department may approve regional plans which include standards that are consistent with chapter 70.168 RCW and other state and federal laws, but which exceed the requirements of this chapter.

(b) The department will develop a process for biennial update of regional and statewide planning. The process will include provisions to amend regional plans between biennial updates.

~~((The department will publish standards for minimum required knowledge and skill objectives for ongoing training and evaluation programs (OTEP) for first responders and EMTs, as authorized in RCW 18.73.081 (3)(b). The department will publish procedures to approve OTEPs.~~

~~((3))~~ The department will publish prehospital trauma triage procedures for activation of the trauma system from the field. The procedures will include assessment of the patient's:

- (a) Vital signs and level of consciousness;
- (b) Anatomy of injury;
- (c) Biomechanics of the injury; and
- (d) Comorbid and associated risk factors.

~~((4))~~ ~~(3)~~ The department may approve pilot programs and projects which have:

- (a) Stated objectives;
- (b) A specified beginning and ending date;
- (c) An identified way to measure the outcome;
- (d) A review process;
- (e) A work plan with a time line;
- (f) If training of EMS(~~(TE)~~) personnel is involved, consistency with the requirements of WAC 246-976-021(5).

~~((5))~~ ~~(4)~~ The department will review at least every four years:

- (a) Rules, policies, and standards for EMS(~~(TE)~~), with the advice of the steering committee;
- (b) Rules and standards for licensure of services and vehicles, and for certification of EMS(~~(TE)~~) personnel, with the advice of the L&C committee(~~(S)~~).

WSR 04-01-201

PROPOSED RULES

DEPARTMENT OF HEALTH

(Board of Optometry)

[Filed December 24, 2003, 10:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-13-125.

Title of Rule: Optometrist certification for oral drugs and injectable epinephrine, WAC 246-851-570 and 246-851-600.

Purpose: In response to 2003 authorizing legislation, these rules ensure that practitioners are qualified to use and prescribe oral medication in the practice of optometry and are qualified to administer epinephrine by injection.

Statutory Authority for Adoption: Chapter 142, Laws of 2003, RCW 18.54.070(2).

Statute Being Implemented: Chapter 142, Laws of 2003.

Summary: For certification to use or prescribe drugs orally, qualified licensees must have an additional minimum of sixteen hours of didactic and eight hours of supervised clinical instruction. For certification to administer epinephrine by injection for treatment of anaphylactic shock, qualified licensees must have a minimum of four hours of didactic and supervised clinical instruction.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Judy Haenke, P.O. Box 47870, Olympia, WA 98504-7870, (360) 236-4947.

Name of Proponent: Optometric Physicians of Washington, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules are being proposed to implement 2003 legislation which authorizes qualified optometrists to use or prescribe drugs administered orally and to administer epinephrine by injection for anaphylactic shock. In response to 2003 authorizing legislation, these rules ensure that practitioners are qualified to use and prescribe oral medication in the practice of optometry and are qualified to administer epinephrine by injection.

WAC 246-851-570 Certification required for use or prescription of drugs administered orally for diagnostic or therapeutic purposes. Sets specific course requirements for didactic and supervised clinical instruction required for certification.

WAC 246-851-600 Certification required for administration of epinephrine by injection for treatment of anaphylactic shock. Sets forth specific course requirements for didactic and supervised clinical instruction required for certification.

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

**WAC 246-851-570 and 246-851-600
Optometry Training to Prescribe Oral Medication and to
Administer Epinephrine by Injection
October 20, 2003**

1. What Does the Rule or Rule Amendment Require?

Chapter 142, Laws of 2003 (SSB 5226), authorizes licensed optometrists to administer, dispense, or prescribe oral drugs for diagnostic or therapeutic purposes. In order to qualify for certification to use or prescribe drugs administered orally, an optometrist must have an additional minimum of sixteen hours of didactic and eight hours of supervised

clinical instruction as established by the Washington State Board of Optometry by rule. The instruction must be through an accredited institution of higher learning.

The chapter also authorizes qualified optometrists to administer epinephrine by injection for treatment of anaphylactic shock. To qualify to administer epinephrine, an optometrist must have an additional minimum of four hours of didactic and supervised clinical instruction as established by the Washington State Board of Optometry (the board)

through rule. The instruction must be through an accredited institution of higher learning.

This provision to provide oral medication or injectable epinephrine is voluntary and not required of the licensee. It does not amend any existing rules.

2. The Following SIC Coded Industries are Affected by These Rules Because They Hire Staff That May Require Training:

SIC	Description	Total Units	Total Employment	Smallest 90%	Largest 10%
3827	Optical instruments/lenses	4	10	N/A*	N/A*
3851	Ophthalmic goods	17	269	1.5	6
8042	Offices and clinics of optometrists	379	1627	3.7	13.5
8099	Health and allied services	93	1484	143.3	64.3

*There are only four companies with a total of ten employees.

I. What Are The Costs:

The average costs for tuition for the courses to each licensee are \$1200. These costs are based on courses currently being proposed by the Optometric Physicians of Washington, a state professional organization.

TRAINING COURSE	LENGTH	TUITION COST
Didactic training for drugs administered orally.	16 hours	\$460.00
Clinical training for drugs administered orally.	8 hours	\$440.00
Didactic and supervised clinical instruction/ epinephrine.	4 hours	\$300.00
Total	28 hours	\$1200.00

The Optometric Physicians of Washington estimate that five hundred licensees will obtain the voluntary endorsements to use and prescribe drugs administered orally and epinephrine administered by injection. In addition to the cost of tuition, licensees would incur additional costs for travel, loss of revenue or expense for hiring temporary staff replacement. A telephone survey of ten optometric physicians was conducted. Amounts below represent an average of the responses received by practice type. All those who responded to the survey indicated that they would seek all twenty-eight hours of training. All of those who responded to the survey indicated that they would not hire temporary staff during their absences. All of those who responded to the survey indicated that the costs would be significantly less if the training were held on the weekend or in the evening.

The course will be given in sites in both Eastern and Western Washington.

PRACTICE TYPE	TRAVEL	REVENUE LOSS	TOTAL
Private Practice	\$360	\$3,340	\$3,700*
Partnership/Clinic	\$130	\$3,920	\$4,050*

* Does not include the cost of the training course.

Specific cost categories:

- Reporting: There is no reporting requirement.

- Recordkeeping: There is no record-keeping requirement.
- Compliance Costs: Other than the initial training cost, there are no compliance costs. The rule is voluntary, however, and does not require compliance.
- Professional Services: No special services are required.
- Equipment: No equipment is required.
- Supplies: There is a cost associated with maintaining a supply of pharmaceuticals. The rule is voluntary, however, and does not require compliance.
- Labor
 - Increased Administrative Costs: No significant increase.
 - Lost Sales or Revenue: No lost sales or revenue.

II. Is the Cost Disproportionate?

The rule does not impose disproportionate costs. The costs involved in this voluntary certification are borne by the licensee. The cost per employee to comply with the rules is substantially the same for each licensed optometrist.

III. Does DOH Have to Minimize the Costs?

No.

IV. How Did You Involve Small Business in the Rule Making?

Business, public, and licensee involvement was solicited through mailing from the Board of Optometry. A mailing was sent to all licensed optometrists and other stakeholders including professional associations, and educators. Opportunity for written comments was provided during different stages of the development of the rules. This effort has produced rules that are the least burdensome to practitioners.

A copy of the statement may be obtained by writing to Judy Haenke, Program Manager, P.O. Box 47870, Olympia, WA 98504-7870, Judy.Haenke@doh.wa.gov, phone (360) 236-4947, fax (360) 586-4359.

RCW 34.05.328 applies to this rule adoption. This proposal is legislatively significant. The proposed rules represent a change in regulatory program.

Hearing Location: CenterPoint Corporate Park, Creekside Building #3, 2nd Floor, 20437 72nd Avenue South, Kent, WA 98032, on January 28, 2004, at 9:00 a.m.

PROPOSED

Assistance for Persons with Disabilities: Contact Judy Haenke by January 15, 2004, TDD 1-800-833-6388.

Submit Written Comments to: Judy Haenke, Program Manager, P.O. Box 47870, Olympia, WA 98504-7870, judy.haenke@doh.wa.gov, fax (360) 586-4359, by January 24, 2004.

Date of Intended Adoption: January 28, 2004.

November 25, 2003

Donald Williams

Executive Director

NEW SECTION

WAC 246-851-570 Certification required for use or prescription of drugs administered orally for diagnostic or therapeutic purposes. (1) To qualify for certification to use or prescribe drugs administered orally for diagnostic or therapeutic purposes, licensed optometrists must provide documentation that he or she:

(a) Are certified under RCW 18.53.010 (2)(b) to use or prescribe topical drugs for diagnostic and therapeutic purposes.

(b) Have successfully completed a minimum of sixteen hours of didactic and eight hours of supervised clinical instruction from an institution of higher learning, accredited by those agencies recognized by the United States Office of Education or the Council on Postsecondary Accreditation.

(2) The didactic instruction must include a minimum of sixteen hours in the following subject area:

- (a) Basic principles of systemic drug therapy;
- (b) Side effects, adverse reactions and drug interactions in systemic therapy;
- (c) Review of oral pharmaceuticals:
 - (i) Prescription writing;
 - (ii) Legal regulations in oral prescription writing;
 - (iii) Systemic antibacterials in primary eye care;
 - (iv) Systemic antivirals in eye care;
 - (v) Systemic antifungal in eye care;
 - (vi) Systemic antihistamines and decongestants and their uses in eye care;
 - (vii) Oral dry eye agents;
 - (viii) Anti-emetics and their use in eye care;
 - (ix) Systemic diuretics and their management of elevated IOP;
 - (x) Systemic epinephrine;
- (d) Review of systemic medication in ocular pain management:
 - (i) Legal regulations with scheduled medication;
 - (ii) Systemic nonsteroidal anti-inflammatory drugs (NSAIDs);
 - (iii) Systemic noncontrolled analgesics;
 - (iv) Systemic controlled substances;
- (e) Review of oral medications used for sedation and anti-anxiety properties in eye care:
 - (i) Controlled anti-anxiety/sedative substances;
 - (ii) Legal ramifications of prescribing anti-anxiety drugs;
 - (f) Review of systemic medications used during pregnancy and in pediatric eye care:
 - (i) Legal ramifications in prescribing to this population;

- (ii) Dosage equivalent with pregnancy and pediatrics;
- (iii) Medications to avoid with pregnancy and pediatrics;
- (g) Applied systemic pharmacology:
 - (i) Eyelid and adnexal tissue;
 - (ii) Lacrimal system and peri-orbital sinuses;
 - (iii) Conjunctival and corneal disorders;
 - (iv) Iris and anterior chamber disorders;
 - (v) Posterior segment disorders;
 - (vi) Optic nerve disease;
 - (vii) Peripheral vascular disease and its relationship with ocular disease;
 - (viii) Atherosclerotic disease;
 - (ix) Other/course review.
- (3) The supervised clinical instruction must include at least eight hours in the following subject areas:
 - (a) Vital signs;
 - (b) Auscultation;
 - (c) Ear, nose and throat;
 - (d) Screening neurological exam.
 - (4) Written examination to cover required curriculum.

NEW SECTION

WAC 246-851-600 Certification required for administration of epinephrine by injection for treatment of anaphylactic shock. (1) To qualify for certification to administer epinephrine by injection for anaphylactic shock, licensed optometrists must provide documentation that he or she:

(a) Are certified under RCW 18.53.010 (2)(b) to use or prescribe topical drugs for diagnostic and therapeutic purposes.

(b) Have successfully completed a minimum of four hours of didactic and supervised clinical instruction from an institution of higher learning, accredited by those agencies recognized by the United States Office of Education or the Council on Postsecondary Accreditation to qualify for certification by the optometry board to administer epinephrine by injection.

(2) The didactic instruction must include the following subject area:

- (a) Review of urgencies, emergencies and emergency-use agents;
- (b) Ocular urgencies:
 - (i) Thermal burns-direct and photosensitivity-based ultraviolet burn;
 - (ii) Electrical injury;
 - (iii) Cryo-injury and frostbite;
 - (iv) Insect stings and bites;
 - (v) Punctures, perforations, and lacerations;
- (c) General urgencies and emergencies:
 - (i) Anaphylaxis;
 - (ii) Hypoglycemic crisis;
 - (iii) Narcotic overdose.
- (3) The supervised clinical instruction must include the following subject areas:
 - (a) Instrumentation;
 - (b) Informed consent;
 - (c) Preparation (patient and equipment);
 - (d) All routes of injections.

(4) With the exception of the administration of epinephrine by injection for treatment of anaphylactic shock, no injections or infusions may be administered by an optometrist.

WSR 04-01-202
PROPOSED RULES
DEPARTMENT OF AGRICULTURE

[Filed December 24, 2003, 10:59 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-20-119.

Title of Rule: Chapter 16-470 WAC, Quarantine—Agricultural pests, this proposal amends the current quarantine rules by establishing a quarantine for apple maggot in a major portion of Kittitas County. An effective date of August 16, 2004, is proposed.

Purpose: This rule is implemented to regulate and/or exclude fresh fruits grown or originating from areas infested with apple maggot or plum curculio to protect the environmental quality and agricultural crops of the state.

Statutory Authority for Adoption: Chapters 17.24 and 34.05 RCW.

Statute Being Implemented: Chapter 17.24 RCW.

Summary: The apple maggot is an insect native to Eastern North America. Its hosts include apples, crabapple, and native hawthorn. In its larval development stage it can cause extensive damage to fruit. Surveys for apple maggot have been conducted annually by the Washington State Department of Agriculture (WSDA) since 1980. During the 2003 summer trapping program, WSDA caught twenty-six apple maggots at twenty-five sites in or near Ellensburg. Consistent with 2003 recommendations of the apple maggot working group, this proposal adds a major portion of Kittitas County to the existing apple maggot quarantine area. The remaining portion of the county is not proposed for addition to the quarantine area, as it is geographically and biologically isolated from potential infestation.

Reasons Supporting Proposal: Failure to take regulatory action by amending the current apple maggot quarantine would jeopardize foreign and domestic markets.

Name of Agency Personnel Responsible for Drafting: Mary Toohey, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-1907; Implementation and Enforcement: Brad White, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-2071.

Name of Proponent: Apple Maggot Working Group, public.

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 protect the commercial tree fruit industry from an economically significant pest by establishing quarantine areas and criteria. Preventing apple maggot establishment and specifying criteria for regulatory action are necessary to allow movement of Washington fruit into other states and internationally. This proposal adds a major portion of Kittitas County to the existing apple maggot quar-

antine area. The remaining portion of Kittitas County is not proposed for addition to the quarantine area, as naturally occurring geographic and biological factors (e.g. desert terrain, absence of appropriate host material) make it highly unlikely that apple maggot would spread naturally to this area in the foreseeable future. An effective date of August 16, 2004, would allow for orderly marketing of the major portion of the 2003 Kittitas County crop and give the industry opportunity to implement this rule for the 2004 crop.

Proposal Changes the Following Existing Rules: This proposal changes the existing rule by adding a major portion of Kittitas County to the current list of areas under quarantine for apple maggot.

No small business economic impact statement has been prepared under chapter 19.85 RCW. It does not appear that this change to existing rule will have significant economic impact on the commercial tree fruit industry. However, neglecting to change the existing rule may result in loss of markets and potential exports.

RCW 34.05.328 does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency under RCW 34.05.328 (5)(a)(i).

Hearing Location: Washington Cattlemen's Association, 1301 North Dolarway Road, Main Conference Room, Ellensburg, WA 98926, on January 27, 2004, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Henri Gonzales by January 20, 2004, TDD (360) 902-1996.

Submit Written Comments to: Henri Gonzales, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2094, e-mail hgonzales@agr.wa.gov, by January 27, 2004.

Date of Intended Adoption: February 10, 2004.

December 24, 2003

Mary A. Martin Toohey

Assistant Director

AMENDATORY SECTION (Amending WSR 01-14-075, filed 7/3/01, effective 8/3/01)

WAC 16-470-105 Area under order for apple maggot—Pest free area—Quarantine areas. (1) A pest free area for apple maggot is declared for the following ((counties)) portions of Washington state:

(a) Counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, ((Kittitas,)) Lincoln, Okanogan, Pend Oreille, Stevens, Walla Walla, Whitman, and Yakima.

(b) The portion of Kittitas County designated as follows: Beginning at the northwest corner of Wanapum Dam and Huntzinger Road; south along Huntzinger Road to the Yakima County line; east to the Columbia River; north along the Columbia River to the Wanapum Dam; and west to the point of beginning.

(2) A quarantine for apple maggot is declared for the following ((counties)) portions of Washington state:

(a) Counties of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Klickitat, Lewis, Mason, Pacific, Pierce, Snohomish, Spokane, Skagit, Skamania, Thurston, Wahkiakum, and Whatcom.

(b) Kittitas County, except for the area designated in subsection (1)(b) of this section.

(3) A quarantine for apple maggot is declared for all states or foreign countries where apple maggot is established. The area under quarantine includes, but is not limited to, the states of Idaho, Oregon, Utah, and California, and, in the eastern United States, all states and districts east of and including North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and any other areas where apple maggot is established.

PROPOSED

WSR 04-01-031
EXPEDITED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed December 8, 2003, 3:55 p.m.]

Title of Rule: WAC 388-450-0215 How does the department estimate my assistance unit's income to determine my eligibility and benefits?

Purpose: Amend WAC 388-450-0215(7) to correct editing errors made in the last revision of this rule.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, and 74.04.057.

Statute Being Implemented: RCW 74.04.050, 74.04.055, and 74.04.057.

Summary: WAC 388-450-0215 describes how the department estimates an assistance unit's income in order to determine if clients are eligible for benefits and to calculate the benefits of eligible assistance units.

Reasons Supporting Proposal: The editorial changes proposed in this filing will allow readers to better understand the rule. No substantive changes are being made under this filing.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Camp, Lacey Government Center, P.O. Box 45470, Olympia, WA 98504-4570, (360) 413-3232.

Name of Proponent: Department of Social and Health Services, Economic Services Administration, Division of Employment and Assistance Programs, governmental.

Rule is necessary because of federal law, Code of Federal Regulations, 7 C.F.R. 273.10.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 388-450-0215, describes how the department estimates an assistance unit's income in order to determine if clients are eligible for benefits and to calculate the benefits of eligible assistance units.

Proposal Changes the Following Existing Rules: See Purpose, Summary, and Reasons Supporting Proposal above.

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 Rules Coordinator, Rules and Policies Assistance Unit, Department of Social and Health Services, P.O. Box 45850, Olympia, WA 98504-45850, AND RECEIVED BY February 23, 2004.

December 3, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 03-21-029, filed 10/7/03, effective 11/1/03)

WAC 388-450-0215 How does the department estimate my assistance unit's income to determine my eligibility and benefits? The department uses prospective budgeting to determine if your assistance unit (AU) is eligible and to calculate your benefits.

(1) We determine if your AU is eligible for benefits and calculate your monthly benefits based on an estimate of your AU's income and expenses for that month. This is known as prospective budgeting.

(2) We base this estimate on what can be reasonably expected based on your current, past and future circumstances.

(3) We determine if our estimate is reasonable by looking at documents, statements, and other verification.

(4) We use two methods to estimate your AU's income:

(a) **Anticipating monthly income:** We estimate the actual amount of income you expect to receive in the month; and

(b) **Averaging income:** We estimate your income based on adding the total income you expect to receive for a period of time and dividing by the number of months in the time period.

(5) When we use the anticipating monthly method, we estimate the actual amount of income your AU expects to receive in the month. Your benefits will vary based on the income that is expected for that month.

(6) In general, you can choose which method we use to estimate your income. However, we **must** use the anticipating monthly method:

(a) For all your AU's income in the following circumstances:

(i) If you receive SSI-related medical benefits under chapter 388-475 WAC ((388-450-0150)); or

(ii) If you are a destitute migrant or destitute seasonal farmworker under WAC 388-406-0021, we must use the anticipating monthly method for the month your AU applied for benefits.

(b) For the income of any member of your AU who has income allocated to someone receiving SSI-related medical benefits under chapter 388-475 WAC ((388-450-0150));

(c) For the following sources of income to your AU:

(i) SSI;

(ii) Social Security benefits; or

(iii) Income your AU already received in the month that you applied for benefits. If we do not have to use the anticipating monthly method for any other reason, we may average this income for the remaining months of your certification or review period.

(7) When we use the averaging method, we take the expected changes in your AU's income into consideration so your benefits do not change as much:

(a) If you receive your income weekly or every other week, we convert this income ((~~converted~~)) to a monthly amount. If you are paid: ((~~If you are paid:~~))

(i) Weekly, we multiply your expected pay by 4.3; or

(ii) Every other week, we multiply your expected pay by 2.15.

EXPEDITED

(b) In most cases if you receive your income other than weekly or every other week, we estimate your monthly income by:

(i) Adding the total amount of income we expect you to receive for your certification or review period; and

(ii) Dividing by the number of months in the period of time.

(c) If you receive your yearly income over less than a year because you are self employed or work under a contract, we average this income over the year unless you are:

(i) Paid on an hourly or piecework basis; or

(ii) A migrant or seasonal farmworker under WAC 388-406-0021.

(8) If you report a change in your AU's income, and we expect the change to last for at least a month beyond the month you reported the change, we recalculate your AU's income based on this change.

(9) If your actual income is different than the income we estimated, we do not make you repay an overpayment under chapter 388-410 WAC or increase your benefits unless:

(a) You provided incomplete or false information; or

(b) We made an error in calculating your benefits.

WSR 04-01-092

EXPEDITED RULES

DEPARTMENT OF LICENSING

[Filed December 16, 2003, 10:43 a.m.]

Title of Rule: WAC 308-77-180 Appeals.

Purpose: To repeal WAC 308-77-180 due to the adoption of WAC 308-77-102. WAC 308-77-102 addresses the same subject matter as WAC 308-77-180, which should have been repealed upon the adoption of WAC 308-77-102.

Statutory Authority for Adoption: RCW 82.38.260.

Summary: This rule administers the appeals process for assessments of taxes, penalties and interest under chapter 82.38 RCW. The rule is being repealed as it has been replaced by WAC 308-77-102 which was effective December 2, 2001. The two rules are essentially duplicative and WAC 308-77-180 was inadvertently not repealed.

Reasons Supporting Proposal: Rule is duplicative.

Name of Agency Personnel Responsible for Drafting and Implementation: Art Farley, 2424 Bristol Court, Olympia, WA 98504, (360) 664-1820; Enforcement: Jeff Beach, 2424 Bristol Court, Olympia, WA 98504, (360) 664-1844.

Name of Proponent: Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule administers the appeals process for assessments of taxes, penalties and interest under chapter 82.38 RCW. The rule is being repealed as it has been replaced by WAC 308-77-102 which was effective December 2, 2001. The two rules are essentially duplicative and WAC 308-77-180 was inadvertently not repealed.

Proposal does not change existing rules.

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 Art Farley, Department of Licensing, 2424 Bristol Court S.W., Olympia, WA 98504, AND RECEIVED BY March 20, 2004.

December 15, 2003

Arthur W. Farley

Acting Administrator

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-77-180

Appeals.

WSR 04-01-097

EXPEDITED RULES

ENERGY FACILITY

SITE EVALUATION COUNCIL

[Filed December 16, 2003, 2:15 p.m.]

Title of Rule: WAC 463-06-040 Meetings [Monthly meetings], this rule identifies the schedule for regular meetings of the Energy Facility Site Evaluation Council and its executive committee.

Purpose: Repeal of WAC 463-06-040 Monthly meetings.

Statutory Authority for Adoption: RCW 80.50.040.

Summary: The council has determined that WAC 463-06-040 is not necessary due to legislative changes to its membership, its variability in workload year-to-year, and the requirements of the Open Public Meetings Act (chapter 42.30 RCW) that require yearly publication of the council's meeting schedule in the state register as well as other meeting notification requirements.

Reasons Supporting Proposal: See above and Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Allen J. Fiksdal, 925 Plum Street, Olympia, WA 98504-3172, (360) 956-2152.

Name of Proponent: Energy Facility Site Evaluation Council, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Legislative changes in 2001 reduced the number of agencies represented on the council. As a result the council has changed internal operational circumstances and has eliminated the need of an executive committee. Over the past few

years the council has needed to vary the frequency of meetings to match its workload as a result of a quickly changing energy market. The repeal of WAC 463-06-040 is intended to give the council more flexibility regarding its regularly scheduled meetings due to changing circumstances that it expects in the future regarding siting and monitoring of energy facilities.

Under chapter 42.30 RCW boards and commissions like the Energy Facility Site Evaluation Council must publish their regular meeting schedule at the beginning of each year in the state register. The council also sends its meeting agendas to a mail list prior to each meeting. The publication of a meeting schedule in the state register and issuance of agendas informs the public of the council meetings. If workload requires changes to regular meeting schedules, then notification in the state register is more timely and efficient than changes to a rule.

Because of the meeting notification procedures in chapter 42.30 RCW repeal of WAC 463-06-040 will not cause any reduction in public notification or awareness of the council's meeting schedule.

Proposal Changes the Following Existing Rules: Repeal of WAC 463-06-040 Monthly meetings.

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 Allen J. Fiksdal, Energy Facility Site Evaluation Council, P.O. Box 43172, Olympia, WA 98504-3172, AND RECEIVED BY February 24, 2004.

December 16, 2003

Allen J. Fiksdal
EFSEC Manager

REPEALER

Repeal Section: **WAC 463-06-040 Monthly meetings.**

EXPEDITED



WSR 03-24-028
PERMANENT RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[General Order R-510, Docket No. A-010648—Filed November 24, 2003,
 3:32 p.m., effective January 1, 2004]

In the matter of amending chapters 480-04, 480-14, 480-15, 480-30, 480-31, 480-51, 480-60, 480-62, 480-66, 480-70, 480-75, 480-80, 480-90, 480-92, 480-100, 480-110, 480-120, 480-121 and 480-140 WAC; and repealing chapter 480-09 WAC; and adopting chapter 480-07 WAC, relating to the commission's rules governing public access to information and records the commission's procedural rules.

1 STATUTORY OR OTHER AUTHORITY: The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 03-17-100, filed with the code reviser on August 20, 2003, and Notice No. WSR 03-20-117, filed with the code reviser on October 1, 2003. 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 these rules to be effective on January 1, 2004.

4 CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULES: RCW 34.05.325 requires that the commission prepare and provide to commenters a concise explanatory statement about adopted rules. The statement must include the identification of the reasons for adopting the rules, a summary of the comments received regarding the proposed rules, 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, 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.

6 REFERENCE TO AFFECTED RULES: This rule repeals the following sections of the Washington Administrative Code: WAC 480-04-070 Public records officer, 480-04-110 Information for commercial purposes, 480-09-005 Scope of this chapter—How to communicate with the commission, 480-09-010 When this chapter applies—Exceptions, 480-09-012 Incorporated and referenced materials, 480-09-015 Submission of "confidential" information, 480-09-100 Sending communications to the commission, 480-09-101 When communications are received; required identification of sender; communications from the commission, 480-09-110 Office hours, 480-09-115 Procedure at open public meetings, 480-09-120 Filing and service filing by telefacsimile; number of

copies, 480-09-125 Failure to file sufficient copies—Costs of copying, 480-09-130 Computation of time, 480-09-135 Variation from time limits, 480-09-140 Ex parte communications, 480-09-150 Informal complaints, 480-09-200 Interpretive and policy statements, 480-09-210 Rule-making procedures—Rules coordinator, 480-09-220 Petitions for rule making, amendment, or repeal, 480-09-230 Declaratory orders, 480-09-300 Filing requirements—Statement of policy, 480-09-310 Filing requirements—Definition, 480-09-320 Filing requirements—Master service, 480-09-330 Filing requirements—General rate increases, 480-09-335 Filing requirements—General rate increases solid waste collection companies, 480-09-337 Filing requirements—General rate increases water companies, 480-09-340 Compliance filings, 480-09-390 Objections to closures of highway-railroad grade crossings, 480-09-400 Applications for adjudicative proceedings, 480-09-410 Parties, 480-09-420 Pleadings and briefs—Applications for authority—Protests, 480-09-425 Pleadings—Verification, time for filing, responsive pleadings, liberal construction, amendments, 480-09-426 Motion for summary disposition, 480-09-430 Intervention, 480-09-440 Continuances—Extensions of time, 480-09-450 Interpreters, 480-09-460 Prehearing and other conferences, 480-09-465 Alternate dispute resolution, 480-09-466 Settlement conference; settlements, 480-09-467 Collaboratives, 480-09-470 Stipulation as to facts, 480-09-475 Subpoenas, 480-09-480 Methods for obtaining data in adjudicative proceedings, 480-09-500 Brief adjudicative proceedings, 480-09-510 Emergency adjudicative proceedings, 480-09-520 Formal investigation and fact-finding, 480-09-530 Petitions for enforcement of interconnection agreements, 480-09-600 Conversion of proceedings, 480-09-610 Consolidation of proceedings, 480-09-620 Joint hearings, 480-09-700 Hearings—Notice and failure to appear, 480-09-705 Notice to limited-English-speaking parties, 480-09-710 Appearance and practice before commission, 480-09-720 Appearances—Party status, 480-09-730 Conduct at hearings, 480-09-735 Order of procedure, 480-09-736 Hearing guidelines, 480-09-740 Evidence, 480-09-745 Exhibits and documentary evidence, 480-09-750 Rules of evidence; official notice; resolutions, 480-09-751 Witness panels, 480-09-760 Interlocutory orders, 480-09-770 Briefs, 480-09-780 Entry of initial and final orders—Administrative review, 480-09-800 Stay, 480-09-810 Reconsideration, 480-09-815 Amendment, rescission or correction of order, and 480-09-820 Rehearing or reopening.

7 This order amends the following sections of the Washington Administrative Code: WAC 480-04-020 Definitions, 480-04-030 Organization of the Washington utilities and transportation commission, 480-04-050 Public information; public submissions or requests other than requests for public documents, 480-04-060 Public records available; hours for inspection and copying, 480-04-065 Records index, 480-04-090 Requests for public records, 480-04-095 Disclosure procedure, 480-04-100 Copying and service charges, 480-04-120 Review of denials of public records requests, 480-04-130 Protection of public records, 480-14-050 Reference to other chapters, 480-14-190 Permanent common carrier permits, 480-15-035 Exemptions from rules, 480-15-080 How do I file documents with the commission?, 480-15-090 May I submit information to the commission confidentially?, 480-15-

120 What rules apply to commission proceedings?, 480-15-310 May I comment on a decision to grant or deny temporary authority?, 480-15-350 Will my application be set for a hearing?, 480-15-440 What happens if my permit is suspended for cause?, 480-15-460 What happens if my permit is canceled for cause?, 480-15-510 Changing commission-published tariffs, 480-15-520 Procedure for filing individual carrier tariffs, 480-30-032 Notice of application; protests; contemporaneous applications, 480-31-090 Passenger complaints and disputes, 480-51-040 Notice of application—Protests—Contemporaneous applications, 480-51-050 Waiver of ten-mile restriction, 480-51-060 Temporary certificates, 480-51-120 Failure to initiate service—Extensions of time to initiate service—Progress reports, 480-60-012 Contacting the commission, 480-60-014 Rules of practice and procedure, 480-60-020 Exemptions, 480-62-140 Exemptions from rules, 480-62-145 Commission proceedings, 480-66-120 Contacting the commission, 480-66-140 Rules of practice and procedure, 480-66-150 Exemptions from rules, 480-66-160 Filing a complaint, 480-70-036 Rules of practice and procedure, 480-70-051 Exemptions from rules, 480-70-106 Certificates, application docket, protests, and intervention, 480-70-131 Certificates, temporary, 480-70-231 Tariffs, general, 480-70-256 Tariffs, rejection, 480-70-339 Tariffs, suspension by the commission, 480-70-386 Complaints, 480-75-260 Exemption for rules in chapter 480-75 WAC, 480-80-010 Application of rules, 480-80-015 Exemptions from rules in chapter 480-80 WAC, 480-80-105 Tariff filing instructions, 480-80-142 Special contracts for telecommunications companies not classified as competitive, 480-80-143 Special contracts for gas, electric, and water companies, 480-80-241 Filing contracts for services classified as competitive, 480-90-003 Application of rules, 480-90-008 Exemptions from rules in chapter 480-90 WAC, 480-90-123 Refusal of service, 480-90-173 Gas utility's responsibility for complaints and disputes, 480-92-060 Minimum filing requirements, 480-92-090 Site operator responsibility for complaints and disputes, 480-100-003 Application of rules, 480-100-008 Exemptions from rules in chapter 480-100 WAC, 480-100-123 Refusal of service, 480-100-173 Electric utility responsibility for complaints and disputes, 480-110-215 Exemptions from rules, 480-110-295 Adopted and initial tariffs, 480-110-385 Water company responsibility for complaints and disputes, 480-120-011 Application of rules, 480-120-015 Exemptions from rules in chapter 480-120 WAC, 480-120-166 Commission-referred complaints, 480-120-305 Streamlined filing requirements for Class B telecommunications company rate increases, 480-120-560 Collocation, 480-121-011 Application of rules, 480-121-015 Exemptions from rules in chapter 480-121 WAC, 480-121-061 General requirements to classify a telecommunications company as competitive or to classify a service provided by a telecommunications company as competitive, 480-140-015 Exemptions from rules, and 480-140-080 Confidentiality provision.

8 This order adopts the following sections of the Washington Administrative Code: WAC 480-04-035 Physical address—Telephone—Facsimile—E-mail—Internet, 480-07-010 Scope of this chapter.

PART I: GENERAL PROVISIONS, WAC 480-07-100 Scope of Part I, 480-07-110 Exceptions from and modifications to

the rules in this chapter; special rules, 480-07-120 Office hours, 480-07-125 Physical address; telephone; facsimile; e-mail; Internet, 480-07-130 Time periods specified for acts governed by this chapter, 480-07-140 Communicating with the commission, 480-07-143 Submitting documents in rule-making proceedings, 480-07-145 Filing documents in adjudicative proceedings, 480-07-150 Service of documents in adjudicative proceedings, 480-07-160 Confidential information, 480-07-170 Official communications from the commission, 480-07-180 Incorporated and referenced materials in commission rules and orders.

PART II: RULE-MAKING PROCEEDINGS, WAC 480-07-200 Scope of Part II, 480-07-210 Administrative Procedure Act requirements, 480-07-220 Monitoring rule-making proceedings; lists of interested persons, 480-07-230 Inquiring about rule-making proceedings, 480-07-240 Petitions for rule making, amendment, or repeal.

PART III: ADJUDICATIVE PROCEEDINGS, SUBPART A: Rules of General Applicability, WAC 480-07-300 Scope of Part III, 480-07-305 Commencement of an adjudicative proceeding, 480-07-310 Ex parte communications, 480-07-320 Consolidation of proceedings, 480-07-330 Presiding officers, 480-07-340 Parties—General, 480-07-345 Appearance and practice before commission, 480-07-350 Access for limited-English speakers and hearing-impaired persons, 480-07-355 Parties—Intervention, 480-07-360 Parties—Master service list, 480-07-370 Pleadings—General, 480-07-375 Motions, 480-07-380 Motions that are dispositive—Motion to dismiss; motion for summary determination; motion to withdraw, 480-07-385 Motion for continuance, postponement, or extension of time, 480-07-390 Briefs; oral argument; findings and conclusions, 480-07-395 Pleadings, motions, and briefs—Format requirements; citation to record and authorities; verification; errors; construction; amendment, 480-07-400 Discovery, 480-07-405 Discovery—Data requests, record requisitions, and bench requests, 480-07-410 Discovery—Depositions, 480-07-415 Discovery conference, 480-07-420 Discovery—Protective orders, 480-07-423 Discovery—Protective orders—Submission requirements for documents, 480-07-425 Discovery disputes, 480-07-430 Prehearing conferences, 480-07-440 Hearing notice, 480-07-450 Hearing—Failure to appear, 480-07-460 Hearing—Predistribution of exhibits and prefiled testimony, 480-07-470 Hearing guidelines, 480-07-480 Hearing—Stipulation of facts, 480-07-490 Hearing—Exhibits and documentary evidence, 480-07-495 Hearing—Rules of evidence; official notice, 480-07-498 Hearing—Public comment, SUBPART B: General Proceedings, WAC 480-07-500 General rate proceedings—Statement of policy, 480-07-505 General rate proceedings—Definition, 480-07-510 General rate proceedings—Electric, natural gas, pipeline, and telecommunications companies, 480-07-520 General rate proceedings—Solid waste collection companies, 480-07-530 General rate proceedings—Water companies, 480-07-540 General rate proceedings—Burden of proof, 480-07-550 General rate proceedings—Compliance filings and other resulting filings.

SUBPART C: Abbreviated and Specialized Forms of Adjudicative Proceedings, WAC 480-07-600 Scope, 480-07-610 Brief adjudicative proceedings, 480-07-620 Emergency adjudicative proceedings, 480-07-630 Telecommunications

companies—Arbitration under the Telecommunications Act of 1996, 480-07-640 Telecommunications companies—Review and approval of interconnection agreements under the Telecommunications Act of 1996, 480-07-650 Petitions for enforcement of telecommunications company interconnection agreements, 480-07-660 Railroad grade crossing closures—Objections.

SUBPART D: Alternative Dispute Resolution, WAC 480-07-700 Alternative dispute resolution, 480-07-710 Mediation, 480-07-720 Collaboratives, 480-07-730 Settlement, 480-07-740 Settlement consideration procedure, 480-07-750 Commission discretion to accept settlement, impose conditions, or reject a proposed settlement.

SUBPART E: Orders and Post-Order Process, WAC 480-07-800 General; definitions, 480-07-810 Interlocutory orders, 480-07-820 Initial and final orders, 480-07-825 Initial orders—Petitions for administrative review, 480-07-830 Motion to reopen the record prior to entry of a final order, 480-07-835 Clarification of final order by motion, 480-07-840 Clarification of a final order by conference, 480-07-850 Reconsideration of a final order by petition, 480-07-860 Stay, 480-07-870 Rehearing, 480-07-875 Amendment, rescission, or correction of order, 480-07-880 Compliance filing; subsequent filing; reporting requirement, 480-07-883 Compliance filing—Filing requirements; timing; commission action, 480-07-885 Subsequent filing—Filing requirements; timing; commission action.

PART IV: OTHER COMMISSION PROCEEDINGS, WAC 480-07-900 Open public meetings, 480-07-910 Informal complaints, 480-07-920 Interpretive and policy statements, 480-07-930 Declaratory orders under RCW 34.05.240, 480-07-940 Conversion of proceedings, and 480-07-950 Joint hearings with other administrative bodies.

9 PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER: The commission filed a preproposal statement of inquiry (CR-101) on June 1, 2001, at WSR 01-12-053.

10 ADDITIONAL NOTICE AND ACTIVITY PURSUANT TO PREPROPOSAL STATEMENT: The statement advised interested persons that the commission was considering entering a rule making to review rules relating to procedure and the conduct of business with the commission for content and readability consistent with 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. 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 companies and the commission's lists of regulatory attorneys. The commission posted the relevant rule-making information on its Internet website at <http://www.wutc.wa.gov>.

11 MEETINGS OR WORKSHOPS; ORAL COMMENTS; WRITTEN COMMENTS: The commission held rule-making workshops on June 22, 2001, and June 9, 2003. In addition, staff met informally to discuss issues related to process and procedure before the commission with groups of counsel who

appear regularly before the commission. Representatives of a diverse group of regulated companies and several consumer advocacy organizations attended one or more of the workshops and informal meetings, and/or filed written comments.

12 NOTICE OF PROPOSED RULE MAKING: The commission filed a notice of proposed rule making (CR-102) on August 20, 2003, at WSR 03-17-100. The commission scheduled this matter for oral comment and adoption under Notice No. WSR 03-17-100 at 9:30 a.m., Wednesday, September 24, 2003, 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.

13 The commission filed a supplemental notice of proposed rule making (Supplemental CR-102) on October 1, 2003, at WSR 03-20-117. The commission scheduled this matter for oral comment and adoption under Notice No. WSR 03-20-117 at 1:30 p.m., Wednesday, November 12, 2003, 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.

14 COMMENTERS (WRITTEN COMMENTS): The commission received written comments on the proposed rules (i.e., CR-102) from: Puget Sound Energy ("PSE"), Qwest, AT&T Communications of the Pacific Northwest, Inc. ("AT&T"), and the Public Counsel Section of the Attorney General's Office ("public counsel"). The commission received written comments concerning the supplemental rules (i.e., Supplemental CR-102) from public counsel.

15 RULE-MAKING HEARING: The commission considered the rule proposal (i.e., CR-102) for adoption, pursuant to the notice, at a rule-making hearing scheduled during the commission's regularly scheduled open public meeting on September 24, 2003, before Chairwoman Marilyn Showalter and Commissioner Patrick J. Oshie. The commission heard oral comments from public counsel.

16 The commission considered the supplemental rule proposal (i.e., Supplemental CR-102) for adoption, pursuant to the notice, at a rule-making hearing scheduled during the commission's regularly scheduled open public meeting on November 12, 2003, before Chairwoman Marilyn Showalter, Commissioner Richard Hemstad, and Commissioner Patrick J. Oshie. No one appeared to offer oral comments.

17 SUGGESTIONS FOR CHANGE THAT ARE ACCEPTED OR REJECTED: In this section the commission responds to comments made on the proposed rules. The commission received three suggested changes from two interested persons.

18 The material in this section is organized by rule number. 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.

19 WAC 480-04-090 Requests for public records: AT&T proposes an additional change to WAC 480-04-090 (5)(a) that would require a person requesting public records to disclose the identity of their "employer and any business or commercial affiliations," in addition to the existing requirements in WAC 480-04-090, that requesters give their name,

address, and telephone number." AT&T argues that this change would "assist the commission and companies in assessing whether confidential, proprietary or trade secret information are being sought by an individual or entity that might misuse such information."

20 The commission does not adopt this proposed change. RCW 42.17.270 provides that "Agencies shall not distinguish among persons requesting records, and such persons shall not be required to provide information as to the purpose for the request except to establish whether inspections and copying would violate RCW 42.17.260(5)." The footnote to the preceding quote updates the statutory reference to RCW 42.17.260(9), which is the section that says agencies do not have authority to "provide access to lists of individuals requested for commercial purposes—a matter addressed in WAC 480-04-090 (5)(g). In addition, the class of information that concerns AT&T—"confidential, proprietary, or trade secret information"—is governed by separate statutes and rules (e.g., RCW 80.04.095 and the exemption provisions in chapter 42.17 RCW). These statutes and rules provide processes to protect persons from having their confidential, proprietary, or trade secret information disclosed to any other person, again regardless of the requesting party's identity or business affiliations.

21 WAC 480-07-423 Discovery—Protective orders—Submission requirements for documents: Public counsel requested by its comments that an additional sentence be added at the end of the introductory paragraph of WAC 480-07-423 as follows:

WAC 480-07-423 Discovery—Protective orders—Submission requirements for documents. Protective orders entered in individual proceedings may allow for parties to designate portions of documents exchanged during discovery or submitted during a proceeding (e.g., by filing, or by offering as an exhibit) as "confidential" or "highly confidential." In general, parties must strictly limit the amount of information they designate as confidential or highly confidential. Designation of documents as highly confidential is not permitted under the commission's standard form of protective order, and may only occur if the commission so orders. In entering such a protective order the commission shall not restrict the access of the attorney general to such records or portions of records.

According to public counsel, this would capture in rule language public counsel's "[general satisfaction] in proceedings where commission staff and public counsel receive similar treatment, as has been the case in many recent highly confidential protective order amendments."

22 The commission does not adopt this proposed rule change. In some adjudicative proceedings, for example where public counsel elects to cosponsor one or more witnesses with another party (e.g., an organization whose members include competitors or customers of a regulated company), or otherwise proceed in concert with such a party, the commission should retain its discretion to impose appropriate protections for confidential information that may be shared during discovery or in another phase of a proceeding.

23 WAC 480-07-505 General rate cases—Definition: Public counsel also proposes the following changes to proposed WAC 480-07-505 General rate cases—Definition:

(4) ~~Commission discretion~~ **Other filings.** The commission ~~may~~ shall require that any filing or proposal by a regulated company to increase rates for any customer class by 3% or more, or to restructure rates, is subject to the procedures and protections of subpart B of these rules.

Public counsel comments that proposed subsection (4), which explicitly sets forth that the commission may require a complete set of general rate case supporting papers when any filing or proposal is made to increase rates for any customer class, is an improvement in the procedural rules. Public counsel, however, "believes that this should be required in every case where a party to a proceeding before the commission would seek to raise rates for any customer class by 3% or more."

24 The commission does not adopt this proposed rule change. Public counsel's recommended language is overly prescriptive. Proposed subsection (4) included in the CR-102 notice appropriately reflects the commission's discretion to require general rate proceeding filing and process requirements in connection with any proposal to increase rates. Public counsel, or any other party, will be able to ask the commission to use its discretion in any case where the party believes a regulated company seeks to raise rates for any customer class by 3% or more, and the commission can exercise its discretion in appropriate cases to require a complete set of general rate case supporting papers.

25 **COMMISSION ACTION:** After considering all of the information regarding this proposal, the commission finds and concludes that it should amend, repeal, and adopt the rules in the CR-102 notice at WSR 03-17-100 with the changes described below. After considering all of the information regarding this proposal, the commission finds and concludes that it should amend and adopt the rules in the supplemental CR-102 notice at WSR 03-20-117.

26 **CHANGES FROM PROPOSAL:** After reviewing the entire record, the commission adopts the CR-102 proposal with the following changes from the text noticed at WSR 03-17-100:

27 WAC 480-04-100 Copying and service charges: WAC 480-04-100(2), as included in the CR-102, is deleted in its entirety and replaced by the following language:

The commission's schedule of charges for copies, except as provided in WAC 480-07-145 (3)(b), is published in Administrative Policy 1.60c, which is available from the commission's website or by contacting the commission's records center. Out of state customers and governmental agencies are not charged sales tax.

This change is essentially editorial. It provides the same information by reference as previously incorporated into the rule language, but has the advantage that the rule will not need to be revised each time an item in the price list published in Administrative Policy 1.60c changes.

28 WAC 480-07-140 Communicating with the commission: WAC 480-07-140, as published in the CR-102, is edited as follows below in legislative format:

WAC 480-07-140 Communicating with the commission.

(1) **Scope of rule.** This rule includes general requirements for effective communication with the commission. Communications that concern rule-making proceedings, adjudicative proceedings, or public records requests must also conform to specific requirements as follows:

- (a) In rule-making proceedings, WAC 480-07-143 and Part II of this chapter.
- (b) In adjudicative proceedings, WAC 480-07-145 and Part III of this chapter.
- (c) For public records requests, chapter 42.17 RCW and chapter 480-04 WAC.

(2) **Content of letters and electronic mail messages to the commission.** Letters and electronic mail messages to the commission should include only one subject.

(3) **Where to send letters and electronic mail messages.** WAC 480-07-125 includes the commission's mailing address and other contact information current at the time of rule publication. Persons who communicate with the commission are encouraged to do so by electronic mail to the commission's records center. The commission's Internet site includes current and additional contact information.

(4) **Identification of sender; identification of permit, license, or certificate; identification of proceeding.**

(a) **Identification of sender.** ~~All~~ Persons who communicate with the commission must provide their name and a mailing address, and are asked to provide telephone, facsimile, and electronic mail address to assist the commission in responding. Persons who communicate with the commission on behalf of a business, organization, or other entity must state their name and title or position, the name of the entity on whose behalf the communication is sent, in addition to the contact information described above. ~~and provide a mailing address. Persons who communicate with the commission are also encouraged to provide their electronic mail address and any other contact information that may assist the commission to respond.~~

(b) **Identification of permit, license, or certificate held by sender.** Any person or entity that holds a commission-issued permit, license, or certificate must identify the permit, license, or certificate number (if any), including the exact name under which the authority is held, when communicating with the commission concerning the permit, license, or certificate.

(c) **Identification of proceeding.** Persons who communicate with the commission concerning a formal commission proceeding (e.g., rule making or adjudication) must identify the proceeding to the best of their ability, including the docket number and name of the proceeding, if known.

(5) **Electronic mail file attachment format requirements.**

(a) **Acceptable media.** Electronic submissions may be provided by electronic mail (e-mail) file attachment addressed to the commission's records center, or submitted to the records center on a 3 1/2 inch IBM formatted high-density disk or compact disc (CD). The submission must be labeled

with the docket number of the proceeding, the name of the ~~company party and/or name of the individual~~ submitting the document, and a description of the contents (e.g., "direct evidence," "motion to dismiss," etc.) and the date filed.

(b) **Acceptable format.** The commission prefers to receive electronic documents in Word or WordPerfect file format supplemented by a copy in Adobe Acrobat (i.e., .pdf) file format created directly from the word processing software used for the original document. Parties that cannot create Adobe Acrobat files directly are requested to provide a copy of the document converted to Adobe Acrobat via scanning or other available technology.

(c) **File naming conventions.** Electronic files must be named in a way that describes the file contents. Parties should use the format identified in the following examples, identifying the docket number, the nature of the document, and the party submitting it:

- | | |
|-----------------------|--|
| <u>Testimony</u> | <u>UE-010101 Smith direct (name of party) (date)</u>
<u>UT-020202 Jones rebuttal attachment 1 (name of party) (date)</u> |
| <u>Motions</u> | <u>UG-030303 motion to dismiss (name of party) (date)</u>
<u>UW-040404 answer to motion to dismiss (name of party) (date)</u> |
| <u>Correspondence</u> | <u>TG-010203 (name of party) request for continuance (date)</u> |

(d) **Acceptable organization.** Each party must submit all files to meet a single deadline at the same time and in the same message or diskette. When a party submits two or more files at the same time, the files must be organized into folders, and the party must provide a printed index. The index may be included in a cover letter or provided as an attachment to a cover letter. The index also must be provided in the form of an electronic file.

Example:

- | | |
|---------------------------------|--|
| <u>Folder and diskette name</u> | <u>I. U-020304 (name of party) direct evidence (date)</u> |
| <u>Subfolders</u> | <u>A. U-020304 (name of party) (name of witness) direct (date)</u>
<u>B. U-020304 (name of party) (name of witness) direct (date)</u> |
| <u>Files</u> | <u>1. U-020304 (name of witness) direct (name of party) (date)</u>
<u>2. U-020304 (name of witness) direct Att 1 (name of party) (date)</u> |

29 WAC 480-07-160 Confidential information: WAC 480-07-160 (3)(c), as included in the CR-102, is edited as follows below in legislative format:

(c) **Unredacted version under seal; redacted version.** The provider must submit a version of the document as to which confidentiality is claimed as a complete document ("unredacted version") and a version of the document with the information claimed to be confidential masked ("redacted version"). ~~The unredacted version~~ must be so labeled and submitted along with a set of any confidential documents in a sealed envelope or similar wrapping. The unredacted version must be so labeled and submitted in a sealed envelope or similar wrapping.

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A party submitting multiple confidential documents must collate the documents into sets and, to the extent feasible, must enclose each set of confidential and each set of highly confidential documents for filing in a single envelope. Each page of the unredacted version that includes information claimed to be confidential must be printed on yellow or canary paper with the confidential information marked by contrasting highlighter or, if designated highly confidential under a protective order, light blue paper with the highly confidential information marked by contrasting highlighter. The redacted version must be submitted in the same manner as a document as to which confidentiality is not claimed. The redacted version will be available for public disclosure if requested. The redacted and unredacted versions must have the same pagination and line numbering.

30 STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE: In reviewing the entire record, the commission determines that WAC 480-04-070, 480-04-110, 480-09-005, 480-09-010, 480-09-012, 480-09-015, 480-09-100, 480-09-101, 480-09-110, 480-09-115, 480-09-120, 480-09-125, 480-09-130, 480-09-135, 480-09-140, 480-09-150, 480-09-200, 480-09-210, 480-09-220, 480-09-230, 480-09-300, 480-09-310, 480-09-320, 480-09-330, 480-09-335, 480-09-337, 480-09-340, 480-09-390, 480-09-400, 480-09-410, 480-09-420, 480-09-425, 480-09-426, 480-09-430, 480-09-440, 480-09-450, 480-09-460, 480-09-465, 480-09-466, 480-09-467, 480-09-470, 480-09-475, 480-09-480, 480-09-500, 480-09-510, 480-09-520, 480-09-530, 480-09-600, 480-09-610, 480-09-620, 480-09-700, 480-09-705, 480-09-710, 480-09-720, 480-09-730, 480-09-735, 480-09-736, 480-09-740, 480-09-745, 480-09-750, 480-09-751, 480-09-760, 480-09-770, 480-09-780, 480-09-800, 480-09-810, 480-09-815, and 480-09-820 should be repealed effective January 1, 2004.

31 The commission determines that WAC 480-04-020, 480-04-030, 480-04-050, 480-04-060, 480-04-065, 480-04-090, 480-04-095, 480-04-100, 480-04-120, 480-04-130, 480-14-050, 480-14-190, 480-15-035, 480-15-080, 480-15-090, 480-15-120, 480-15-310, 480-15-350, 480-15-440, 480-15-460, 480-15-510, 480-15-520, 480-30-032, 480-31-090, 480-51-040, 480-51-050, 480-51-060, 480-51-120, 480-60-012, 480-60-014, 480-60-020, 480-62-140, 480-62-145, 480-66-120, 480-66-140, 480-66-150, 480-66-160, 480-70-036, 480-70-051, 480-70-106, 480-70-131, 480-70-231, 480-70-256, 480-70-339, 480-70-386, 480-75-260, 480-80-010, 480-80-015, 480-80-105, 480-80-142, 480-80-143, 480-80-241, 480-90-003, 480-90-008, 480-90-123, 480-90-173, 480-92-060, 480-92-090, 480-100-003, 480-100-008, 480-100-123, 480-100-173, 480-110-215, 480-110-295, 480-110-385, 480-120-011, 480-120-015, 480-120-166, 480-120-305, 480-120-560, 480-121-011, 480-121-015, 480-121-061, 480-140-015, and 480-140-080 should be amended to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on January 1, 2004.

32 The commission determines that WAC 480-04-035, 480-07-010, 480-07-100, 480-07-110, 480-07-120, 480-07-125, 480-07-130, 480-07-140, 480-07-143, 480-07-145, 480-07-150, 480-07-160, 480-07-170, 480-07-180, 480-07-200, 480-07-210, 480-07-220, 480-07-230, 480-07-240, 480-07-

300, 480-07-305, 480-07-310, 480-07-320, 480-07-330, 480-07-340, 480-07-345, 480-07-350, 480-07-355, 480-07-360, 480-07-370, 480-07-375, 480-07-380, 480-07-385, 480-07-390, 480-07-395, 480-07-400, 480-07-405, 480-07-410, 480-07-415, 480-07-420, 480-07-423, 480-07-425, 480-07-430, 480-07-440, 480-07-450, 480-07-460, 480-07-470, 480-07-480, 480-07-490, 480-07-495, 480-07-498, 480-07-500, 480-07-505, 480-07-510, 480-07-520, 480-07-530, 480-07-540, 480-07-550, 480-07-600, 480-07-610, 480-07-620, 480-07-630, 480-07-640, 480-07-650, 480-07-660, 480-07-700, 480-07-710, 480-07-720, 480-07-730, 480-07-740, 480-07-750, 480-07-800, 480-07-810, 480-07-820, 480-07-825, 480-07-830, 480-07-835, 480-07-840, 480-07-850, 480-07-860, 480-07-870, 480-07-875, 480-07-880, 480-07-883, 480-07-885, 480-07-900, 480-07-910, 480-07-920, 480-07-930, 480-07-940, and 480-07-950 should be adopted to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on January 1, 2004.

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 91, Amended 75, Repealed 68.

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

33 THE COMMISSION ORDERS:

34 WAC 480-04-070, 480-04-110, 480-09-005, 480-09-010, 480-09-012, 480-09-015, 480-09-100, 480-09-101, 480-09-110, 480-09-115, 480-09-120, 480-09-125, 480-09-130, 480-09-135, 480-09-140, 480-09-150, 480-09-200, 480-09-210, 480-09-220, 480-09-230, 480-09-300, 480-09-310, 480-09-320, 480-09-330, 480-09-335, 480-09-337, 480-09-340, 480-09-390, 480-09-400, 480-09-410, 480-09-420, 480-09-425, 480-09-426, 480-09-430, 480-09-440, 480-09-450, 480-09-460, 480-09-465, 480-09-466, 480-09-467, 480-09-470, 480-09-475, 480-09-480, 480-09-500, 480-09-510, 480-09-520, 480-09-530, 480-09-600, 480-09-610, 480-09-620, 480-09-700, 480-09-705, 480-09-710, 480-09-720, 480-09-730, 480-09-735, 480-09-736, 480-09-740, 480-09-745, 480-09-750, 480-09-751, 480-09-760, 480-09-770, 480-09-780, 480-09-800, 480-09-810, 480-09-815, and 480-09-820 are repealed effective January 1, 2004.

35 WAC 480-04-020, 480-04-030, 480-04-050, 480-04-060, 480-04-065, 480-04-090, 480-04-095, 480-04-100, 480-04-120, 480-04-130, 480-14-050, 480-14-190, 480-15-035, 480-15-080, 480-15-090, 480-15-120, 480-15-310, 480-15-350, 480-15-440, 480-15-460, 480-15-510, 480-15-520, 480-30-032, 480-31-090, 480-51-040, 480-51-050, 480-51-060,

480-51-120, 480-60-012, 480-60-014, 480-60-020, 480-62-140, 480-62-145, 480-66-120, 480-66-140, 480-66-150, 480-66-160, 480-70-036, 480-70-051, 480-70-106, 480-70-131, 480-70-231, 480-70-256, 480-70-339, 480-70-386, 480-75-260, 480-80-010, 480-80-015, 480-80-105, 480-80-142, 480-80-143, 480-80-241, 480-90-003, 480-90-008, 480-90-123, 480-90-173, 480-92-060, 480-92-090, 480-100-003, 480-100-008, 480-100-123, 480-100-173, 480-110-215, 480-110-295, 480-110-385, 480-120-011, 480-120-015, 480-120-166, 480-120-305, 480-120-560, 480-121-011, 480-121-015, 480-121-061, 480-140-015, and 480-140-080 are amended to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on January 1, 2004.

36 WAC 480-04-035, 480-07-010, 480-07-100, 480-07-110, 480-07-120, 480-07-125, 480-07-130, 480-07-140, 480-07-143, 480-07-145, 480-07-150, 480-07-160, 480-07-170, 480-07-180, 480-07-200, 480-07-210, 480-07-220, 480-07-230, 480-07-240, 480-07-300, 480-07-305, 480-07-310, 480-07-320, 480-07-330, 480-07-340, 480-07-345, 480-07-350, 480-07-355, 480-07-360, 480-07-370, 480-07-375, 480-07-380, 480-07-385, 480-07-390, 480-07-395, 480-07-400, 480-07-405, 480-07-410, 480-07-415, 480-07-420, 480-07-423, 480-07-425, 480-07-430, 480-07-440, 480-07-450, 480-07-460, 480-07-470, 480-07-480, 480-07-490, 480-07-495, 480-07-498, 480-07-500, 480-07-505, 480-07-510, 480-07-520, 480-07-530, 480-07-540, 480-07-550, 480-07-600, 480-07-610, 480-07-620, 480-07-630, 480-07-640, 480-07-650, 480-07-660, 480-07-700, 480-07-710, 480-07-720, 480-07-730, 480-07-740, 480-07-750, 480-07-800, 480-07-810, 480-07-820, 480-07-825, 480-07-830, 480-07-835, 480-07-840, 480-07-850, 480-07-860, 480-07-870, 480-07-875, 480-07-880, 480-07-883, 480-07-885, 480-07-900, 480-07-910, 480-07-920, 480-07-930, 480-07-940, and 480-07-950 are adopted to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on January 1, 2004.

37 This order and the rules 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 24th day of November 2003.

Washington Utilities and Transportation Commission
Marilyn Showalter, Chairwoman
Richard Hemstad, Commissioner
Patrick J. Oshie, Commissioner

AMENDATORY SECTION (Amending Order R-446, Docket No. A-970591, filed 12/29/97, effective 1/29/98)

WAC 480-04-020 Definitions. (1) ~~((Public records:))~~ "Public record" includes any writing ~~((containing))~~ (defined in subsection (5) of this section) prepared, owned, used, or retained by the commission, which contains information relating to the conduct of government or the performance of any governmental or proprietary function ~~((prepared, owned, used or retained by the commission regardless of physical form or characteristics))~~.

(2) ~~((Writing: "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation. "Writing" includes letters; words; pictures; sounds; symbols; telefacsimile copies; papers; maps; magnetic or paper tapes; photographic films and prints; magnetic or punched cards; diskettes; drums; and other documents.~~

~~((3) Washington utilities and transportation commission. The Washington utilities and transportation commission, referred to as "the commission" in these rules, is the commission appointed by the governor under RCW 80.01.010.~~

~~Where appropriate, the term "commission" also refers to the staff and employees of the Washington utilities and transportation commission.~~

(4) ~~Secretary:))~~ "Public records officer" means the official responsible for the commission's compliance with the Public Records Act, chapter 42.17 RCW, and for the implementation of this chapter. The commission's secretary is designated as its public records officer. The secretary may designate one or more persons to assist in the implementation and application of this rule.

(3) "Secretary," also referred to as "executive secretary," means the secretary of the commission appointed pursuant to RCW 80.01.030. Unless otherwise restricted, the term "secretary" also refers to the acting secretary and to the secretary's designee.

(4) "Washington utilities and transportation commission," referred to in this chapter as "the commission," is the commission appointed by the governor under RCW 80.01.010. Where appropriate, the term "commission" also refers to the staff and employees of the Washington utilities and transportation commission.

(5) "Writing" means any information (e.g., words, numbers, symbols, images, and sounds) recorded in any media (e.g., handwritten, typewritten, printed, electronic, photographic, and video and audio recording), as defined in RCW 42.17.020(42).

~~((5) You:))~~ (6) The word "you," or "your," when used in this chapter ~~((means)),~~ refers to a person who requests access to public records.

AMENDATORY SECTION (Amending Order R-446, Docket No. A-970591, filed 12/29/97, effective 1/29/98)

WAC 480-04-030 Organization of the Washington utilities and transportation commission. (1) The Washington utilities and transportation commission consists of three members appointed by the governor under RCW 80.01.010. The governor designates one member as the commission chair.

(2) ~~((The administrative office of the commission, also known as the headquarters office, is located at 1300 S. Evergreen Park Drive S.W., Olympia, Washington. Its mailing address is Washington Utilities & Transportation Commission, 1300 S Evergreen Park Dr SW, PO Box 47250, Olympia WA 98504 7250. Its telephone number is (360) 753-6423. The commission maintains no other offices.~~

(3) The commission is organized into the following principal ~~((parts))~~ sections and divisions: Regulatory services ((division)); safety and consumer protection; policy and

public information; administrative law; knowledge management; financial and budget services ((division)); ((policy planning and research section; public affairs section; and legal, accounting, and policy development section)) and employee services. The head of each section or division is directly responsible ((directly)) to the secretary, and through the secretary to the commissioners.

NEW SECTION

WAC 480-04-035 Physical address—Telephone—Facsimile—E-mail—Internet. The information included in this section is current at the time of rule adoption, but may change. Current information and additional contact information are available on the commission's Internet site, in person at the commission's offices, or by telephone call to the commission's main public number.

Physical address; address for U.S. mail or hand-delivery	Washington Utilities and Transportation Commission 1300 S. Evergreen Park Drive S.W. P.O. Box 47250 Olympia, WA 98504-7250
Telephone (general)	360-664-1160
Telephone (records center)	360-664-1234
Telefacsimile (records center)	360-586-1150
Electronic mail (records center)	records@wutc.wa.gov
Internet	www.wutc.wa.gov

AMENDATORY SECTION (Amending Order R-446, Docket No. A-970591, filed 12/29/97, effective 1/29/98)

WAC 480-04-050 Public information; public submissions or requests other than requests for public documents. ~~((4))~~ Anyone who wishes to obtain general information concerning topics within the commission's jurisdiction ((is available through the commission's administrative office; and)) may find such information on the commission's Internet ~~((home page. The home page address at the time this rule is adopted is <http://www.wute.wa.gov>.~~

~~(2) Anyone may request information from the commission administrative office, concerning whether a common or contract carrier of solid waste or household goods currently has operating authority; the scope of that authority; and the carriers' current tariffs.~~

~~(3)) site or may contact the commission by letter, telephone, or e-mail, as described in this section. The commission will route all inquiries to staff who can best respond to the inquiry.~~

~~(1) Written requests for information should be ((submitted)) sent to the ((office of the secretary of the commission)) commission's public records officer at the commission's mailing address.~~

~~((4) Requests)) (2) Electronic mail and telefacsimile requests for information ((may also be made by telephone or electronic mail. The commission will do its best to route the~~

~~inquiry to staff who can assist the requester)) should be sent to the commission's records center.~~

~~(3) Telephone requests for information may be made by contacting the commission's records center, or by call to the commission's general telephone number.~~

AMENDATORY SECTION (Amending Order R-446, Docket No. A-970591, filed 12/29/97, effective 1/29/98)

WAC 480-04-060 Public records available; hours for inspection and copying. (1) ~~((Except as otherwise provided by RCW 42.17.310 (exempt records), RCW 42.17.260(6) (lists of individuals requested for commercial purposes), RCW 80.04.095 (records containing commercial information), WAC 480-09-015, these rules, and other provisions of the law, all public records of the commission, as defined in WAC 480-04-020(1), are available for public inspection and copying.)) All of the commission's public records are available for inspection and copying unless the public record is exempt from disclosure under chapter 42.17 RCW (the Public Records Act), protected from disclosure under RCW 80.04.095 (records that contain valuable commercial information), WAC 480-07-160 (Confidential information), WAC 480-07-420 (Discovery—Protective orders), or under other provision of law. Except as provided in RCW 42.17.260(6), the commission will not give, sell, or provide access to lists of individuals if the information is requested for commercial purposes.~~

~~(2) The commission ((shall act)) will promptly ((on)) respond to requests for inspection and copying of public records.~~

~~(3) ((The commission will respond in accordance with these rules to requests received by mail for identifiable public records.~~

~~(4)) Public records are available for inspection and copying during the commission's customary office hours which are from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding ((legal)) official state holidays as defined in RCW 1.16.050 (legal holidays and legislatively recognized days).~~

AMENDATORY SECTION (Amending Order R-446, Docket No. A-970591, filed 12/29/97, effective 1/29/98)

WAC 480-04-065 Records index. The commission will publish and index its significant adjudicative decisions; declaratory orders; interpretive statements; and policy statements.

(1) ~~((Each month,))~~ The commission will publish and make available to ~~((subscribers))~~ the public its adjudicative orders ~~((entered the prior month which))~~ that resolve contested issues or which it believes will be of interest or significance, its declaratory orders, its interpretive statements, and its policy statements. The commission will publish these documents by the means it deems best suited to achieve broad availability, consistent with staff resources and technology, including distribution of paper copies, electronic mail, and Internet website posting. ~~((Each publication will include declaratory orders and; interpretive and policy statements; and will include))~~ The commission will contemporaneously publish a summary of the decisions, orders, and statements.

PERMANENT

(2) The commission will annually publish indices of the principles ~~((which))~~ that are applied in the text of published decisions, orders, and statements ~~((entered during the prior year))~~.

(3) The ~~((publications))~~ commission will ~~((be available))~~ make paper copies of its indices available for sale at the commission's estimated actual cost of reproduction and distribution. ~~((They will also be available for inspection during office hours in the commission branch of the Washington state library, at the commission's office in Olympia.))~~

AMENDATORY SECTION (Amending Order R-446, Docket No. A-970591, filed 12/29/97, effective 1/29/98)

WAC 480-04-090 Requests for public records. (1) Many requests for public records can be handled quickly and informally without the need for a formal written request. You may ask orally, in person, or by telephone to look at a document, or get a copy of a document. ~~((You may ask orally, in person or by telephone.))~~ You may also ask informally in writing, by letter or electronic mail. Requests may be made by electronic mail to ~~((records@wate.wa.gov))~~ the commission records center. Commission staff will advise you if a formal written request, as described in subsection (4) of this section, is required.

(2) The commission ~~((normally requires))~~ may require any person who seeks access to public records to present a formal written request. The commission may require a formal written request, for example, ((a)) if you ask for large quantities of information((, or have a list of)) or make an unusual request((:)). The formal written request helps the commission ((may need a written record to)) make sure that you get all the information you have requested((, or to make sure)) and that ((the)) any charges for copies are proper.

~~((b-f))~~ (3) The commission may require a formal written request if the information ((that)) you ((want)) ask for might be within one of the exceptions to the law requiring disclosure((, the commission may need a written request to make sure that the decision is made properly, by the right person, and that you get the response you are entitled to)). In this situation, your formal written request helps the commission make sure that its decision to disclose or withhold the information is made properly and that you get the public records you are entitled to receive. Examples of information that might be exempt from disclosure include documents that have been designated "confidential" by the person providing them to the commission, documents containing private or personal information, and documents that may be involved in litigation or hearings.

~~((3))~~ (4) If you need to make a formal written request for information, you may use a "public records request" form provided by the commission or you may write a letter that contains the information listed below. If you want to use the form, you can get a copy at the commission's Internet site or office, or you can ask to have it sent to you.

~~((4))~~ You should take or send written requests for documents to the secretary of the commission. You may give the request to the receptionist or to any other available commission staff member, except that a request for a record which has been designated as confidential under the provisions of

~~RCW 80.04.095 or WAC 480-09-015 must be submitted to the secretary of the commission as required by WAC 480-09-015(5).))~~

(5) ~~((A))~~ Formal written requests ((shall)) must include the following information:

(a) Your name, address, and ~~((address))~~ telephone number.

(b) ~~((When you are making the))~~ The date on which you submit your request.

(c) ~~((For whom (the individual, business, or other organization))~~ The identity of any individual, business, or other organization for whom you are making the request, if not only for yourself personally.

(d) A clear indication, ~~((such as ((in)) a document heading or title((?))~~ that you are requesting public records, to help make sure that the request is handled properly.

(e) Whether you want to inspect the ~~((document))~~ public records or get ~~((a copy of it))~~ copies, or both.

(f) A clear description of the public records you want ~~((that is clear enough))~~ so that commission staff can find the records. If you know how ~~((it is))~~ the public records are described in the index maintained by the commission, ((that would be helpful in identifying it)) provide that description to assist the commission to identify the public records you want to review.

(g) A statement of whether ~~((a purpose of))~~ you are making the request ((is)) in order to obtain a list of individuals to be used for any commercial purposes.

(6) Commission staff will make a reasonable effort to assist in identifying and providing ~~((the))~~ all public records that you request.

(7) The commission may waive the need for a completed form when doing so supports the commission's administrative convenience and is not inconsistent with legal requirements or public policies.

AMENDATORY SECTION (Amending Order R-446, Docket No. A-970591, filed 12/29/97, effective 1/29/98)

WAC 480-04-095 Disclosure procedure. (1) The ~~((secretary))~~ public records officer will promptly notify you if ~~((commission staff finds that the))~~ your request is found to be incomplete, and will tell you what the problem is. The ~~((secretary))~~ public records officer will assist you ~~((in completing))~~ to complete or ~~((correcting))~~ correct your request. Notifying you of a deficiency is not a denial of your request. The ~~((secretary))~~ public records officer may act on a deficient request to the extent that doing so is reasonable.

(2) Upon receiving a complete request, the ~~((secretary))~~ public records officer will review the requested record to determine whether the record or a portion of it is exempt from disclosure under ~~((any provision of law. The review shall also determine whether any of the requested records include confidential information, as defined in pertinent law))~~ the Public Records Act, chapter 42.17 RCW, protected from disclosure under RCW 80.04.095 (records that contain valuable commercial information), WAC 480-07-160 (Confidential information), WAC 480-07-420 (Discovery—Protective orders), or under another provision of law.

(3) ~~((To the extent required))~~ The commission will delete identifying details from a public record to protect the personal privacy interests ((protected by RCW 42.17.310 and 42.17.315, the commission will delete identifying details from a public record)) as provided by law when it makes the record available or publishes it. ((Whenever that happens,)) The commission will explain the reasons for ((the)) any such deletion.

(4) Only the ~~((secretary))~~ public records officer is authorized to deny requests for public records. Any action other than granting access to public records, when taken by a person other than the ~~((secretary))~~ public records officer, is a deferral of action((;)) and not a denial of a request. Any commission staff member who does not grant access to a public record when a complete written request is made must immediately take or send the requested document, together with the written request, to the ~~((secretary))~~ public records officer for a prompt decision granting or denying the request.

(5) If the ~~((secretary refuses to))~~ public records officer does not grant access to all or part of a requested public record, the ~~((secretary shall))~~ public records officer will give you a written statement identifying the exemption authorizing the action and how it applies to the requested record. Any portion of the record that is not subject to exemption shall be promptly disclosed.

(6) ~~((Records containing "confidential information."))~~

~~((a))~~ If ((a requested)) you request a public record that contains information that has been designated confidential under RCW 80.04.095 ((and WAC 480-09-015)), WAC 480-07-160, or a protective order, and you have not specifically asked ((for)) to be provided with confidential information, the ((secretary shall)) public records officer will tell you that material has been designated confidential, and ((make sure that you do)) ask whether you want the confidential information, before processing ((the)) your request.

~~((b-A))~~ The commission will process any request for a record designated as confidential under RCW 80.04.095 ((and WAC 480-09-015 shall be processed in accordance with the provisions of WAC 480-09-015)) or WAC 480-07-160 in accordance with those provisions of law.

(7) ~~((After receiving))~~ If the public records officer denies your public records request in whole or in part, the ((secretary's)) public records officer will provide you a written explanation of the basis for ((nondisclosure under this rule, if)) the denial. If you ((still want disclosure)) want to contest the denial, you may request a review under WAC 480-04-120.

AMENDATORY SECTION (Amending Order R-446, Docket No. A-970591, filed 12/29/97, effective 1/29/98)

WAC 480-04-100 Copying and service charges. The commission will provide copies of public records upon request.

(1) The commission ~~((shall))~~ may charge a published fee for copying ~~((and providing information))~~ public records, if you request copies. The commission may, by order, within the requirements of RCW 42.17.300, establish and change prices and establish the maximum number of various kinds of copies that will be provided without charge.

(2) ~~((Except as provided in WAC 480-09-125 for producing for internal distribution, copies that parties to a proceeding have failed to file, the charges for services at the time this rule is adopted are as follows:))~~

~~((a))~~ Photocopies, fifteen cents per page for fifty-one or more copies.

~~((b))~~ Certified copies, three dollars per certified sheet.

~~((c))~~ Telefacsimile (fax) transmissions, fifty cents per page, for transmissions of six or more pages.

~~((d))~~ Computer lists or printouts, fifty cents per page for six or more pages.

~~((e))~~ Computer data copied onto floppy diskettes shall cost five dollars per diskette.

~~((f))~~ Audio tapes, five dollars each.

~~((g))~~ Video tapes, five dollars each.

~~((h))~~ Color copies, one dollar per page.

~~((i))~~ No charge is made for documents provided by electronic mail.

~~((3))~~ Sales tax, at the current rate, shall be added to the price of each item.)) The commission's schedule of charges for copies, except as provided in WAC 480-07-145 (3)(b), is published in Administrative Policy 1.60c, which is available from the commission's website or by contacting the commission's records center. Out-of-state customers and governmental agencies are not charged sales tax.

(3) WAC 480-07-145 (3)(b) fixes the charge for copies when a party to an adjudicative proceeding fails to file the number of copies required to meet the commission's internal distribution needs.

AMENDATORY SECTION (Amending Order R-446, Docket No. A-970591, filed 12/29/97, effective 1/29/98)

WAC 480-04-120 Review of denials of public records requests. (1) ~~((you are denied disclosure of a public document and disagree with the denial))~~ the commission does not disclose a public record that you have requested and you disagree with the denial, you may ask the ((secretary)) public records officer, in writing, for a review of the denial. ((The)) Your written request for review must describe or enclose the ((secretary's)) public records officer's written statement ((explaining)) that explains the reasons for the denial, as provided in WAC 480-04-095(5).

(2) ~~((A request for review must be made in writing. It may be made))~~ You may hand deliver, or have a courier deliver, your written request for review in person at the commission's administrative office or you may send it by mail or electronic mail.

(3) The public records officer will promptly ((after receiving a written request for review the secretary shall)) review ((the decision. He or she)) your written request. The public records officer may personally reconsider the denial decision, or may refer the request to the commission for review ((at a commission meeting)).

(4) The ((commission's review of a decision denying disclosure is)) public records officer's initial denial becomes final ((at the end of the second business day following the secretary's initial denial decision, unless the commission provides a revised decision to you during that period. This does not prevent the commission from reversing)) unless the com-

mission modifies the decision within two days after the commission receives your request for review. The commission, however, still may modify a denial ((after the end of the second business day following the initial denial)) decision at a later time. Once the public records officer's initial denial decision becomes final or is modified by the commission, you may seek judicial review under RCW 42.17.340.

AMENDATORY SECTION (Amending Order R-446, Docket No. A-970591, filed 12/29/97, effective 1/29/98)

WAC 480-04-130 Protection of public records. (1) Only commission staff may copy public documents unless the ((secretary)) public records officer decides that copying by others will not disrupt commission ((administration)) business operations or pose any risk to the integrity and safety of the documents.

(2) No person may take any ((document)) public record from the area ((designated by)) the ((secretary)) public records officer designates for ((the)) public inspection of ((documents)) public records unless expressly authorized to do so by the ((secretary authorizes doing so)) public records officer.

(3) When a member of the public asks to examine an entire file or group of ((documents)) public records, as distinguished from specific ((documents)) public records that can be individually identified and ((supplied)) made available, the commission may take a reasonable time ((for inspection)) to inspect the file or group of public records to remove any material designated as confidential and any information protected from disclosure by ((RCW 42.17.310)) chapter 42.17 RCW, or other provision of law.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 480-04-070 Public records officer.

WAC 480-04-110 Information for commercial purposes.

Chapter 480-07 WAC

PROCEDURAL RULES

NEW SECTION

WAC 480-07-010 Scope of this chapter. This chapter includes rules that explain how to conduct business with the Washington utilities and transportation commission (the commission). The commission interacts both informally and formally with the public and with the businesses it regulates.

Part I of this chapter includes basic information about the commission such as the agency's office hours, its physical address and other contact information, and general requirements for communicating with the commission.

Part II includes provisions that relate specifically to rule-making proceedings, such as how a person may submit com-

ments that will be taken into account when the commission considers making changes to its rules.

Part III concerns adjudicative proceedings including hearings on formal complaints, general rate proceedings, applications for authority, petitions for relief, and abbreviated proceedings that may be used in some circumstances.

Part IV concerns other types of commission proceedings including regular and special open public meetings, interpretive and policy statements, declaratory orders, and informal complaints.

These rules are authorized by and supplement the Administrative Procedure Act, chapter 34.05 RCW, and the principal statutes that define the commission's authority and responsibility. These statutes are found principally in Titles 80 and 81 of the Revised Code of Washington (RCW). These procedural rules should be read and understood in conjunction with the Administrative Procedure Act and Titles 80 and 81 RCW. Certain of these statutes establish procedural requirements for conducting particular types of business with the commission.

PART I: GENERAL PROVISIONS

NEW SECTION

WAC 480-07-100 Scope of Part I. Part I of this chapter contains information about the commission, and general rules that apply in rule-making, adjudicative, and other proceedings described in this chapter.

NEW SECTION

WAC 480-07-110 Exceptions from and modifications to the rules in this chapter; special rules. (1) **Exceptions and modifications.** The commission may modify the application of these rules in individual cases if consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(2) **Special rules.** When statutes, or rules in other chapters of Title 480 of the Washington Administrative Code, apply to specific types of companies regulated by the commission or to others who may conduct business with the commission, or to particular proceedings, those statutes or special rules govern if they conflict with the rules in this chapter.

NEW SECTION

WAC 480-07-120 Office hours. "Business day," as used in this chapter, means any day when the commission's offices are open to the public. Commission offices are open to the public between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except on official state holidays, as defined in RCW 1.16.050, Legal holidays and legislatively recognized days.

NEW SECTION

WAC 480-07-125 Physical address; telephone; facsimile; e-mail; Internet. The information included in this section is current at the time of rule adoption, but may change. Current information and additional contact informa-

tion are available on the commission's Internet site, in person at the commission offices, or by a telephone call to the commission's main public number.

Physical address; address for U.S. mail or hand-delivery	Washington Utilities and Transportation Commission 1300 S. Evergreen Park Drive S.W. P.O. Box 47250 Olympia, WA 98504-7250
Telephone (general)	360-664-1160
Telephone (commission records center)	360-664-1234
Telefacsimile (commission records center)	360-586-1150
Electronic mail (commission records center)	records@wutc.wa.gov
Internet	www.wutc.wa.gov

NEW SECTION

WAC 480-07-130 Time periods specified for acts governed by this chapter. (1) **Computation of time.** "Day" means calendar day whenever used in this chapter, unless otherwise specified. The period of time for doing an act governed by this chapter is determined by excluding the first day and including the last day, unless the last day is an official state holiday, Saturday, or Sunday, in which event the period runs until the end of the next day that is not an official state holiday, Saturday, or Sunday. For example, if a formal complaint is served on the first day of the month, any answer to the complaint must be filed by the twenty-first day of the same month, unless the twenty-first day is an official state holiday, in which case the answer will be timely if filed on the next business day after the holiday.

(2) **Variation from time limits.** The commission may modify the time limits stated in chapter 34.05 RCW, subject to the requirements of RCW 34.05.080. The commission may modify the time limits stated in a commission rule, subject to other requirements of law. WAC 480-07-385 sets out procedures for and governs when the commission will grant continuances or extensions of time in adjudicative proceedings.

NEW SECTION

WAC 480-07-140 Communicating with the commission. (1) **Scope of rule.** This rule includes general requirements for effective communication with the commission. Communications that concern rule-making proceedings, adjudicative proceedings, or public records requests must also conform to specific requirements as follows:

- (a) In rule-making proceedings, WAC 480-07-143 and Part II of this chapter.
- (b) In adjudicative proceedings, WAC 480-07-145 and Part III of this chapter.
- (c) For public records requests, chapter 42.17 RCW and chapter 480-04 WAC.

(2) **Content of letters and electronic mail messages to the commission.** Letters and electronic mail messages to the commission should include only one subject.

(3) **Where to send letters and electronic mail messages.** WAC 480-07-125 includes the commission's mailing address and other contact information current at the time of rule publication. Persons who communicate with the commission are encouraged to do so by electronic mail to the commission's records center. The commission's Internet site includes current and additional contact information.

(4) **Identification of sender; identification of permit, license, or certificate; identification of proceeding.**

(a) **Identification of sender.** All persons who communicate with the commission must provide their name and a mailing address, and are asked to provide telephone, facsimile, and electronic mail address to assist the commission in responding. Persons who communicate with the commission on behalf of a business, organization, or other entity must state their name and title or position, the name of the entity on whose behalf the communication is sent, in addition to the contact information described above.

(b) **Identification of permit, license, or certificate held by sender.** Any person or entity that holds a commission-issued permit, license, or certificate must identify the permit, license, or certificate number (if any), including the exact name under which the authority is held, when communicating with the commission concerning the permit, license, or certificate.

(c) **Identification of proceeding.** Persons who communicate with the commission concerning a formal commission proceeding (e.g., rule-making or adjudication) must identify the proceeding to the best of their ability, including the docket number and name of the proceeding, if known.

(5) **Electronic file format requirements.**

(a) **Acceptable media.** Electronic submissions may be provided by electronic mail (e-mail) file attachment addressed to the commission's records center, or submitted to the records center on a 3 1/2 inch IBM formatted high-density disk or compact disc (CD). The submission must be labeled with the docket number of the proceeding, the name of the party submitting the document, and a description of the contents (e.g., "direct evidence," "motion to dismiss," etc.) and the date filed.

(b) **Acceptable format.** The commission prefers to receive electronic documents in Word or WordPerfect file format supplemented by a copy in Adobe Acrobat (i.e., .pdf) file format created directly from the word processing software used for the original document. Parties that cannot create Adobe Acrobat files directly are requested to provide a copy of the document converted to Adobe Acrobat via scanning or other available technology.

(c) **File naming conventions.** Electronic files must be named in a way that describes the file contents. Parties should use the format identified in the following examples, identifying the docket number, the nature of the document, and the party submitting it:

PERMANENT

Testimony	UE-010101 Smith direct (name of party) (date) UT-020202 Jones rebuttal attachment 1 (name of party) (date)
Motions	UG-030303 motion to dismiss (name of party) (date) UW-040404 answer to motion to dis- miss (name of party) (date)
Correspondence	TG-010203 (name of party) request for continuance (date)

(d) **Acceptable organization.** Each party must submit all files to meet a single deadline at the same time and in the same message or diskette. When a party submits two or more files at the same time, the files must be organized into folders, and the party must provide a printed index. The index may be included in a cover letter or provided as an attachment to a cover letter. The index also must be provided in the form of an electronic file.

Example:

Folder and diskette name	I. U-020304 (name of party) direct evidence (date)
Subfolders	A. U-020304 (name of party) (name of witness) direct (date) B. U-020304 (name of party) (name of witness) direct (date)
Files	1. U-020304 (name of witness) direct (name of party) (date) 2. U-020304 (name of witness) direct att 1 (name of party) (date)

NEW SECTION

WAC 480-07-143 Submitting documents in rule-making proceedings. (1) **Scope of rule.** This section governs communications to the commission in rule-making proceedings (including letters, electronic mail messages, comments, and other documents). These rules are in addition to the general rules for communicating with the commission in WAC 480-07-140.

(2) **Submitting comments.** All written comments submitted in a rule making must be addressed to the commission secretary.

(3) **Methods for delivering comments and other communications.**

(a) **By electronic mail message or telefacsimile.** A person may submit comments in rule-making proceedings by electronic mail message (e-mail), e-mail file attachment, or telefacsimile transmission without supplementation by paper copy.

(i) **Where to send electronic documents.** All electronic mail and telefacsimile transmissions made under this rule should be directed to the commission's records center. Courtesy or informational copies may be sent to other electronic mail addresses or telefacsimile numbers for individual commission staff members. When a person files a document by

e-mail or telefacsimile, the document should not be sent more than once except to cure transmission or receiving errors.

(ii) **When deemed received.** A document submitted by electronic mail or telefacsimile is deemed received only when the entire electronically mailed document successfully reaches the commission's records center electronic mailbox or telefacsimile machine. Documents received electronically in the commission's records center after 5:00 p.m. are not considered officially received or filed until the next business day when they are stamped with the date and time.

(b) **By mail or hand delivery (e.g., courier delivery service).** A person may submit comments or otherwise communicate with the commission concerning rule-making proceedings by mail or by hand delivery (e.g., courier delivery service).

(i) **When deemed received/ filed.** A document submitted in a rule-making proceeding by mail or hand delivery is deemed received or filed when physically received by the commission records center and stamped with the date and time. Documents delivered to the commission's records center after 5:00 p.m. are not considered officially received or filed until the next business day when they are stamped with the date and time.

(ii) **Electronic file supplement.** The commission encourages parties who submit written comments in rule-making proceedings to supplement any paper filing delivered by mail or courier with an electronic version, as specified in WAC 480-07-140(5).

NEW SECTION

WAC 480-07-145 Filing documents in adjudicative proceedings. (1) **Scope of rule.** This section governs communications to the commission by parties in adjudicative proceedings (including letters and electronic mail messages, pleadings, and other documents). These rules are in addition to the general rules for communicating with the commission in WAC 480-07-140.

(2) **Mail or hand delivery service is required for all documents.** Parties to adjudicative proceedings before the commission must file original, signed documents and paper copies by mail or hand delivery (e.g., courier delivery service) as provided in this rule to satisfy official filing requirements and meet the commission's administrative needs. The commission may provide for the expedited exchange of documents among parties and the commission by electronic mail and telefacsimile transmission when necessary for process requirements in individual adjudicative proceedings.

(a) **When deemed received/ filed.** A document submitted in an adjudicative proceeding is officially received for filing only when the original document, including the required certificate of service under subsection (6) of this section, and the required number of copies, are physically received at the commission's records center by mail or in-hand delivery and stamped with the date and time. The date-stamped time will determine whether a document meets any deadline that applies and will determine the timing of any later deadlines based on filing. Documents that are delivered to the commission's records center after 5:00 p.m. are not considered offi-

cially received or filed until the next business day when they are stamped with the date and time.

(b) **Exception for documents offered and received at hearing.** When authorized by the presiding officer in an adjudicative proceeding before the commission, a document may be officially received for purposes of the proceeding when the presiding officer receives the document for the record at hearing. The presiding officer may also require that a copy be filed in the commission records center.

(c) **Where to mail/deliver.** All written communications mailed or hand-delivered to the commission must be addressed to the commission's secretary at the address specified in WAC 480-07-125.

(d) **Filings must be supplemented by an electronic version of the document.** Parties filing pleadings, motions, pre-filed testimony and exhibits, and briefs must supplement their filing by submitting the document in electronic form, as specified in WAC 480-07-140(5), unless excused from the obligation by the presiding officer.

(3) **Number of copies; failure to file sufficient number of copies.**

(a) **Number of copies.** Unless the commission specifies a different number of copies, every pleading, motion, response, and brief submitted to the commission by mail or courier must be filed with twelve copies. A party for whom providing the required number of copies would be a hardship may describe the hardship and request permission to file fewer copies.

(b) **Failure to file sufficient number of copies.** If a person files fewer than the required number of copies of a document, the commission may reject the filing or the commission may make the additional copies for distribution and processing within the commission. If the commission makes copies to meet the total number required, the commission will bill the filing person at a rate of thirty cents per page, plus sales tax. This rate compensates for the loss of the worker's attention to assigned duties, the unscheduled use of equipment, and the cost of materials.

(4) **Filing and service are separate requirements.** Filing documents with the commission under this rule and service of the documents to parties under WAC 480-07-150 are both required in all adjudicative proceedings. Filing a document with the commission does not constitute service upon the assistant attorney general or any other party. Likewise, service upon the assistant attorney general does not constitute a filing with the commission.

(5) **Service and certificate of service are required.** Filing a pleading, motion, response, or brief with the commission in an adjudicative proceeding is not complete unless service has been made upon all parties to the proceeding pursuant to WAC 480-07-150. Service must be confirmed by submitting with the filing a valid certificate of service, or its equivalent, as provided in WAC 480-07-150(9).

(6) **Electronic mail or telefacsimile transmission may be used to expedite the filing process, when authorized.**

(a) **When permitted; paper copy supplementation is required.** The presiding officer may, when necessary because of the demands of schedule or other sufficient reason, provide a one-day extension of the filing requirement by authorizing electronic mail or telefacsimile delivery of docu-

ments on the date established for filing under the procedural schedule in an adjudicative proceeding subject to the following conditions:

(i) **Paper copy supplementation is required.** The commission must physically receive the original and required number of copies by 12:00 noon on the first business day following the filing deadline established under the procedural schedule.

(ii) **Exact copy is required.** The original and paper copies of the document delivered to the commission on the day following the filing deadline must conform exactly in form and content to the electronic version or the document will not be considered to have been timely filed and may be rejected on that basis.

(iii) **Authorization for electronic submission must be indicated.** All electronic documents submitted to the commission by electronic mail message or facsimile transmission on a filing deadline date must be accompanied by an electronic message or facsimile cover sheet that states the basis for authority to effect timely filing and service by electronic mail or telefacsimile transmission.

(iv) **Simultaneous delivery to all parties is required.** All electronic documents submitted to the commission by electronic mail message or facsimile transmission on a filing deadline date must be simultaneously delivered to all parties by electronic message or telefacsimile. Service by other required means is not excused, subject to the requirements of WAC 480-07-150.

(b) **Where to send electronic mail message or telefacsimile transmission.** All electronic mail and telefacsimile transmissions made under this rule should be directed to the commission's records center. Courtesy or informational copies may be sent to other electronic mail addresses or telefacsimile numbers for individual commission staff members. When a person files a document by telefacsimile or e-mail, the document should not be sent more than once except to cure transmission or receiving errors.

(c) **When deemed received.** A document submitted by electronic mail or telefacsimile is deemed received when the entire document successfully reaches the commission's records center electronic mailbox or telefacsimile machine.

(7) **Additional rules regarding adjudicative proceedings.** Rules relating to general rate proceedings (subpart B of this chapter) and abbreviated adjudicative proceedings (subpart C of this chapter) govern filing requirements in those proceedings.

NEW SECTION

WAC 480-07-150 Service of documents in adjudicative proceedings. (1) **Service defined.** Service means sending or delivering, in accordance with pertinent law and rule, documents relating to commission adjudications, to parties and any other persons to whom service may be required by statute. Service includes the formal exchange of documents among parties to adjudicative proceedings.

(2) **Designation of person to receive service.**

(a) Each party in an adjudicative proceeding must designate one person to receive service of documents relating to the adjudication.

(b) When any party has appeared by an attorney or other authorized representative in a proceeding before the commission, the party must name the representative, or one of the representatives if there is more than one, to receive service of documents. Service on the representative is valid service upon the party. When an individual party appears on his or her own behalf, she or he must be the person to receive service.

(c) The commission may order different arrangements for service in individual proceedings.

(3) Person to receive service of orders.

(a) The commission will serve orders in adjudicative proceedings upon the party's representative and also on the party. Therefore, all parties must provide their names and mailing addresses for purposes of service.

(b) In addition, parties that are a partnership, corporation, association, governmental subdivision or other entity other than an individual person must designate one individual person within their business, government unit, or organization to receive service of commission orders.

(4) Contact information. Each party must supply the following information about every individual that it names to receive service:

- (a) Name.
- (b) Mailing address.
- (c) Telephone number.
- (d) Facsimile number, if any.
- (e) Electronic mail address, if any.
- (f) Relationship to party (e.g., executive director, etc.).

(5) Waiver of service by statutory means.

(a) A party may choose to waive service of process by means of personal delivery, United States mail or parcel delivery service, in whole or in part, and elect to receive service by electronic means.

(b) Waiver must be made in writing, filed with the commission, and must specify alternative methods of communication to effect service. Alternates may include telefacsimile or electronic mail.

(c) Waiver excuses other parties and the commission from the obligation to use methods of service specified in rule or statute.

Neither the commission nor any party is foreclosed from making service by statutory means upon a party that has waived such service, and timely service by a method specified in the statute will satisfy legal requirements for service when it is used.

(6) Service by parties. Parties must serve documents by delivering one copy to each other party by one of the following methods:

- (a) In person.
- (b) By mail, properly addressed with first class postage prepaid.
- (c) By delivering to a commercial parcel delivery company and making or arranging payment of the pertinent fee.
- (d) By telefacsimile transmission, if other forms of service are waived.
- (e) By electronic mail, if other forms of service are waived.

(7) Service by commission. All notices, complaints, petitions, findings of fact, opinions, and orders required to be

served by the commission may be served by one of the following methods:

- (a) In person.
- (b) By mail, properly addressed with first class postage prepaid.
- (c) By commercial parcel delivery company.
- (d) By telefacsimile transmission, when a paper copy is simultaneously mailed or tendered to a commercial parcel delivery company.
- (e) By electronic mail if originals are simultaneously mailed or sent by commercial parcel delivery company.

(8) When service is deemed complete. Unless otherwise ordered by the commission in a particular proceeding, service is complete as follows:

(a) Service by mail is complete when a copy of the document is properly addressed, stamped, and deposited in the United States mail.

(b) Service by commercial parcel delivery is complete when the parcel delivery company accepts a copy of the document for delivery.

(c) Service by telefacsimile transmission is complete when the party receiving service has filed a waiver of service by statutory methods and requested service by telefacsimile transmission, and the document being served has been entirely received in the recipient's telefacsimile machine.

(d) Service by electronic mail is complete when the party receiving service has filed a waiver of service by statutory methods and requested service by electronic mail, and the document being served has been entirely received at the recipient's designated electronic mail address.

(e) Proof of service by electronic means. Parties effecting service by electronic means are encouraged to secure electronic return receipts or otherwise confirm successful delivery.

(9) Certificate of service. Each person filing a pleading, motion, response, or brief with the commission must include with or on the original of the document either an acknowledgment of service or the following certificate:

"I hereby certify that I have this day served this document upon all parties of record in this proceeding, by (state the authorized method of service selected under WAC 480-07-150)"

Dated at this day of

(signature of person who served the document)

NEW SECTION

WAC 480-07-160 Confidential information. The commission will provide special handling and limited access to confidential information submitted in compliance with this rule. This rule applies to any information submitted under a claim of confidentiality. See also, WAC 480-07-420 regarding protective orders in adjudicative proceedings.

(1) Implementation.

(a) **Designated official.** The commission's secretary is the designated official responsible for the commission's compliance with the Public Records Act, chapter 42.17 RCW, and for the implementation of this rule. The secretary may designate one or more persons to serve as public records

officer to assist in the implementation and application of this rule.

(b) **Provider.** Any person who submits information to the commission or commission staff under a claim of confidentiality pursuant to this rule is a "provider," as that term is used in this rule.

(c) **Requester.** Any person who submits a request for public records under the Public Records Act, chapter 42.17 RCW, or a data request in an adjudicative proceeding is a "requester," as that term is used in this rule.

(2) **Confidential information defined.** Confidential information is information that meets any of the following criteria:

(a) Information protected from inspection or copying under an exemption from disclosure requirements under the Public Records Act, chapter 42.17 RCW.

(b) Information protected under the terms of a protective order in an adjudicative proceeding.

(c) Valuable commercial information, including trade secrets or confidential marketing, cost, or financial information, or customer-specific usage and network configuration and design information, as provided in RCW 80.04.095.

(3) **How to designate and seek protection of confidential information under this section.** A provider may claim the protection of this rule only by strict compliance with the following requirements. Any failure to comply with these requirements may result in the submission not being accepted as one including confidential information and its return to the provider for correction and resubmission.

(a) **Contents.** The provider must submit the claim of confidentiality in writing, in the same form (i.e., paper or electronic) and at the same time the information claimed to be confidential is submitted. The provider must state the basis upon which the information is claimed to be confidential under this rule, and must identify any person (other than the provider) that might be directly affected by disclosure of the confidential information.

(b) **Marking.**

(i) **Paper copies.** When the document is in paper format, the provider must clearly mark each copy with the designation "confidential per WAC 480-07-160." The provider must place this mark on the first page of a multipage document and each specific page where the provider claims there is confidential information.

(ii) **Electronic copies.** When the document is in electronic format, such as an electronic mail message, or a word processing or spreadsheet file, the "confidential per WAC 480-07-160" mark must be inserted on the first page in the file and on each page that the provider claims contains confidential information.

(iii) **Protective order, if any, must be cited.** If the provider submits confidential information under the provisions of a protective order, the "confidential" mark on each page that includes confidential information must state: "Confidential per protective order in WUTC Docket No. [insert docket number]."

(c) **Unredacted version under seal; redacted version.** The provider must submit a version of the document as to which confidentiality is claimed as a complete document (unredacted version) and a version of the document with the

information claimed to be confidential masked (redacted version). The redacted version must be so labeled and submitted along with a set of any confidential documents in a sealed envelope or similar wrapping. The unredacted version must be so labeled and submitted in a sealed envelope or similar wrapping. A party submitting multiple confidential documents must collate the documents into sets and, to the extent feasible, must enclose each set of confidential and each set of highly confidential documents for filing in a single envelope. Each page of the unredacted version that includes information claimed to be confidential must be printed on yellow or canary paper with the confidential information marked by contrasting highlighter or, if designated highly confidential under a protective order, light blue paper with the highly confidential information marked by contrasting highlighter. The redacted version must be submitted in the same manner as a document as to which confidentiality is not claimed. The redacted version will be available for public disclosure if requested. The redacted and unredacted versions must have the same pagination and line numbering.

(4) **Challenges to claims of confidentiality.** The commission or a party to a proceeding in which a provider submits a document with a claim of confidentiality may challenge the claim. When a challenge is made, the commission will provide an opportunity to respond before ruling on the challenge. If a confidential designation is challenged, the provider of the confidential information bears the burden to show that part or all of a document should be protected from disclosure under chapter 42.17 RCW, RCW 80.04.095, or a protective order. The commission may express its ruling orally on the record in an adjudicative proceeding, or in a written order.

(5) **Requests for "confidential" information.** Subject to subsections (6) and (7) of this section, the commission will release information designated confidential in response to a request properly filed under the following requirements:

(a) The requester must submit a written request to the commission's secretary on a form provided by the commission or in a letter containing equivalent supporting information, including the requester's name and address and the name and address of any organization on whose behalf or for whose benefit the request is being made. The requester must state whether the information sought is to be used for a commercial purpose.

(b) The request must be sufficiently specific to allow the secretary to readily identify the document or other material that contains the requested information. Following receipt of a request for confidential information, the secretary will notify the requester of any deficiency in the request. The requester is required to correct the request and resubmit it pursuant to this rule. The commission will take no action pending resubmission.

(c) If a requester wants copies of any documents identified in response to a request, the requester must make arrangements with the commission's secretary to pay the designated copying fees, if any.

(6) **Informal resolution.** When the secretary and the requester agree that the requester's need for information can be satisfied without disclosing confidential information, the secretary will make the information available.

(7) **Notice of request for information designated confidential; release of information designated confidential.** The commission will provide written notice of any request for information designated confidential to the provider and any person identified by the provider as a person who might be directly affected by release of the information. This is to permit any person asserting confidentiality or who might be affected by the release of the information to invoke the statutory procedures for securing a court order to protect the records from disclosure or to take similar steps in compliance with a protective order in an adjudicative proceeding. The commission will issue such notice not more than two days after the requested materials are located and it determines that they contain information claimed to be confidential. The commission will send a copy of the notice to the requester at the same time it sends a copy to the provider.

If the provider consents in writing to the release of the information, or does not restrain disclosure by way of court order within ten days following notice, the commission will consider the information public, remove the confidential designation from its files, and release the information to the requester.

(8) **Judicial intervention by the commission.** The commission need not assist any person in seeking or resisting judicial intervention, but may participate in any such proceeding.

(9) **Designation or redesignation of confidential information in adjudications.** At the conclusion of an adjudication in which confidentiality was asserted as to documents or portions of the record, the party originally asserting confidentiality must, no later than the time for filing briefs or, if no briefs are filed, within ten days after the close of the record, do the following:

(a) Verify the accuracy of all confidential designations in the record and in the exhibit list for the proceeding, and submit any proposed corrections or changes. Absent a statement of proposed corrections or changes, the designations in the record and in the exhibit list are final and will be changed only if the party asserting confidentiality voluntarily removes, or is required to remove, a confidential designation. If there is conflict between designations, the designation that is least restrictive to public access will be adopted.

(b) File a redacted and unredacted copy of any document as to which confidentiality was asserted during the proceeding but which is not reflected in the record or exhibit list as a document designated confidential.

(c) File an unredacted version of any document designated as confidential during the proceeding, but as to which the party claiming confidentiality wishes to remove the confidential designation, or as to which the confidential designation was terminated by order. In the case of briefs, testimony, and similar documents, the authoring party must file the unredacted version.

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 480-07-170 Official communications from the commission. A communication from the commission is not

an "official communication" unless the commissioners, the commission's secretary, or the secretary's designee signs it. In addition, the presiding administrative law judge or the administrative law judge's designee may sign official communications relating to an adjudicative proceeding.

NEW SECTION

WAC 480-07-180 Incorporated and referenced materials in commission rules and orders. Any document that is incorporated by reference in a commission rule or order is available for public inspection at the commission unless exempt from the public disclosure requirements in chapter 42.17 RCW, or under a protective order in an adjudicative proceeding. The commission's secretary will provide a copy of a referenced document upon request, allowing reasonable time for any necessary copying, subject to any pertinent charge, and subject to copyright restrictions or statutory exemptions from public disclosure. The commission incorporates or references the version of the incorporated or referenced material that is current on the day the commission adopts a rule or enters an order that makes the incorporation or reference, unless the commission specifies another version or unless another version is apparent from the reference. In most instances, such information is available to the public on the commission's website (see WAC 480-07-125).

PART II: RULE-MAKING PROCEEDINGS

NEW SECTION

WAC 480-07-200 Scope of Part II. The rules in this part apply to all rule-making proceedings before the commission.

NEW SECTION

WAC 480-07-210 Administrative Procedure Act requirements. The commission conducts rule-making proceedings in compliance with the requirements of RCW 34.05.310 through 34.05.395.

NEW SECTION

WAC 480-07-220 Monitoring rule-making proceedings; lists of interested persons. (1) **Internet.** The commission's Internet website includes information about pending rule-making proceedings.

(2) **Mail or electronic mail.** The commission maintains lists of persons interested in potential rule-making proceedings that concern particular regulated industries and other areas of potential interest. The commission sends notice of rule-making proceedings to persons on these lists. Any person may request in writing that the commission's records center include them on the relevant list or lists for the person's area(s) of interest. The commission may establish a fee for this service.

NEW SECTION

WAC 480-07-230 Inquiring about rule-making proceedings. Persons who wish to inquire about rules being proposed or considered by the commission may contact the commission's rules coordinator, whose contact information is available on the commission's Internet website.

NEW SECTION

WAC 480-07-240 Petitions for rule making, amendment, or repeal. Any interested person may petition the commission to request that the commission adopt, amend, or repeal any rule. RCW 34.05.330 and chapter 82-05 WAC govern petitions for new rules or for the amendment or repeal of existing rules.

PART III: ADJUDICATIVE PROCEEDINGS**SUBPART A: RULES OF GENERAL APPLICABILITY**NEW SECTION

WAC 480-07-300 Scope of Part III. (1) Scope. The rules in this subpart apply to all adjudicative proceedings described in this chapter, except to the extent of any conflict with special rules that govern general rate proceedings (subpart B of this chapter) or abbreviated adjudicative proceedings (subpart C of this chapter). An "adjudicative proceeding," for purposes of this chapter, is a proceeding in which an opportunity for hearing is required by statute or constitutional right before or after the commission enters an order, or as to which the commission voluntarily enters an adjudication, and as defined and described in chapter 34.05 RCW.

(2) Examples of adjudicative proceedings before the commission. The following are examples of proceedings that are adjudicative proceedings for purposes of this chapter, if set for hearing:

- (a) Formal complaint proceedings commenced pursuant to RCW 80.04.110 or 81.04.110.
- (b) General rate proceedings.
- (c) Applications for authority (e.g., certificates, licenses, and permits).
- (d) Petitions for enforcement of interconnection agreements.
- (e) Objections to closures of highway-railroad grade crossings.
- (f) Declaratory order proceedings.

NEW SECTION

WAC 480-07-305 Commencement of an adjudicative proceeding. (1) Commencement. The commission may commence an adjudicative proceeding at any time with respect to any matter within its jurisdiction and within the scope of its authority. An adjudicative proceeding begins when the commission or presiding officer notifies a party that a prehearing conference, hearing, or other stage of an adjudicative proceeding will be conducted.

(2) Who may file a pleading seeking to initiate an adjudicative proceeding. A person involved in an actual case or controversy subject to the commission's jurisdiction may apply to the commission for an adjudicative proceeding by filing the appropriate form of pleading.

(3) Types of pleadings that may initiate an adjudicative proceeding. The following pleadings, when properly and timely filed, constitute applications for adjudicative proceedings:

- (a) Formal complaints.
- (b) Petitions, when the action sought requires adjudication.
- (c) Petitions for declaratory orders under RCW 34.05.240, when the commission determines that an adjudicative process is necessary to provide parties the opportunity to resolve contested issues.
- (d) Filings for general rate increases, as defined in this chapter.
- (e) Applications for authority that are not protested, if the commission is required by law to conduct a hearing or determines, in its discretion, that it should set the matter for hearing.
- (f) Petitions for review of the denial of unprotested authority and petitions for mitigation of penalties assessed without hearing.
- (g) Protests to applications for authority.

The commission will not initiate an adjudicative proceeding in response to such an application when contrary to statute or rule, when the application is presented during an existing adjudication (except pursuant to the commission's discretion under RCW 34.05.413(1)), or when the subject raised by the application is not required to be resolved in an adjudicative proceeding, as defined in chapter 34.05 RCW.

(4) Commission notification of any deficiencies in a pleading. Within thirty days after receiving an application for an adjudicative proceeding, the commission may notify the applicant of any obvious errors or omissions, request any additional information it requires regarding the application for adjudicative proceeding, and notify the applicant of the name, mailing address, and telephone number of a person on the commission staff that may be contacted regarding the application.

(5) Commission determination to conduct adjudicative proceeding. Within ninety days after a party files and serves a pleading or a party files and serves a response, whichever comes later, the commission will:

- (a) Commence an adjudicative proceeding by serving the parties with a notice of hearing pursuant to RCW 34.05.434; or
- (b) Decide not to conduct an adjudicative proceeding and furnish the applicant with a copy of its written decision, which will include a brief statement of reasons and notice of any administrative review available.

NEW SECTION

WAC 480-07-310 Ex parte communication. (1) General. RCW 34.05.455 and this section govern ex parte communications. After an adjudicative proceeding begins and before a final determination, no person who has a direct or

indirect interest in the outcome of the proceeding, including the commission's advocacy, investigative, or prosecutorial staff, may directly or indirectly communicate about the merits of the proceeding with the commissioners, the administrative law judge, or the commissioners' staff assistants, legal counsel, or consultants assigned to advise the commissioners in that proceeding, unless reasonable notice is given to all parties to the proceeding, so that they may participate in, or respond to, the communication.

(2) **Communications not considered ex parte for purposes of this section.** The following communications are not considered ex parte:

(a) **Procedural aspects.** Communications necessary to procedural aspects of maintaining an orderly process, such as scheduling, are not ex parte communications prohibited by RCW 34.05.455, or by this section.

(b) **Commissioners.** The commissioners may communicate with one another regarding the merits of any adjudicative proceeding.

(c) **Commission employees and consultants.** A presiding officer may receive legal counsel, or consult with staff assistants or consultants who are subject to the presiding officer's supervision or who have not participated in the proceeding in any manner, and who are not engaged in any investigative or prosecutorial functions in the same or a factually related case.

(3) **Communication prior to service as presiding officer.** If, before serving as presiding officer in an adjudicative proceeding, a person receives an ex parte communication of a type that could not properly be received while serving, the presiding officer must disclose the communication as prescribed in subsection (4) of this section promptly after starting to serve.

(4) **What is required if an ex parte communication occurs.** A presiding officer who receives any communication that appears to violate RCW 34.05.455, or this section, will place on the record of the pending matter any such written communication received, any written response to the communication, and a memorandum stating the substance of any such oral communication received, any response made, and the identity of each person from whom the presiding officer received an ex parte communication. The presiding officer will advise all parties that these matters have been placed on the record. Upon request made within ten days after notice of the ex parte communication, any party who wants to respond to the communication may place a written rebuttal statement on the record. Portions of the record pertaining to ex parte communications or rebuttal statements do not constitute evidence of any fact at issue in the proceeding unless a party moves to admit any portion of the record for purposes of establishing a fact at issue and that portion is admitted pursuant to RCW 34.05.452.

(5) **Sanctions.** The commission may prescribe appropriate sanctions, including default, for any violation of RCW 34.05.455 or this section. The commission will, and any party may, report any violation of this section to appropriate authorities for any disciplinary proceedings provided by law.

NEW SECTION

WAC 480-07-320 Consolidation of proceedings. The commission, in its discretion, may consolidate two or more proceedings in which the facts or principles of law are related. Parties may request consolidation or may request the severance of consolidated matters by motion to the commission. The commission may act on its own motion to consolidate matters for hearing, or to sever consolidated matters.

NEW SECTION

WAC 480-07-330 Presiding officers. (1) **Commissioners.** The commissioners may preside in any adjudicative proceeding with or without the assistance of an administrative law judge. When the commissioners preside, they are "presiding officers" as that term is used in chapter 34.05 RCW and in this chapter. When the commissioners preside with the assistance of an administrative law judge, the administrative law judge also is a presiding officer, except for purposes of making final decisions on substantive matters in the proceeding. The administrative law judge may enter procedural and other interlocutory orders. When the commissioners preside, they may enter procedural and other interlocutory orders and will enter one or more final orders in the proceeding to resolve the substantive matters presented.

(2) **Administrative law judge.** The supervisor of the administrative law judge function within the agency will designate one or more administrative law judges to preside in individual proceedings, subject to the commissioners' approval. An administrative law judge may be designated to assist the commissioners in their role as presiding officers as described in subsection (1) of this section, or may be designated to serve alone as presiding officer. When serving alone as the presiding officer, the administrative law judge will enter one or more initial orders, unless the parties and the commission agree to waive an initial order, or law prohibits entry of an initial order. The commissioners will enter a final order following the opportunity for administrative review of an initial order, upon waiver of an initial order, or as otherwise provided by law.

NEW SECTION

WAC 480-07-340 Parties—General. (1) **Defined; appearance requirement.** A "party" is a person (meaning an individual, partnership, corporation, association, governmental subdivision or unit, or public or private organization or entity of any character) that has complied with all requirements for establishing and maintaining party status in any proceeding before the commission. The commission will not grant party status to a person who fails to appear at the earliest prehearing conference, if one is held, or hearing session, if there is no prehearing conference, unless the party is excused from appearing by the presiding officer or shows good cause for failing to timely appear. The commission staff and the public counsel section of the attorney general's office become parties to an adjudicative proceeding for all purposes upon entering an appearance. When the commission's regulatory staff appears as a party it will be called "commission staff" or "staff." When the public counsel sec-

tion of the office of the Washington attorney general appears as a party, it will be called "public counsel."

(2) **Classification of parties.** Parties to proceedings before the commission will be called applicants, complainants, petitioners, respondents, intervenors, or protestants, according to the nature of the proceeding and the relationship of the parties, as follows:

(a) **Applicants.** Persons applying for any right or authority that the commission has jurisdiction to grant are "applicants."

(b) **Complainants.** Persons who file a formal complaint with the commission are "complainants." When the commission commences an adjudicative proceeding on its own complaint seeking to impose a penalty or other sanction based upon alleged acts or omissions of the respondent, the commission is the "complainant."

(c) **Petitioners.** Persons petitioning for relief other than by complaint are "petitioners."

(d) **Movants.** Persons filing a motion for relief are "movants" or "moving parties."

(e) **Respondents.** Persons against whom any formal complaint, petition, or motion is filed are "respondents." In general rate proceedings that are set for hearing on the commission's motion or complaint, the party seeking to increase rates is a "respondent," but bears the burden of proof in the proceeding pursuant to RCW 80.04.130 or 81.04.130.

(f) **Intervenors.** Persons, other than the original parties, that are permitted to appear and participate as parties are "intervenors."

(g) **Protestants.** Persons that file a protest to oppose an application are "protestants."

NEW SECTION

WAC 480-07-345 Appearance and practice before the commission. (1) **Minimum qualifications.** No person may appear before the commission as a representative of a party to an adjudicative proceeding without meeting one of the following qualifications:

(a) Membership in good standing in the Washington State Bar Association;

(b) Admission to practice, in good standing, before the highest court of any other state or the District of Columbia;

(c) Status as an officer or employee of a party or person seeking party status, if granted permission by the presiding officer to represent the party;

(d) Status as a legal intern admitted to limited practice under Rule 9 of the Washington state supreme court's admission to practice rules. No legal intern, however, may appear without the presence of a supervising lawyer unless the presiding officer approves the intern's appearance in advance.

The presiding officer may refuse to allow a person who does not have the requisite degree of legal training, experience, or skill to appear in a representative capacity.

(2) **Written notice of appearance and withdrawal by counsel or other representative is required.** Attorneys or other authorized representatives that wish to appear on behalf of a party or person seeking party status, or to withdraw from a proceeding, must immediately provide separate written notice to the commission and all parties to the proceeding.

Parties must supplement the written notice by submitting the document in electronic form as specified in WAC 480-07-140(5). A party's initial pleading filed in the proceeding must designate the party's representative. Later changes to the designation of authorized representative must be made by written notice to the commission, and a copy must be served on each other party in the proceeding. The party's initial pleading must also designate one person as its representative to accept service for the party itself.

(3) **Unethical conduct is not permitted.** Persons appearing in proceedings before the commission in a representative capacity must conform to the standards of ethical conduct required of attorneys before the courts of Washington. Representatives are required to be familiar with, and conform to, the requirements of the rules of professional conduct that are part of the Washington court rules. If any representative fails to conform to those standards, the commission may exclude the person from the proceeding, may report the ethical violation to any appropriate licensing authority, and may refuse to permit the person to appear before it in a representative capacity in any future proceeding.

(4) **Former employees.** Former employees of the commission are subject to the provisions of RCW 42.52.080, which governs employment after public service.

NEW SECTION

WAC 480-07-350 Access for limited-English speakers and hearing-impaired persons. (1) **Interpreters.** The commission incorporates WAC 10-08-150 (rules of procedure governing interpreters) by reference in this rule so that limited-English-speaking and hearing-impaired persons have equal access to the administrative process and the opportunity for full and equal participation in adjudicative proceedings.

(2) **Notice to limited-English-speaking parties.** When the commission knows that a limited-English-speaking person is a party in an adjudicative proceeding, it will serve on that party a version of all notices concerning the hearing, including notices of hearing, continuances, and dismissals, in the primary language of the party or will include in the service of each notice a supplemental notice in the party's primary language that describes the significance of the notice and how the party may receive assistance in understanding and responding to the notice.

NEW SECTION

WAC 480-07-355 Parties—Intervention. (1) **Petition to intervene.**

(a) **Who may petition; when petitions must be filed.** Any person (other than the original parties to any proceeding before the commission, commission staff, and public counsel) who desires to appear and participate as a party should file a written petition for leave to intervene at least three business days before the initial hearing date or prehearing conference date, whichever occurs first. A person may petition orally for leave to intervene at the time of the initial hearing or prehearing conference, unless the commission requires written petitions to intervene in a notice prior to the first hear-

ing or prehearing date. The commission may extend the period for filing timely petitions to intervene.

(b) **Late-filed petition to intervene.** Any petition to intervene made after the deadline for filing or presenting the petition is a "late-filed petition to intervene." The commission will grant a late-filed petition to intervene only on a showing of good cause, including a satisfactory explanation of why the person did not timely file a petition.

(c) **Contents of petition.** Any petition to intervene must disclose:

- (i) The petitioner's name and address.
- (ii) The petitioner's interest in the proceeding.
- (iii) The petitioner's position(s) with respect to the matters in controversy.
- (iv) Whether the petitioner proposes to broaden the issues in the proceeding and, if so, a statement of the proposed issues and an affidavit or declaration that clearly and concisely sets forth the facts supporting the petitioner's interest in broadening the issues.

(v) The name and address of petitioner's attorney or other representative, if any. Attorneys and other party representative must separately file their notice of appearance as required by WAC 480-07-345(2).

(2) **Response.** Parties may respond to any petition to intervene. Responses may be written, or may be heard orally at a prehearing conference or at hearing. A party's written response to a petition to intervene must be filed and served at least two business days before the next prehearing conference or hearing date, or at such other time as the commission may establish by notice.

(3) **Disposition of petitions to intervene.** The commission may consider petitions to intervene at hearings or prehearing conferences, or, if persons have responded to a petition, before or after a hearing or prehearing conference. If the petition discloses a substantial interest in the subject matter of the hearing or if the petitioner's participation is in the public interest, the presiding officer may orally grant the petition at a hearing or prehearing conference, or in writing at any time. The presiding officer may impose limits on an intervenor's participation in accordance with RCW 34.05.443(2). If the commission grants intervention, the petitioner becomes a party to the proceeding as an "intervenor."

(4) **Dismissal of intervenor.** The commission may dismiss an intervenor from a proceeding after notice and a reasonable opportunity to be heard if the commission determines at any time that the intervenor has no substantial interest in the proceeding, or that the public interest will not be served by the intervenor's continued participation.

(5) **Interlocutory review by commission.** The commission may review a decision regarding a petition to intervene or dismissal of an intervenor pursuant to WAC 480-07-810.

NEW SECTION

WAC 480-07-360 Parties—Master service list. The commission will maintain a master service list for each adjudicative proceeding, which will be available upon request and which to the extent feasible will be available on the commission's website. The list will contain the name, mailing address, e-mail address, telephone number, and telefacsimile

number of each party to the proceeding and of each party's representative. The commission will provide a courtesy copy to the parties of contact information provided by each party at the initial prehearing conference. Each party must also designate one person to receive service of all documents that are required to be served and may request that additional representatives receive courtesy service. Parties that are individuals will be individually served with all commission orders entered in the proceeding. Parties that are a partnership, corporation, association, governmental subdivision or unit, or public or private organization or entity of any character, must designate an individual within their organization for purposes of service of commission orders.

NEW SECTION

WAC 480-07-370 Pleadings—General. (1) Types of pleadings permitted. Pleadings include formal complaints, petitions, answers, replies, counterclaims, answers to counterclaims, cross-claims, answers to cross-claims, third-party complaints, answers to third-party complaints, applications for authority, and protests. The commission may allow other pleadings upon written motion or on the commission's own motion.

(a) **Formal complaints.**

(i) **Defined.** "Formal complaints" are complaints filed in accordance with RCW 80.04.110 and 81.04.110, complaints filed under RCW 80.54.030, and commission complaints in proceedings designated by the commission as formal commission proceedings.

(ii) **Contents.** A formal complaint must be in writing and must clearly and concisely set forth the ground(s) for the formal complaint and the relief requested. A formal complaint must state:

(A) The name and address of the complainant and the name and address of complainant's attorney or other representative, if any;

(B) The full name and address of the person complained against;

(C) Facts that constitute the basis of the formal complaint, including relevant dates; and

(D) Citations to relevant statutes or commission rules.

(iii) **Proceedings under RCW 80.04.110 or 81.04.110.** In proceedings under RCW 80.04.110 or 81.04.110, the provisions of the respective statute will also apply.

(b) **Petitions.**

(i) **Defined.** Except for formal complaints and applications, as defined in this section, all original pleadings that seek relief and all pleadings that seek relief from a commission order are "petitions." Examples of petitions are petitions to intervene, petitions for declaratory orders that the commission converts into adjudications under RCW 34.05.310, petitions for enforcement of interconnection agreements under WAC 480-07-650, petitions for accounting orders, petitions for crossing or alteration of railroad crossings under RCW 81.53.030 and 81.53.060 and petitions for exemptions from or waiver of commission rules. Petitions that seek relief from a commission order include petitions for administrative review of an initial order, petitions for reconsideration of a final order, petitions for rehearing of a final order, and peti-

tions for stay of the effectiveness of a final order. The commission may undertake an action that would be the proper subject of a party's petition, such as authorizing exemption from a commission rule, without receiving a petition from a party. The commission will provide written notice and allow for appropriate process when it acts in the absence of a party's petition.

(ii) *Contents.* A petition must be in writing and must clearly and concisely set forth the ground(s) for the petition and the relief requested. A petition must state:

(A) The petitioner's name and address and the name and address of the petitioner's attorney or other representative, if any;

(B) Facts that constitute the basis of the petition, including relevant dates;

(C) Citations to relevant statutes or commission rules.

(c) *Answer to formal complaint or petition.*

(i) *Defined.* A response to a formal complaint or petition is an answer. Answers must admit or deny specifically, and in detail, all material allegations of the formal complaint or petition and must fully and completely disclose the nature of the respondent's affirmative defenses, if any. A respondent must separately state and number each affirmative defense asserted.

(ii) *When required.* A named respondent must file an answer to a complaint brought by any party other than the commission.

(iii) *When optional; when prohibited.* A party may file an answer in any case, but an answer may not be filed in response to petition for reconsideration unless the commission expressly requests an answer be filed.

(iv) *Timing of answer.* A respondent must answer a formal complaint within twenty days after the commission serves the formal complaint on the respondent or such shorter time as the commission specifies in its notice. A person who desires to respond to a petition must file the answer within twenty days after the petition is filed. The presiding officer will establish the time for answers to interlocutory petitions. The commission may alter the time allowed for any answer to be filed.

(d) *Reply.*

(i) *Defined.* The pleading responding to an answer is a "reply." A party must not file a reply without authorization from the commission, upon a showing of cause.

(ii) *Motion for permission to reply.* A party that wishes to respond to an answer must file a motion requesting permission to reply within five business days after the answer is served. Motions for permission to reply should address whether the answer raises new material requiring a response, or state other reason(s) why a reply is necessary. A party may file a proposed reply as an attachment to its motion. If the commission grants a motion to file a reply and no reply is attached to the motion, the commission will set the time for filing the reply. Unless the commission grants a motion for permission to reply within five business days after filing, it is deemed denied.

(iii) *Commission direction or invitation for a reply.* The commission may require or invite a party to file a reply.

(e) *Application.* An "application" is a request for authority, license, or a certificate authorizing a person to provide a

service regulated by the commission. The term also includes a request to transfer or amend any such authority, license, or certificate. Examples of applications are requests for certificates of convenience and necessity under Title 81 RCW and requests for transfers of property under chapter 80.12 or 81.12 RCW.

(f) *Protest.* A person who asserts that its interests would be adversely affected if an application is granted may file a "protest." A protest to an application must conform to the requirements of any special rules that apply to the type of application being protested. A protestant must serve a copy of the protest upon the applicant.

NEW SECTION

WAC 480-07-375 Motions. (1) **Defined.** A party's written or oral request for commission action in the context of an adjudicative proceeding is a "motion." Persons who file motions are "movants" or "moving parties." Motions should be in writing unless made during a hearing session before the presiding officer. The commission may require an action that would be the proper subject of a party's motion, such as the rejection of proffered evidence without receiving a motion from a party. The commission will provide oral or written notice and allow for appropriate process when it acts in the absence of a party's motion. The commission recognizes four basic categories of motion:

(a) *Dispositive motions.* Dispositive motions request the commission to determine one or more of the issues in a proceeding or to terminate a party's participation. Examples of dispositive motions are motions to dismiss all or part of a complaint, petition, or application (see WAC 480-07-380(1)); motions for summary determination (see WAC 480-07-380(2)); and motions to dismiss an intervenor (see WAC 480-07-355(4) and 480-07-450) or find a party in default (see WAC 480-07-450).

(b) *Procedural motions.* Procedural motions request establishment of or modifications to process or the procedural schedule in a proceeding. Examples of procedural motions are motions for continuance (see WAC 480-07-385), motions for extensions of time (see WAC 480-07-385), and motions to reopen the record (see WAC 480-07-830).

(c) *Discovery motions.* Discovery motions are requests to promote or limit the exchange of information among parties during the discovery phase of a proceeding. Examples of discovery motions are motions to compel (see WAC 480-07-405(3) and 480-07-425), motions for sanctions (see WAC 480-07-425), and motions for protective orders (see WAC 480-07-420).

(d) *Evidentiary motions.* Motions related to evidence are requests to limit or add to the record in a proceeding. Examples of motions related to evidence are motions to strike, motions in limine, and motions requesting authority to file supplemental or additional testimony.

(2) **Written motions must be filed separately.** Parties must file motions separately from any pleading or other communication with the commission. The commission will not consider motions that are merely stated in the body of a pleading or within the text of correspondence. The commis-

sion may refer to the Washington superior court rules for civil proceedings as guidelines for handling motions.

(3) **Oral motions.** A party may bring an oral motion during a hearing, unless foreclosed from doing so by rule or in the presiding officer's discretion. The presiding officer will provide an opportunity for other parties to respond to any oral motion. The presiding officer may require that an oral motion be reduced to writing and may provide an opportunity for written response.

(4) **Responses to written motions.** A party who opposes a written motion, other than a dispositive motion (WAC 480-07-380) or a motion for continuance (WAC 480-07-385), may file a written response within five business days after the motion is served, or may make an oral or written response at such other time as the presiding officer may set.

NEW SECTION

WAC 480-07-380 Motions that are dispositive—Motion to dismiss; motion for summary determination; motion to withdraw. (1) Motion to dismiss.

(a) **General.** A party may move to dismiss another party's claim or case on the asserted basis that the opposing party's pleading fails to state a claim on which the commission may grant relief. The commission will consider the standards applicable to a motion made under CR 12 (b)(6) and 12(c) of the Washington superior court's civil rules in ruling on a motion made under this subsection. If a party presents an affidavit or other material in support of its motion to dismiss, and the material is not excluded by the commission, the commission will treat the motion as one for summary determination as provided in subsections (2) and (3) of this section.

(b) **Time for filing motion to dismiss.** A party that opposes a pleading must file any motion directed to the pleading no later than the time the responsive pleading is due, or within twenty days after the pleading is served, whichever time is less, unless the party shows good cause for delay. Filing a motion to dismiss a pleading, or seeking a similar remedy, does not extend the time for answering the pleading.

(c) **Response.** A party who opposes a written motion to dismiss may file a response within ten days after service of the motion, or at such other time as may be set by the commission or the presiding officer. The commission may allow oral argument.

(2) Motion for summary determination.

(a) **General.** A party may move for summary determination of one or more issues if the pleadings filed in the proceeding, together with any properly admissible evidentiary support (e.g., affidavits, fact stipulations, matters of which official notice may be taken), show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. In considering a motion made under this subsection, the commission will consider the standards applicable to a motion made under CR 56 of the Washington superior court's civil rules.

(b) **Time for filing motion for summary determination.** A party must file any motion for summary determination at least thirty days before the next applicable hearing session,

unless the commission establishes by order a different specific date for any such motion to be filed.

(c) **Response.** A party that answers a motion for summary determination must file its answer and any cross-motion for summary determination within twenty days after the motion is served, unless the commission establishes by order a different specific date for a response to be filed.

(d) **Continuance not automatic.** Filing a motion for summary determination will not automatically stay any scheduled procedures. The commission may order a continuance of any procedure and may order that an oral or written response to a motion for summary determination be made at a time that is consistent with any established hearing schedule in the proceeding.

(3) **Motion to withdraw.** A party may withdraw from a proceeding only upon permission granted by the commission in response to a written motion if:

(a) In the case of a matter initiated by a tariff filing, the commission has entered a complaint and order suspending the filing; or

(b) In all other cases, the commission has issued a hearing notice or otherwise commenced an adjudicative proceeding pursuant to chapter 34.05 RCW.

The commission will grant a party's motion to withdraw from a proceeding when the party's withdrawal is in the public interest.

NEW SECTION

WAC 480-07-385 Motion for continuance, postponement, or extension of time. (1) Definitions.

(a) "Continuance," means any postponement or extension of time.

(b) A continuance to which all parties agree is an "agreed request."

(2) **Procedure.** Any party may request a continuance by oral or written motion. The commission may require a confirmation letter if a party makes an oral request. The presiding officer may rule on such motions orally at a prehearing conference or hearing session, or by letter, notice, or order. The commission will grant a continuance if the requesting party demonstrates good cause for the continuance and the continuance will not prejudice any party or the commission. The commission will grant a timely request to which all parties expressly agree unless it is inconsistent with the public interest or the commission's administrative needs.

(3) Timing.

(a) A party must file any written motion for continuance at least five business days prior to the deadline as to which the continuance is requested and must serve the motion by means that ensure its receipt by other parties the next business day after filing. Parties must file any written response within three business days after the motion is served, or two days prior to the deadline that is sought to be continued, whichever is earlier. Parties may orally respond when a hearing session is held prior to the stated deadline for a written response.

(b) A party must make any oral request for continuance on the record in a proceeding at least two business days prior to the deadline as to which the continuance is requested. The

commission will permit oral responses at the time the oral request is made.

(c) The commission may consider requests for continuance that are made after the deadlines stated in this rule if the requester demonstrates good cause that prevented a timely request.

(4) **Date certain.** The commission will grant continuances only to a specified date.

NEW SECTION

WAC 480-07-390 Briefs; oral argument; findings and conclusions. The commission may require the parties to a proceeding to present their arguments and authority orally at the close of the hearing, by written brief, or both. The commission may require parties to file proposed findings of fact and conclusions of law. The first brief filed following the close of hearing, if any, should be captioned "initial brief of [party]." A responding brief, if any, should be captioned "reply brief of [party]."

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 480-07-395 Pleadings, motions, and briefs—Format requirements; citation to record and authorities; verification; errors; construction; amendment. (1) **Format.** All pleadings, motions, and briefs must meet the following format requirements:

(a) **Paper size; legibility; margins.** All pleadings, motions, and briefs must be:

- Submitted on three-hole punched 8 1/2 x 11 inch paper.
- Presented in double-spaced, 12-point type, Palatino, Times New Roman, or an equally legible serif font, with footnotes in the same font and of at least 10-point type.
- Printed with margins at least one inch from each edge of the page.

Documents that are electronically filed must meet these requirements when printed.

(b) **Length.** Pleadings, motions, and briefs must not exceed sixty pages (exclusive of exhibits, appended authorities, supporting affidavits and other documents). The presiding officer may alter the page limit, either shortening or lengthening the number of pages allowed, considering the number and complexity of the issues.

(c) **Organization.** Every pleading, motion, and brief must be organized as follows:

(i) **Caption.** At the top of the first page must appear the phrase, "before the Washington utilities and transportation commission." On the left side of the page, the caption of the proceeding must be set out or, if no caption exists, the following: "In the matter of the (complaint, petition, motion, etc.) of (name of the pleading party) for (identify relief sought)." On the right side of the page, opposite the caption, the pleading party must include the docket number if one has been assigned, identify the name of the document (e.g., petition, motion, answer, reply, etc.), of (role of party: E.g., petitioner, respondent, protestant, etc.), and name of the party if more than one party has the same role in the proceeding). The

caption also must briefly state the relief sought (e.g., "petition for an accounting order"; "motion for continuance").

(ii) **Body of pleading.** The body of the pleading must be set out in numbered paragraphs. The first paragraph must state the pleading party's name and address and if it is the party's initial pleading, the name and address of its representative, if any. The second paragraph must state all rules or statutes that the pleading puts in issue. Succeeding paragraphs must set out the statement of facts relied upon in a form similar to complaints in civil actions before the superior courts of this state. The concluding paragraphs must state the relief the pleading party requests.

(iii) **Body of motion.** A motion must include the following information:

(A) **Relief requested.** A statement of the specific relief the commission is requested to grant or deny.

(B) **Statement of facts.** A succinct statement of the facts that the moving party contends are material to the requested remedy.

(C) **Statement of issues.** A concise statement of the legal issue or issues upon which the commission is requested to rule.

(D) **Evidence relied upon.** Any evidence on which the motion or opposition is based must be specified. Any affidavits, depositions or portions of affidavits or depositions relied upon must be specified. If a party relies on affidavits, deposition transcripts, or documentary evidence, the party must quote the cited material verbatim or attach a photocopy of relevant pages to an affidavit that identifies and verifies the documents. Parties should highlight or otherwise clearly identify the portions of the cited evidence upon which they place substantial reliance.

(iv) **Body of brief.** The commission may require the parties to organize their briefs according to a common outline. The presiding officer, in consultation with the parties, will establish the elements of the common outline taking into account the issues in the proceeding, the parties' preferences, and the commission's needs.

(v) **Citation to record.** Portions of the record relied on or quoted in the body of a brief must be cited using footnotes.

(A) **Transcript.** Transcript references should be as follows: TR. [page]: [line(s)], ([witness's surname]). If the transcript reference spans multiple pages, the reference should be as follows: TR. [page]: [line] - [page]: [line] ([witness's surname]).

(B) **Exhibits.** Exhibit references should be as follows: Exh. No. [insert number assigned at hearing]. In the case of prefiled testimony offered or received as an exhibit, page number(s), line number(s), and the witness's surname should be added following the style specified in this section for transcript references. In other exhibits, references to page(s), line(s) for text, row(s) and column(s) for tables, or other specific references may be added to clarify the information cited.

(vi) **Citation to authority.** Parties must use the citation formats specified in the current edition of the style sheet of the Washington supreme court reporter of decisions. The presiding officer may require parties to file copies of non-Washington authorities that are cited in parties' briefs and upon which parties place substantial reliance.

(2) **Verification.** All pleadings and motions, except complaints brought by the commission or matters raised by the commission on its own motion must be dated and signed by at least one attorney or representative of record in his or her individual name, stating his or her address, or by the party, if the party is not represented. Parties who are not represented by an attorney must include a statement in any pleading that the facts asserted in the pleading are true and correct to the best of the signer's belief. Parties who bring certain complaints under RCW 80.04.110 or 81.04.110 that challenge the reasonableness of the rates or charges of jurisdictional utilities must provide additional verification as specified in those statutes.

(3) **Errors in pleadings or motions.** The commission may return a pleading or motion to a party for correction when the commission finds the pleading or motion to be defective or insufficient. The commission may disregard or correct obvious typographical errors, errors in captions, or errors in spelling of names of parties.

(4) **Liberal construction of pleadings and motions.** The commission will liberally construe pleadings and motions with a view to effect justice among the parties. The commission, at every stage of any proceeding, will disregard errors or defects in pleadings, motions, or other documents that do not affect the substantial rights of the parties.

(5) **Amendments.** The commission may allow amendments to pleadings, motions, or other documents on such terms as promote fair and just results.

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 480-07-400 Discovery. (1) General.

(a) **No limitation on commission authority to audit and inspect.** Nothing in this section imposes any limitation on the commission's ability to audit or obtain the books and records of public service companies, or the public service companies' obligation to provide information to the commission, whether or not in the context of an adjudicative proceeding.

(b) **Informal discovery procedures.** Parties in an adjudicative proceeding may agree to informal discovery procedures in addition to, or in place of, the procedures contained in this section.

(c) **Definitions.** For purposes of WAC 480-07-400 through 480-07-425, the following terms have the following meanings:

(i) **Party.** Any party as defined by WAC 480-07-340.

(ii) **Data.** As used in this section, "data" means information of any type, in any form.

(iii) **Data request.** A party's written request that calls for another party to produce data in connection with an adjudicative proceeding is a "data request." Generally, data requests seek documents, an analysis, compilation or summary of documents into a requested format, a narrative response explaining a policy, position, or a document, or the admission of a fact asserted by the requesting party. If a party relies on a cost study, it is expected that the party will, on request, rerun the study based on different assumptions, subject to the standards in subsection (5) of this section. The commission will

not order a party to respond to a data request that seeks production of a new cost study unless there is a compelling need for such production.

(iv) **Record requisition.** A request for data made on the record during a conference or hearing session or during a deposition is a "record requisition."

(v) **Bench request.** A request for data made by or on behalf of the presiding officer is a "bench request."

(vi) **Depositions.** Depositions are described in WAC 480-07-410.

(2) When discovery available.

(a) **Subpoenas always available.** The only discovery procedure available in all adjudicative proceedings before the commission is the subpoena, including a subpoena duces tecum. A commissioner, an administrative law judge, or the attorney of any party to the proceeding may issue a subpoena. Witnesses are required to comply with subpoenas in the manner prescribed in Title 80 or 81 RCW and chapter 34.05 RCW. Witnesses will be paid as provided in RCW 34.05.446(7). Each subpoena must bear the name of the party requesting or issuing the subpoena and the party responsible for paying witness fees.

(b) **When other discovery methods available.** If the commission finds that an adjudicative proceeding meets one of the following criteria, the methods of discovery described in subsections (1)(c)(iii) through (vi) of this section and in WAC 480-07-410 and 480-07-415 will be available to parties:

(i) Any proceeding involving a change in the rate levels of an electric company, natural gas company, pipeline company, telecommunications company, water company, solid waste company, low-level radioactive waste disposal site, or a segment of the transportation industry;

(ii) Any proceeding that the commission declares to be of a potentially precedential nature;

(iii) Any complaint proceeding involving claims of discriminatory or anticompetitive conduct, unjust or unreasonable rates, violations of provisions in Titles 80 and 81 RCW; or

(iv) Any proceeding in which the commission, in its discretion, determines that the needs of the case require the methods of discovery specified in this rule.

(3) **Signature on discovery requests.** A party, or the party's attorney or other representative, must sign each discovery request or group of requests issued. The signature constitutes a certification that the request complies with the standards of CR 26(g) of the Washington superior court civil rules and that no request made substantially duplicates a request previously made by the requesting party to the same party in the same proceeding, unless the duplication is reasonably necessary and the reason for duplication is clearly stated.

(4) **Frequency, extent, and scope of discovery.** Data requests must seek only information that is relevant to the issues in the adjudicative proceeding or that may lead to the production of information that is relevant. A party may not object to a data request on grounds that the information sought will be inadmissible at the hearing, if the information sought appears reasonably calculated to lead to discovery of admissible evidence. Parties must not seek discovery that is

unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive. A discovery request is inappropriate when the party seeking discovery has had ample opportunity to obtain the information sought or the discovery is unduly burdensome or expensive, taking into account the needs of the adjudicative proceeding, limitations on the parties' resources, scope of the responding party's interest in the proceeding, and the importance of the issues at stake in the adjudicative proceeding.

(5) **Schedule.** The commission may establish and set forth in a prehearing order a schedule for discovery. Any such schedule will provide deadlines sufficient to allow a timely opportunity for responses and for disputes to be resolved. The presiding officer may impose or modify time limits to the extent necessary to conform to the commission's hearing schedule.

NEW SECTION

WAC 480-07-405 Discovery—Data requests, record requisitions, and bench requests. (1) Grouping and numbering.

(a) **Grouping.** Parties must group their data requests by subject or witness and present data requests in an electronic format agreed upon by the parties whenever possible, unless the parties agree to a different procedure or the presiding officer orders a different procedure. Requests not presented in electronic format must include no more than one request per page. Parties with similar interests are encouraged, and may be required, to coordinate their issuance of data requests to avoid duplication.

(b) **Numbering.** Each party must number sequentially its data requests, as submitted. The presiding officer will ensure that record requisitions and bench requests are adequately described on the record and consecutively numbered.

(2) **Service of data requests, records requisitions, and responses to parties.** Written data requests must be sent to the party to whom the request is made, with copies to all other parties. The commission staff copy must be sent to the assistant attorney general who represents the commission staff. The commission encourages parties to agree to exchange data in electronic format by e-mail, on diskette, or by other mutually acceptable electronic means.

(3) **Motion to compel; filing data requests, objections, and responses.** Parties must not file data requests and responses to data requests with the commission or provide them to any presiding officer, except when a party files a motion to compel. A party's motion to compel must include the relevant data request, any objection, and any response.

(4) **Limitation on numbers of data requests.** The presiding officer may limit the number of data requests that a party may submit and may require parties to certify that they have coordinated discovery with other parties of similar interest and that no substantial duplication exists with other parties' submissions.

(5) **Responding party to seek clarification.** If a party to whom a data request is submitted finds the meaning or scope of a request to be unclear the responding party must immediately initiate a clarification call to the requesting

party. Lack of clarity is not a basis for objection to a data request unless the responding party has made a good faith effort to obtain clarification.

(6) **Objections; consequence of failure to object.**

(a) **Data request.** A party that wishes to object to a data request must present the objection to the requesting party in writing by the time the response is due, or at such other time as may be ordered. A party that fails to interpose a timely objection to providing a full response to a data request waives any right to object for purposes of discovery and must provide a full response. A party that fails to make an objection when responding to data requests does not lose the opportunity to raise an objection at hearing if another party seeks to introduce as evidence all or part of the party's response to a data request.

(b) **Records requisition.** A party to whom a record requisition is addressed may object to the request at the time it is made or, if it later discovers a reason for objection not reasonably known at the time of the record requisition, within five days thereafter. A party may object to the admission of its response to a records requisition at the time the response is offered into evidence.

(7) **Responses.**

(a) **Data requests and records requisitions.** Parties must send responses to data requests and record requisitions to the requesting party and to any other party who requests a copy, consistent with the terms of any protective order entered in the proceeding. Parties must send the commission staff copy to the assistant attorney general who represents the commission staff unless the attorney requests an alternative method.

(b) **Timing.** A party to whom a data request is directed must provide a full response to the data request within ten business days after the request is received. If the data cannot be supplied within ten business days, the responding party must give written notice to the requesting party no later than two business days before the response is due. The notice must state why the ten-day limit cannot be met. The responding party must also provide a schedule by which it will produce the requested data and must explain why any portion of the data cannot be supplied. The presiding officer may modify these time limits.

(c) **Identification of respondent and witness.** Each data response must state the date the response is produced, the name of the person who prepared the response, and the name of any witness who is knowledgeable about and can respond to questions concerning the response.

(d) **Bench requests.** Parties must file responses to bench requests with the commission and serve all parties within ten business days after the request is made, unless the presiding officer specifies another schedule.

(8) **Supplementation.** Parties must immediately supplement any response to a data request, record requisition, or bench request upon learning that the prior response was incorrect or incomplete when made or upon learning that a response, correct and complete when made, is no longer correct or complete.

(9) **Use of responses to data requests, record requisitions or bench requests.** The commission will not consider or treat as evidence any response to a data request, record req-

uision, or bench request unless and until it is entered into the record.

NEW SECTION

WAC 480-07-410 Discovery—Depositions. (1) **Who may be deposed.** A party may depose any person identified by another party as a potential witness. A party may depose a person who has not been identified as a potential witness, if the presiding officer approves the deposition on a finding that the person appears to possess information significant to the party's case.

(2) **Required notice; deposition conference.** A party who intends to depose one or more persons must give notice to the commission and all parties. The presiding officer will consult with the parties and may schedule a deposition conference to facilitate the deposition process. The deposition conference schedule will be adjusted as needed considering any changes in the case schedule. Deposition conferences will be convened at the commission's offices in Olympia unless the parties and the presiding officer agree to another location.

(3) **How conducted.** Parties should use CR 30 of the Washington superior court civil rules as a guide when conducting depositions. Parties must limit the scope of questioning in a deposition to the same standard set forth in WAC 480-07-400(4). A court reporter provided by the party requesting the deposition will record the deposition. Each party will be responsible for the attendance of any of its prospective witnesses, or any of its employees, who have been scheduled for deposition. A party may interrupt a deposition, if necessary, to present a dispute regarding the deposition process to the presiding officer. However, to avoid interruption, such disputes should be reserved to the conclusion of the deposition, if possible.

(4) **Use of depositions.** Parties may use depositions for any lawful purpose, subject to the requirements of this subsection. A party may use a deposition to impeach a witness. If a party seeks to offer into evidence the deposition of a witness who is available to testify to the matters addressed in the witness's deposition, the party must do the following:

(a) Offer only those portions of the deposition on which the party intends to rely; and

(b) Provide five business-days' written notice to other parties and to the presiding officer prior to the hearing session at which the witness is expected to appear. The party must attach to the notice the portion(s) of the deposition that the party proposes to offer so that the presiding officer can mark it for identification as in the case of all other proposed hearing exhibits.

If portions of a deposition are admitted into evidence, other parties may offer additional portions of the deposition when necessary to provide a balanced representation of the witness's testimony.

(5) **Correcting/supplementing deposition testimony.**

(a) **Correction.** A party may file a motion to correct a transcription error in a deposition transcript within ten days after the deposition transcript is delivered.

(b) **Supplementation.** Every witness must supplement any response given in a deposition immediately upon learn-

ing that the prior response was incorrect or incomplete when made, or upon learning that a response, correct and complete when made, is no longer correct or complete.

NEW SECTION

WAC 480-07-415 Discovery conference. The purpose of a discovery conference is to allow witnesses and others who have knowledge relating to the proceeding (e.g., consultants or employees) to talk directly and informally, to reduce or avoid the need for written data requests and time for their preparation, to allow discussions of potential stipulations regarding individual facts and settlement of individual issues to occur in an informal setting, to discuss the availability of supporting information, and to enhance the parties' ability to acquire or expand their knowledge about the case of one or more designated other parties. The commission may request or require the parties to attend a discovery conference along with designated witnesses to discuss with each other questions about the party's position or evidence and the availability of supporting information. Discovery conferences will not be reported and statements made by participants at discovery conferences are not admissible as evidence unless the parties agree otherwise. The commission may designate a person to facilitate a discovery conference. The designated facilitator must not be associated with any party or with a member of the commission advisory staff who is involved in the proceeding.

NEW SECTION

WAC 480-07-420 Discovery—Protective orders. (1) **Standard form.** The commission may enter a standard form of protective order designed to promote the free exchange of information when parties reasonably anticipate that discovery in a proceeding will call for the production of confidential information.

(2) **Amendment.** The commission may, upon motion by a party, or on its own initiative, amend its standard form of protective order to meet the parties' and the commission's needs in individual cases.

(3) **Special order.** Upon motion by a party or by the person from whom discovery is sought that establishes a need to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, the presiding officer may make any order, including one or more of the following, that:

(a) The discovery will not be allowed;

(b) The discovery will be allowed only on specified terms and conditions;

(c) The discovery will be allowed only by a method of discovery other than the method selected by the party seeking discovery;

(d) Certain matters may not be inquired into, or that the scope of the discovery will be limited to certain matters;

(e) Discovery will be conducted with no one present except persons designated by the commission or the presiding officer;

(f) The contents of a deposition will not be disclosed or will be disclosed only in a designated way;

(g) A trade secret or other confidential research, development, or commercial information will not be disclosed or will be disclosed only in a designated way; or

(h) The parties must file specified documents or information enclosed in sealed envelopes to be opened as directed by the commission or the presiding officer.

The presiding officer may order that any party or person provide or permit discovery on such terms and conditions as are just, if the commission denies a motion for a protective order in whole or in part.

NEW SECTION

WAC 480-07-423 Discovery—Protective orders—Submission requirements for documents. Protective orders entered in individual proceedings may allow for parties to designate portions of documents exchanged during discovery or submitted during a proceeding (e.g., by filing, or by offering as an exhibit) as "confidential" or "highly confidential." In general, parties must strictly limit the amount of information they designate as confidential or highly confidential. Designation of documents as highly confidential is not permitted under the commission's standard form of protective order, and may only occur if the commission so orders.

(1) Designations.

(a) The "confidential" designation is intended to protect information that might compromise a company's ability to compete fairly or that otherwise might impose a business risk if disseminated without the protections provided in the commission's protective order.

(b) The "highly confidential" designation is reserved for information the dissemination of which, for example, imposes a highly significant risk of competitive harm to the disclosing party without enhanced protections provided in the commission's protective order. A party that wishes to designate information as highly confidential must first file a motion for an amendment to the standard protective order, supported by a sworn statement that sets forth the specific factual and/or legal basis for the requested level of protection and an explanation of why the standard protective order is inadequate. The motion and sworn statement must identify specific parties, persons, or categories of persons, if any, to whom a party wishes to restrict access, and state the reasons for such proposed restrictions.

(2) Submission.

(a) **Confidential information.** The first page and individual pages of a document determined in good faith to include confidential information must have the legend that reads: "Confidential per protective order in WUTC Docket No. [insert]." Placing a confidential legend on the first page of an exhibit indicates only that one or more pages contain confidential information and will not serve to protect the entire contents of the multipage document. Each page that contains confidential information must be marked separately to indicate where confidential information is redacted. Confidential information must be submitted on yellow or canary paper with contrasting highlighter (e.g., gray or blue) used to mark the confidential portions.

(b) **Highly confidential information.** The first page and individual pages of a document determined in good faith to

include highly confidential information must be marked by a stamp that reads: "Highly confidential per protective order in WUTC Docket No. [insert]." A "highly confidential" stamp on the first page of a document indicates only that one or more pages contain highly confidential information and will not serve to protect the entire contents of a multipage document. Each page that contains highly confidential information must be highlighted to indicate where highly confidential information is redacted. The unredacted versions of each page containing highly confidential information, and provided under seal, also must be marked with the "highly confidential. . ." stamp and must be submitted on light blue paper with contrasting highlighter (e.g., gray or yellow) used to mark the highly confidential portions.

(c) **Redacted version.** A separate version of each document that is designated as confidential or highly confidential must be provided on white paper with all of the confidential or highly confidential information redacted either by blacking out the information or replacing it with brackets and blank space. The first page must be marked as required in subsections (a) and (b) of this section, and additionally must be marked "redacted."

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 480-07-425 Discovery disputes. (1) Procedure for resolving disputes. Parties must make good faith efforts to resolve informally all discovery disputes. The commission may designate a person to assist the parties to resolve discovery issues, at the request or with the consent of the disputants. A party may file a written motion, or move orally at prehearing conference, to compel discovery if a dispute cannot be informally resolved. The presiding officer will hear discovery disputes, on shortened notice, at the earliest reasonable time. The presiding officer may conduct telephone hearings or conferences for the argument of discovery disputes. The presiding officer may make discovery rulings orally on the record or by written order. The presiding officer's discovery rulings are subject to review under WAC 480-07-810.

(2) **Sanctions for failure to comply.** Any party may by motion, or the commission may on its own motion, propose that sanctions be imposed if a party fails or refuses to comply with an oral or written order resolving a dispute under this section. The commission may impose sanctions including, but not limited to, default, dismissal, striking of testimony, evidence, or cross-examination, or monetary penalties as provided by law.

NEW SECTION

WAC 480-07-430 Prehearing conferences. (1) General. The commission may require, by written notice or by oral notice on the record of the hearing, that all parties and all persons who seek to intervene attend a prehearing conference. The following topics are proper subjects for discussion at a prehearing conference:

(a) Identification and simplification of the issues;

(b) The necessity or desirability of amendments to the pleadings;

(c) The possibility of obtaining stipulations of fact and to documents that might avoid unnecessary proof;

(d) Limitations on the number of witnesses;

(e) Coordinated examination of witnesses;

(f) Procedure at the hearing;

(g) The need for, and timing of, distribution of written testimony and exhibits to the parties and the bench prior to the hearing;

(h) Disposition of petitions for leave to intervene;

(i) Resolution of discovery disputes;

(j) Resolution of pending motions; and

(k) Any other matters that may aid in the disposition of the proceeding, whether by commission decision or by settlement.

(2) **Notice.** The commission will provide reasonable notice of the time and place established for a prehearing conference and the matters to be addressed. The notice may provide that failure to attend may result in a party being dismissed, being found in default, or the commission's refusal to consider a later petition for intervention except upon a showing of good cause for the failure to attend. A party's failure to attend a prehearing conference constitutes the party's waiver of all objections to any order or ruling arising out of the conference or any agreement reached at conference, unless the party shows good cause for its failure to attend.

(3) **Oral statement or written order.** The presiding officer may make an oral statement on the record or may enter an order describing the actions taken at the prehearing conference and agreements among the parties concerning all of the matters considered. Parties may object to the oral statement on the record at the time the oral statement is made, or may object to any written prehearing conference order within ten days after the date the order is served. The results of the prehearing conference will control the course of the proceeding unless modified by subsequent order or decision of the presiding officer to accommodate the needs of the case.

(4) **Prehearing conferences to facilitate evidentiary hearing.** The presiding officer may require parties to attend a prehearing conference prior to an evidentiary or other hearing session, or may recess an evidentiary or other hearing session to conduct a prehearing conference.

NEW SECTION

WAC 480-07-440 Hearing notice. (1) **Initial hearing notice.**

(a) **Timing.** The commission will set the time and place of the first hearing session or prehearing conference in any adjudication in a notice served to all parties twenty days before the hearing or conference. The commission may shorten the notice period to seven days, as provided by RCW 34.05.434. The commission will set all hearings sufficiently in advance so that all parties will have a reasonable time to prepare, considering the procedural schedule, other pending matters, and the need to minimize continuances.

(b) **Provisions for appointment of interpreter.** The initial notice of hearing must state that if a limited-English-speaking or hearing-impaired party needs an interpreter, a

qualified interpreter will be appointed at no cost to the party or witness. The notice will include a form for a party to indicate whether an interpreter is needed and to identify the primary language or hearing-impaired status of the party.

(2) **Notice of continued hearing sessions.**

(a) **Permitted forms of notice.** When a hearing is not concluded as scheduled, the time and place for continued hearing sessions may be set:

(i) On the record without further written notice to the parties;

(ii) By letter or formal notice from the secretary of the commission; or

(iii) By letter or formal notice from the presiding officer.

(b) **Timing.** There are no specific timing requirements for giving prior notice of continued hearing sessions.

NEW SECTION

WAC 480-07-450 Hearing—Failure to appear. (1) **Dismissal or default.** The commission may dismiss a party or find a party in default for failure to appear at the time and place set for hearing. The presiding officer may recess a hearing for a brief period to provide an additional opportunity for the party to appear. If the party is not present or represented when the hearing resumes, the commission may dismiss the party or find the party in default. When the commission dismisses a party or finds a party in default, it will implement the dismissal or default by a written order. When a party is found in default, the commission's order stating that finding may also dispose of the issues in the proceeding, as provided by RCW 34.05.440.

(2) **Review of order of dismissal or default.** A party who is dismissed from a proceeding or found in default may contest the order of dismissal or default by written motion filed within ten days after service of the order. A dismissed party or party found in default may request that the order be vacated and, if the order is dispositive of the proceeding, that the proceeding be reopened for further process.

NEW SECTION

WAC 480-07-460 Hearing—Predistribution of exhibits and prefiled testimony. (1) **Predistribution of evidence.** The commission may require parties to distribute their proposed evidence to other parties before the start of the evidentiary hearing. In general rate proceedings for electric, natural gas, pipeline, and telecommunications companies, the petitioner must prefile its proposed direct testimony and exhibits at the time it files its rate increase request, in accordance with WAC 480-07-510. The commission may convene a prehearing conference shortly before a scheduled hearing and require all parties to predistribute their proposed cross-examination exhibits.

(a) **Number of copies to be filed or submitted; service.** When predistribution of evidence other than proposed exhibits for use in cross-examination is required, each party must file the original plus twelve copies of its evidence with the commission unless the commission specifies a different number. When the commission requires parties to predistribute their proposed exhibits for use in cross-examination, each party must submit six copies to the bench if the commission-

ers are sitting as presiding officers and three copies if the commissioners are not sitting. The presiding officer may change the number of copies required. All proposed evidence must be served on all other parties to a proceeding whenever predistribution of evidence is required.

(b) Changes or corrections.

(i) *Substantive corrections.* Prefiled testimony may be revised to correct mistakes of fact asserted by a witness. Such mistakes may arise from a variety of causes such as scrivener's error, error in calculation, or error of misreported fact. Each party must advise all other parties of substantive corrections to any prefiled evidence as soon as the need for correction is discovered.

(ii) *Substantive changes.* Parties must seek leave from the presiding officer by written motion if they wish to submit testimony that includes substantive changes other than to simply correct errors of fact asserted by a witness. A party proposing such changes may submit the proposed revisions with its motion.

(iii) *Minor corrections.* Minor revisions to prefiled testimony and exhibits may be made to correct typographical errors, printing errors, and nonsubstantive changes (e.g., a change in a witness's address or employment). Counsel should not ask a witness on the stand to correct obvious typographical errors in the prefiled testimony or to make more than three minor substantive corrections. If more than three minor revisions are required, parties must prepare an errata sheet or a revised exhibit for submission at least one business day prior to the hearing to show such corrections to the prefiled evidence. Parties that submit revisions to predistributed or previously admitted testimony or exhibits must prominently label them "REVISED" and indicate the date of the revision. The revised portions must be highlighted, in legislative style or other manner that clearly indicates the change from the original submission. This practice must be followed even with minor changes that involve only one page of an exhibit. Counsel must identify partial revisions by page and date when an exhibit is presented for identification, sponsored, or offered into evidence, as appropriate.

(c) *Distribution at hearing.* When a party offers new exhibits, revised exhibits, or errata sheets at a hearing, the party must provide sufficient copies for all parties and for the commission's distribution requirements. When the commission requires parties to predistribute their exhibits, a party may be required to establish good cause for any failure to predistribute a proposed exhibit, other than an exhibit offered solely for impeachment of the witness's testimony on the stand, or the exhibit may be excluded.

(2) Prefiled testimony.

(a) *Exhibit numbers—Official record.* The presiding officer will assign exhibit numbers to all prefiled testimony and exhibits at the final prehearing conference prior to hearing, or at hearing. These assigned numbers will be the exhibit numbers for purposes of the official record in the proceeding.

(b) *Parties are required to mark prefiled testimony and exhibits for identification.* Parties must mark all written testimony and exhibits for identification in the upper right-hand corner of the first page prior to submission as follows:

(i) State "Exhibit No.," followed by a blank underline. Then, on the same line, identify the sponsoring witness by including the witness's initials.

(ii) Place a hyphen after the witness's initials and insert a number, beginning with Arabic numeral 1, and sequentially number each subsequent exhibit (including any subsequent written testimony) throughout the proceeding.

(iii) Place the capital letter "C" after the number if the testimony or exhibit includes information asserted to be confidential under any protective order that has been entered in the proceeding.

(iv) Place the capital letter "T" after the number if the exhibit is a witness's prefiled testimony.

For example, John Q. Witness's prefiled testimony and accompanying exhibits must be marked as follows:

Testimony or Exhibit	Marked for Identification
John Q. Witness's prefiled direct testimony	Exhibit No. ____ (JQW-IT)
First exhibit to John Q. Witness's prefiled direct testimony (nonconfidential)	Exhibit No. ____ (JQW-2)
Second exhibit to John Q. Witness's prefiled direct testimony (confidential)	Exhibit No. ____ (JQW-3C)
Third exhibit to John Q. Witness's prefiled direct testimony (nonconfidential)	Exhibit No. ____ (JQW-4)
John Q. Witness's prefiled rebuttal testimony (with portions marked confidential)	Exhibit No. ____ (JQW-5CT)
First exhibit to John Q. Witness's prefiled rebuttal testimony (nonconfidential)	Exhibit No. ____ (JQW-6)

Counsel and other party representatives who are unfamiliar with this method of identification may ask the presiding officer for further guidance.

(c) *Summary of testimony.* Each witness must present a short summary of his or her prefiled testimony on the opening page or two of the testimony. Counsel or other party representative will be expected to ask as a foundation question when the witness takes the stand the subjects that will be covered by the witness. This foundation question should request, and the witness's response should include, only a statement of the subject(s) to be covered by the witness (e.g., rate of return on equity, cost of debt, prudence) and not a summary of the witness's positions on the subject(s) identified.

(d) *Form of testimony and exhibits.* All prefiled testimony and exhibits must be paginated. In addition, line numbers must be set out on all prefiled testimony to facilitate transcript or exhibit references. All copies of prefiled testimony and exhibits must be provided on 8 1/2 x 11 inch, three-hole punched paper, with margins of at least one inch on all sides. Oversized documents may be used at the hearing for illustrative purposes but must be provided on 8 1/2 x 11 inch

PERMANENT

paper if offered into evidence and reduction to that format is feasible.

NEW SECTION

WAC 480-07-470 Hearing guidelines. These guidelines are of a general nature and are provided to assist the presiding officer in regulating the course of the proceeding. The presiding officer may suspend or modify the guidelines or use measures not specified in this rule.

(1) **Starting times.** Starting times will be strictly observed. The proceeding may go forward in the absence of counsel, parties, or witnesses who are late. Counsel may advise the bench by message to the records center when an emergency prevents timely arrival.

(2) **Appearances.** All persons who will be representing a party in a formal proceeding must give their names and addresses in writing to the court reporter immediately before the first hearing session in which they appear. The presiding officer conducting the hearing or prehearing conference will require appearances to be stated orally at the initial prehearing or hearing session, and may also ask for oral appearances at subsequent sessions in the same proceeding, so that all persons attending the hearing will know the identity and interest of all parties present. Oral appearance at hearing does not substitute for the requirement for written notice of appearance in WAC 480-07-345(2).

(3) **Matters to be handled at beginning of session.** Parties must notify the presiding officer no later than the start of the hearing session of any motion that a party anticipates may be presented during the hearing, such as one that may require foundation regarding the admissibility of evidence. The presiding officer will give the parties an appropriate opportunity to state and argue any motions related to evidence or to the procedural course of the hearing.

(4) **Summary by public counsel.** At the beginning of a hearing session during which the commission will hear testimony from members of the public, the commission may provide public counsel an opportunity to inform the public of the major contested issues and to state public counsel's positions on those issues. The commission will give other parties an opportunity to respond.

(5) **Evidence; exhibits; stipulations of fact.** The presiding officer may receive evidence as provided by RCW 34.05.452.

(6) **Order of presentation.** Evidence will ordinarily be received in the following order:

- (a) Party having the burden of proof;
- (b) Parties supporting the party having the burden of proof;
- (c) Parties opposing the party having the burden of proof;
- (d) Rebuttal by the party having the burden of proof;

The presiding officer may direct a modified order of presentation considering the needs of the parties, the commission, and the proceeding, and the parties' preferences.

(7) **Testimony under oath.** The presiding officer will administer an oath or affirmation to each witness before the witness testifies in an adjudicative proceeding. When mem-

bers of the public testify, they will be sworn in the same fashion as other witnesses.

(8) **Addressing the presiding officer or witnesses.** All counsel and other party representatives must address all comments, objections, and statements to the presiding officer and not to other counsel. Questions that concern testimony or exhibits sponsored by a witness must be addressed to the witness and not to counsel or other party representatives.

(9) **Resolving matters off the record.** Counsel or other party representatives who request off-the-record discussions must ask leave to go off the record and state the purpose for the request. Extended colloquies regarding procedural issues may be conducted off the record, but will be summarized for the record by the presiding officer subject to comments from party representatives.

(10) **Witness panels.** The commission may direct or allow two or more witnesses to take the stand simultaneously when doing so allows a benefit such as the integrated response to a line of questions, minimizing referral of questions from one witness to another, or comparing witnesses' positions. The presiding officer will also allow cross-examination of each witness upon matters within the witness's direct evidence.

(11) **Cross-examination.** Counsel and other party representatives should be prepared to provide time estimates for cross-examination of witnesses. The presiding officer will limit cross-examination to one round unless good cause exists for allowing additional questions. Witnesses must not be asked to perform detailed calculations or extract detailed data while on the stand. Any such questions must be provided to the witness at least two business days prior to the date the witness is expected to testify, must ask the witness to provide the answer for the record later in the hearing session, or must provide an answer and ask the witness to accept it "subject to check." When a witness accepts information "subject to check," the witness must perform the "check" as soon as possible. A response given "subject to check" will be considered accurate unless the witness disputes it by filing an affidavit, stating reasons, within five business days following the witness's testimony.

(12) **Redirect examination.** A party whose witness has been cross-examined may conduct redirect examination of the witness on those issues raised during cross-examination.

(13) **Post-hearing planning.** The presiding officer will confer with the parties concerning post-hearing process. The presiding officer will determine whether oral argument, briefs, or both will be required, taking into consideration the needs of the commission and the parties' preferences. The presiding officer may determine a common format or outline to be used by all parties if briefs are required. Briefs must comply with the requirements of WAC 480-07-395.

(14) **Transcript.** Each party will bear its own costs for transcripts or tape recordings, including charges for expedited service when a party requests it.

NEW SECTION

WAC 480-07-480 Hearing—Stipulation of facts. A stipulation is an agreement among parties intended to establish one or more operative facts in a proceeding. The com-

mission encourages parties to enter stipulations of fact. The parties to any proceeding or investigation before the commission may agree to all of the facts or any portion of the facts involved in the controversy. The parties to a stipulation may file it in writing or enter it orally into the record. A stipulation, if accepted by the commission, is binding on the stipulating parties. The parties may present the stipulation as evidence at the hearing. The commission may reject the stipulation or require proof of the stipulated facts, despite the parties' agreement to the stipulation.

NEW SECTION

WAC 480-07-490 Hearing—Exhibits and documentary evidence. (1) **Designation of part of document as evidence.** A party who offers evidence that consists of a portion of a document must designate the portion that is offered. If irrelevant matter included in the document would unnecessarily encumber the record, the document will not be received in evidence, but the relevant or material matter may be read into the record, or the presiding officer may receive a copy of the excerpt as an exhibit. If only a portion is offered or received, other parties may examine the document and offer other portions into evidence.

(2) **Official records.** An official document prepared and issued by any governmental authority may be introduced in the form of a certified copy. Official records contained in official publications or nationally recognized reporting service publications that are in general circulation and readily accessible to all parties may be introduced by reference, provided that the party offering the document clearly identifies the record and its source. The presiding officer may require the party offering such evidence to provide a copy for the record and to each party.

(3) **Commission's files.** The presiding officer may receive documents on file with the commission by reference to number, date, or by any other method of identification satisfactory to the presiding officer. If only a portion of a document is offered in evidence, the part offered must be clearly designated. The presiding officer may require the party offering the evidence to provide a copy to the record and to each party.

(4) **Records in other proceedings.** A portion of the record of any other commission proceeding that is otherwise admissible may be received as an exhibit in the form of a copy; by citation to the transcript or exhibit number; or by incorporation into the transcript of the current proceeding, as determined by the presiding officer.

(5) **Documents from the public.** When a member of the public presents a document in conjunction with his or her testimony, the commission may receive the document as an illustrative exhibit. The commission may receive as illustrative exhibits any letters that have been received by the secretary of the commission and by public counsel from members of the public regarding a proceeding. Documents a public witness presents that are exceptional in their detail or probative value may be separately received into evidence as proof of the matters asserted after an opportunity for cross-examination.

(6) **Resolutions.** The presiding officer may receive in evidence authenticated resolutions of the governing bodies of municipal corporations and of chambers of commerce, boards of trade, commercial, mercantile, agricultural, or manufacturing societies and other civic organizations. Any recital of facts contained in a resolution may not be considered as proof of those facts.

(7) **Objections.** Any evidence offered is subject to appropriate and timely objection. The presiding officer need not specifically ask each representative whether that party objects to an offer of evidence or other motion or proposed action. Parties that have objections must state them. Failure to object constitutes a waiver of the right to object.

NEW SECTION

WAC 480-07-495 Hearing—Rules of evidence; official notice. (1) **Admissibility; exclusion; offer of proof.** All relevant evidence is admissible if the presiding officer believes it is the best evidence reasonably obtainable, considering its necessity, availability, and trustworthiness. The presiding officer will consider, but is not required to follow, the rules of evidence governing general civil proceedings in non-jury trials before Washington superior courts when ruling on the admissibility of evidence.

The presiding officer may exclude evidence that is irrelevant, repetitive, or inadmissible, whether or not a party objects to the evidence. Parties objecting to the introduction of evidence must state the grounds for the objection at the time the evidence is offered. The presiding officer may permit the party offering rejected evidence to describe briefly for the record its nature and purpose as an offer of proof. A written offer of proof may be required.

(2) **Official notice.**

(a) The commission may take official notice of:

(i) Any judicially cognizable fact. Examples of such facts include, but are not limited to:

(A) Rules, regulations, administrative rulings and orders, exclusive of findings of fact, of the commission and other governmental agencies;

(B) Contents of certificates, permits, and licenses issued by the commission; and

(C) Tariffs, classifications, and schedules regularly established by or filed with the commission as required or authorized by law.

(ii) Technical or scientific facts within the commission's specialized knowledge; and

(iii) Codes or standards that have been adopted by an agency of the United States, or this state or of another state, or by a nationally recognized organization or association.

(b) The commission may, in its discretion upon notice to all parties, inspect physical conditions that are at issue and take official notice of the results of its inspection.

(c) The presiding officer will notify parties of material officially noticed and its source. The presiding officer will afford parties an opportunity to contest facts and material so noticed. The presiding officer may require a party proposing that official notice be taken to provide copies of officially noted matter to the record and to all other parties.

NEW SECTION

WAC 480-07-498 Hearing—Public comment. The commission will receive as a bench exhibit any public comment filed, or otherwise submitted by nonparties, in connection with an adjudicative proceeding. The exhibit will be treated as an illustrative exhibit that expresses public sentiment received concerning the pending matter. The commission may convene one or more public comment hearing sessions to receive oral and written comments from members of the public who are not parties in the proceeding. When the commission conducts a public comment hearing, the presiding officer will make an opening statement explaining the purpose of the hearing and will briefly summarize the principal issues in the matter. The presiding officer will administer an oath to those members of the public that indicate a desire to testify concerning their views on the issues. The presiding officer will call each member of the public who wishes to testify, will inquire briefly into the identity and interests of the witness, and will provide an opportunity for a brief statement by the party. Typically, public witnesses may expect to have three to five minutes to make an oral statement. Oral statements may be supplemented by written comments.

SUBPART B: GENERAL RATE PROCEEDINGSNEW SECTION

WAC 480-07-500 General rate proceedings—Statement of policy. (1) **Scope of this subpart.** This subpart explains the special requirements for certain rate increase filings by electric, natural gas, pipeline, telecommunications, and water companies, low-level radioactive waste sites, and solid waste collection companies.

(2) **Inconsistencies with subpart A requirements.** If there is any inconsistency between the requirements in subpart B and those in subpart A, the requirements in subpart B control.

(3) **Purpose of special rules.** The special requirements in subpart B are designed to standardize presentations, clarify issues, and speed and simplify processing.

(4) **Summary rejection for failure to comply.** The commission may summarily reject any filing for a general rate proceeding that does not conform to the requirements of subpart B. If the commission summarily rejects a filing for a general rate, it will provide a written statement of its reasons and will provide an opportunity for the case to be refiled in conformance with these rules.

(5) **Less than statutory notice.** The commission may grant requests to alter tariffs on less than statutory notice for good cause shown, in accordance with RCW 80.28.060 and 81.28.050. A company that seeks to implement general rate proceeding tariff changes on less than statutory notice must include with its filing a complete explanation of the reasons that support such treatment.

NEW SECTION

WAC 480-07-505 General rate proceedings—Definition. (1) **Rate filings that are considered general rate proceedings.** A general rate proceeding filing is a filing by any

regulated company specified in WAC 480-07-500 for an increase in rates that meets any of the following criteria:

(a) The amount requested would increase gross annual revenue of the company from activities regulated by the commission by three percent or more.

(b) Tariffs would be restructured such that the gross revenue provided by any customer class would increase by three percent or more.

(c) The company requests a change in its authorized rate of return on common equity or a change in its capital structure.

(d) The company is a solid waste company regulated under chapter 81.77 RCW, except for filings specified under subsection (3)(a) of this section.

(2) **Rate filings under Title 80 RCW that are not considered general rate proceedings.** The following proceedings are not considered general rate increases even though the revenue requested may exceed three percent of the company's gross annual revenue from Washington regulated operations:

(a) Periodic rate adjustments for electric and natural gas companies that may be authorized by the commission (e.g., power cost adjustments and purchased gas cost adjustments).

(b) Emergency or other short-notice increases caused by disaster or weather-related conditions unexpectedly and substantially increasing a public service company's expense.

(c) Rate increases designed to recover government-imposed increases in costs of doing business such as changes in tax laws or ordinances.

(d) Other increases designed to recover increased expenses arising on short notice and beyond a public service company's control.

(3) **Rate filings under chapter 81.77 RCW that are not considered general rate proceedings.** The following filings are not considered general rate proceedings for solid waste companies regulated under chapter 81.77 RCW even though the request may meet one or more criteria identifying general rate proceedings:

(a) Filings by companies that provide neither traditional residential or commercial solid waste operations. This category includes specialized carriers generally hauling specific waste products for specific customers and carriers providing only on-call or nonscheduled service (i.e., "class C" companies, as defined in WAC 480-70-041).

(b) Disposal fee pass-through charges for drop-box service, provided there are no affiliated interest relationships.

(c) Filings for collection of per-customer pass-through surcharges and taxes imposed by the jurisdictional local government based on the current year customer count either as a specified dollar amount or percentage fee amount.

(d) Filings by existing solid waste companies for the implementation of new solid waste collection programs.

(4) **Commission discretion.** The commission may require that any filing or proposal by a regulated company to increase rates for any customer class, or to restructure rates, is subject to the procedures and protections of subpart B of these rules.

NEW SECTION

WAC 480-07-510 General rate proceedings—Electric, natural gas, pipeline, and telecommunications companies. General rate proceeding filings for electric, natural gas, pipeline, and telecommunications companies must include the information described in this section. The commission may reject a filing that fails to meet these minimum requirements, without prejudice to the company's right to refile its request in conformance with this section. The company must provide:

(1) **Testimony and exhibits.** Twelve paper copies of all testimony and exhibits that the company intends to present as its direct case if the filing is suspended and a hearing held. In addition, the company must provide one electronic copy of the testimony and exhibits in a format or formats authorized in these rules or by the commission secretary. Material that has not been produced under the company's direction and control and is not reasonably available to it in electronic format, such as generally available copyrighted published material, need not be provided in electronic format. A copy of the testimony and exhibits filed under this section must be served on public counsel at the time of filing with the commission.

(2) **Tariff sheets.** Three copies of the proposed new or revised tariff sheets in legislative format, with strike-through to indicate any material to be deleted or replaced and underlining to indicate any material to be inserted.

(3) **Work papers and accounting adjustments.** Three copies of all supporting work papers as described in this subsection. If the testimony, exhibits, or work papers refer to a document, including, but not limited to, a report, study, analysis, survey, article or decision, that document must be provided as a work paper unless it is a reported court or agency decision, in which case the reporter citation must be provided in the testimony. If a referenced document is voluminous, it need not be provided with the filing but must be made available if requested. The following information must be included in the company's work papers, if it is not included in the testimony or exhibits:

(a) A detailed portrayal of the development of the company's requested rate of return.

(b) A detailed portrayal of restating actual and pro forma adjustments that the company uses to support the filing, specifying all relevant assumptions, and including specific references to charts of accounts, financial reports, studies, and all similar records relied on by the company in preparing its filing, supporting testimony, and exhibits. If the company proposes to calculate an adjustment in a manner different from the method that the commission most recently accepted or authorized for the company, it must also present a work paper demonstrating how the adjustment would be calculated under the methodology previously accepted by the commission, and a brief narrative describing the change. Commission approval of a settlement does not constitute commission acceptance of any underlying methodology unless so specified in the order approving the settlement.

(i) "Restating actual adjustments" adjust the booked operating results for any defects or infirmities in actual recorded results that can distort test period earnings. Restating actual adjustments are also used to adjust from an as-recorded basis to a basis that is acceptable for rate making.

Examples of restating actual adjustments are adjustments to remove prior period amounts, to eliminate below-the-line items that were recorded as operating expenses in error, to adjust from book estimates to actual amounts, and to eliminate or to normalize extraordinary items recorded during the test period.

(ii) "Pro forma adjustments" give effect for the test period to all known and measurable changes that are not offset by other factors. The filing must identify dollar values and underlying reasons for each proposed pro forma adjustment.

(c) A detailed portrayal of revenue sources during the test year and a parallel portrayal, by source, of changes in revenue produced by the filing, including an explanation of how the changes were derived.

(d) If the public service company has not achieved its authorized rate of return, an explanation of why it has not and what the company is doing to improve its earnings in addition to its request for increased rates.

(e) A representation of the actual rate base and results of operation of the company during the test period, calculated in the manner used by the commission to calculate the company's revenue requirement in the commission's most recent order granting the company a general rate increase.

(f) Supplementation of the annual affiliate and subsidiary transaction reports as provided in rules governing reporting requirements for each industry, as necessary, to include all transactions during the test period. The company is required to identify all transactions that materially affect the proposed rates.

(4) **Summary document.** A summary document that briefly states the following information on an annualized basis, if applicable. In presenting the following information, the company must itemize revenues from any temporary, interim, periodic, or other noncontinuing tariffs. The company must include in its rate change percentage and revenue change calculations any revenues from proposed general rate change tariffs that would supersede revenue from noncontinuing tariffs.

(a) The date and amount of the latest prior general rate increase authorized by the commission, and the revenue realized from that authorized increase in the test period, based on the company's test period units of revenue.

(b) Total revenues at present rates and at requested rates.

(c) Requested revenue change in percentage, in total, and by major customer class.

(d) Requested revenue change in dollars, in total, and by major customer class.

(e) Requested rate change in dollars, per average customer, by customer class, or other representation, if necessary to depict representative effect of the request. Filings must also state the effect of the proposed rate increase in dollars per month on typical residential customers by usage categories.

(f) Most current customer count, by major customer class.

(g) Current authorized overall rate of return and authorized rate of return on common equity.

(h) Requested overall rate of return and requested rate of return on common equity, and the method or methods used to calculate rate of return on common equity.

(i) Requested capital structure.

(j) Requested net operating income.

(k) Requested rate base and method of calculation, or equivalent.

(l) Requested revenue effect of attrition allowance, if any is requested.

(5) **Required service of summary document.** The company must mail the summary document required in subsection (4) of this section to the persons designated below on the same date it files the summary document with the commission:

(a) Public counsel;

(b) All intervenors on the commission's master service list for the company's most recent general rate proceeding;

(c) All intervenors on the master service list for any other rate proceeding involving the company during the five years prior to the filing, if the rates established or considered in that proceeding may be affected in the company's proposed general rate filing;

(d) All persons who have informed the company in writing that they wish to be provided with the summary document required under this section. The company must enclose a cover letter stating that the prefiled testimony and exhibits and the accompanying work papers, diskettes, and publications specified in this rule are available from the company on request or stating that they have been provided. This provision does not create a right to notice in persons named to receive the summary.

(6) **Cost studies.** The company must include any cost studies it performed or relied on to prepare its filing, identify all cost studies conducted in the last five years for any of the company's services, and describe the methodology used in such studies.

(7) **Other.** The company must include its most recent annual report to shareholders, if any, and any subsequent quarterly reports to shareholders; the most recent FERC Form 1 and FERC Form 2, if applicable; and the company's Form 10K's, Form 10Q's, any prospectuses for any issuances of securities, and quarterly reports to stockholders, if any, for the most recent two years prior to the filing date.

NEW SECTION

WAC 480-07-520 General rate proceedings—Solid waste collection companies. General rate increase filings by class A and B haulers as defined in WAC 480-70-041 must include the information described in this rule. The commission may reject a filing that fails to meet these minimum requirements, without prejudice to the company's right to refile its request in conformance with this section.

(1) **Proposed tariff.** Two copies of the proposed tariff, in legislative format, with strike-through to indicate any material to be deleted or replaced and underlining to indicate any material to be inserted.

(2) **Local government ordinances and notices.** A copy of every local government ordinance related to the request,

and a copy of the customer notices issued in compliance with the provisions of WAC 480-149-120.

(3) **Transmittal letter.** A transmittal letter prepared in compliance with the provisions of WAC 480-149-120 and 480-70-326.

(4) **Work papers.** All supporting work papers for the test period, which is the most recent or most appropriate consecutive twelve-month period for which financial data are available. Work papers must include:

(a) A detailed pro forma income statement separated among solid waste, single family residential recycling, multi-family recycling, and yard waste, with restating actual and pro forma adjustments, including all supporting calculations and documentation for all adjustments.

(i) "Restating actual adjustments" adjust the booked operating results for any defects or infirmities in actual recorded results that can distort test period earnings. Restating actual adjustments are also used to adjust from an as-recorded basis to a basis that is acceptable for rate making. Examples of restating actual adjustments are adjustments to remove prior period amounts, to eliminate below-the-line items that were recorded as operating expenses in error, to adjust from book estimates to actual amounts, and to eliminate or to normalize extraordinary items recorded during the test period.

(ii) "Pro forma adjustments" give effect for the test period to all known and measurable changes that are not offset by other factors. The filing must identify dollar values and underlying reasons for each proposed pro forma adjustment.

(b) A calculation of the revenue impact of proposed tariff revisions.

(c) An income statement listing all revenue and expense accounts by month.

(d) If nonregulated revenue represents more than ten percent of total company test period revenue, a detailed separation of all revenue and expenses between regulated and non-regulated operations.

(e) A detailed list of all nonregulated operations, including the rates charged for the services rendered. Copies of all contracts must be provided on request.

(f) Detailed price-out information that reconciles within five percent, without adjustment, to the test period booked revenue, including the test period customer count by tariff item.

(g) A consolidated balance sheet, including the percentage of equity and the percentage of debt, and the cost of that debt by component.

(h) A detailed depreciation schedule listing all used and useful assets held by the company during the test period, including the date of purchase, the cost at purchase, the depreciable life, the salvage value, depreciation expense, and accumulated depreciation expense at the end of the test period.

(i) Computed average investment. Average investment is the net book value of allowable assets at the beginning of the test period plus the net book value of allowable assets at the end of the test period, divided by two. Investor supplied working capital may be included, provided a work sheet is submitted detailing the calculations.

(j) Information about every transaction with an affiliated interest or subsidiary that directly or indirectly affects the proposed rates. This must include: A full description of the relationship, terms and amount of the transaction, the length of time the relationship has been ongoing, and an income statement and balance sheet for every affiliated entity.

(5) **Annual report.** The most recent consolidated annual report to shareholders, if any.

NEW SECTION

WAC 480-07-530 General rate proceedings—Water companies. General rate increase filings by water companies must include the information described in this section. The commission may summarily reject a filing that fails to meet these minimum requirements, without prejudice to the company's right to refile its request in conformance with this section.

(1) **Cover letter.** The cover letter must:

(a) Provide a description of the filing, and the requested action, in understandable terms;

(i) Technical terms are acceptable, but descriptions must use common terms so the public can easily understand the impact of the filing;

(ii) Acronyms, if used, must be defined before they are used in the text of the letter;

(b) State why the filing is being made (e.g., increased costs for water testing);

(c) Describe each service that is impacted and the dollar and percentage change for each service as well as the net impact of all changes on the company's total regulated revenue.

(2) **Tariff.** The proposed tariff must include explanatory markings.

(3) **Customer notice.** A copy of the notice mailed to customers.

(4) **Work papers.** The supporting work papers for the test period including:

(a) A calculation of the revenue impact of proposed rates by each class affected;

(b) Balance sheet and statement of revenues and expenses;

(c) Depreciation schedule;

(d) Adjustments proposed including a schedule showing adjustments to the statement of revenues and expenses, including any restating adjustments and/or pro forma adjustments including the effect of proposed rates;

(e) Work papers that explain both restating and pro forma adjustments that the company proposes, specifying all relevant assumptions, and including specific references to charts of accounts, financial reports, studies, and all similar records relied on by the company in preparing its filing, and its supporting testimony and exhibits.

(i) "Restating actual adjustments" adjust the booked operating results for any defects or infirmities in actual recorded results, which can distort test period earnings. Restating actual adjustments are also used to adjust from an as-recorded basis to a basis that is acceptable for rate making. Examples of restating actual adjustments are adjustments to remove prior period amounts, to eliminate below-the-line

items that were recorded as operating expenses in error, to adjust from book estimates to actual amounts, and to eliminate or to normalize extraordinary items recorded during the test period.

(ii) "Pro forma adjustments" give effect for the test period to all known and measurable changes that are not offset by other factors. The filing must identify dollar values and underlying reasons for each proposed pro forma adjustment.

(f) Usage statistics verifying test year revenues and proposed revenues.

(g) Public water system identification number assigned by the Washington department of health for each system that the new rates will affect.

(h) Schedule showing separation of revenues and expenses between regulated and nonregulated operations.

(i) Information about every transaction with an affiliated interest or subsidiary that directly or indirectly affects the proposed rates. This must include: A full description of the relationship, terms and amount of the transaction, the length of time the relationship has been ongoing, and an income statement and balance sheet for every affiliated entity.

NEW SECTION

WAC 480-07-540 General rate proceedings—Burden of proof. Public service companies bear the burden of proof in general rate proceedings that propose changes that would increase any rate, charge, rental, or toll, as provided in RCW 80.04.130 or 81.04.130. The burden of proof includes the burden of going forward with evidence and the burden of persuasion. The commission will consider the company's prefiled evidence to be its full direct case in support of its rate filing for purposes of deciding any prehearing motion to dismiss under WAC 480-07-380.

NEW SECTION

WAC 480-07-550 General rate proceedings—Compliance filings and other resulting filings. WAC 480-07-880 and 480-07-883 govern compliance filings and other filings that the commission authorizes or requires in a general rate proceeding.

SUBPART C: ABBREVIATED AND SPECIALIZED FORMS OF ADJUDICATIVE PROCEEDINGS

NEW SECTION

WAC 480-07-600 Scope. Subpart C of this chapter establishes rules for abbreviated and specialized adjudicative proceedings, including brief adjudicative proceedings, emergency adjudicative proceedings, proceedings under the Telecommunications Act of 1996, and proceedings concerning the closure of highway-railroad grade crossings.

NEW SECTION

WAC 480-07-610 Brief adjudicative proceedings. (1) **When permitted.** The commission may use brief adjudicative proceedings under RCW 34.05.482 when doing so is

consistent with other provisions of law, when protection of the public interest does not require the commission to give notice and an opportunity to participate to persons other than the parties, and when the commission believes that the brief adjudication is consistent with the public interest. In exercising its discretion to conduct a brief adjudication, the commission will consider the preferences of the parties, the possible benefits to be gained from a brief adjudication, and the nature of issues involved.

(2) **Matters suitable for brief adjudication.** Categories of proceedings suitable for brief adjudication include, but are not necessarily limited to:

(a) Review of denials or partial denials of applications that are not protested.

(b) Contested applications for temporary authority.

(c) Proceedings that could lead to suspension, cancellation, or revision of authority for failure to maintain tariffs, pay fees, or file required documents.

(d) Formal complaints in which notice and an opportunity to participate in the proceeding need not be given to persons other than the parties.

(e) Petitions for mitigation of penalty assessments under RCW 80.04.405 and 81.04.405, including any challenge to the validity of a penalty assessment or the existence of an underlying violation.

(3) **How to request brief adjudication.** Any person may apply for a brief adjudicative proceeding by filing with the secretary of the commission a letter stating reasons why a brief adjudication should be used and a certificate of service upon all other identified or necessary parties. The commission may set a matter for brief adjudication on its own motion when doing so will not prejudice the rights of any person. Each applicant for a brief adjudicative proceeding must submit a written explanation of its view of the issues along with its application. Parties may file written submissions as provided in the commission's notice that it will conduct the brief adjudicative proceeding.

(4) **Assignment of presiding officer.** If the commission grants the request for a brief adjudication, it will designate a person to serve as a presiding officer consistent with the requirements of RCW 34.05.485.

(5) **Requesting and presenting oral comments.**

(a) **Request.** A party to a brief adjudicative proceeding may request to make an oral statement in the application or in a response to the application. The presiding officer may grant a request to make an oral statement or may ask the parties to make oral statements if the presiding officer believes an oral statement will help in reaching a decision.

(b) **Notice.** The commission will serve upon the parties a notice of the time and place for the brief adjudicative proceeding and the name and telephone number of the designated presiding officer at least seven days before the proceeding.

(6) **Initial order.** The presiding officer may make an oral statement of the reasons for the decision during the brief adjudication if the party affected is present at the proceeding. The presiding officer will enter an initial order that addresses the issues raised by the application within ten days after the date of the brief adjudication. The initial order will be served on the parties pursuant to WAC 480-07-150 (3) and (7).

(7) **Review of initial orders.**

(a) **Timing.** Any party may file a written petition for review of an initial order in a brief adjudication within twenty-one days after service of the initial order and the commission will review the initial order. The commission may review an initial order on its own motion.

(b) **Format for petition for review.** The commission encourages written petitions for review so parties will have the greatest opportunity to state reasons for their views. A written request for review of an initial order must contain an explanation of the party's view of the matter, with a statement of reasons why the initial order is incorrect, and a certificate of service. Oral petitions for review are permitted under RCW 34.05.488.

(c) **Response.** The commission encourages written responses. Any written response to a petition for review must be filed with the commission and served to the other parties within seven days after service of the petition for review, or on a schedule set by the presiding officer. The commission may hear orally any response to an oral petition for review.

(8) **Final order on review.** The commission may adopt, modify, reject, or remand the initial order for further proceedings consistent with the terms of its final order. The final order on review will be in writing, will include a brief statement of the reasons for the decision, and will be entered within twenty days after the deadline for requesting review or of the request for review, whichever is later. The order must include a notice of any further available administrative review or, if none is available, a notice that judicial review may be available.

(9) **Final order without review.** If no party seeks review of the initial order, the commission may enter an order adopting the initial order as its final order.

(10) **Record.** The record in a brief adjudicative proceeding consists of any documents regarding the matter that were considered or prepared by the presiding officer for the brief adjudicative proceeding or by the reviewing officer for any review. The agency's record need not constitute the exclusive basis for action, unless otherwise required by law.

NEW SECTION

WAC 480-07-620 Emergency adjudicative proceedings. (1) **When permitted.** The commission may conduct an emergency adjudicative proceeding pursuant to RCW 34.05.479 to suspend or cancel authority, to require that a dangerous condition be terminated or corrected, or to require immediate action in any situation involving an immediate danger to the public health, safety, or welfare requiring immediate action by the commission. Such situations include, but are not limited to:

(a) Inadequate service by a public service company when the inadequacy involves an immediate danger to the public health, safety, or welfare; and

(b) Violations of law, rule, or order related to public safety, when the violation involves an immediate danger to the public health, safety, or welfare.

(2) **Who presides.** The commissioners will sit as presiding officers, hear the matter, and enter an order, if a majority of the commissioners are available. Any available commis-

sioner will sit as presiding officer, hear the matter, and enter an order, if a majority of the commissioners is not available. The supervisor of the commission's administrative law judge function will assign an administrative law judge to sit as presiding officer, hear the matter, and enter an order, if no commissioner is available.

(3) **Record and decision.** The official record will include any written submissions of the parties; oral comments by the parties, if the presiding officer has allowed oral comments; and any documents regarding the matter that were considered or prepared by the commission. The agency's record need not constitute the exclusive basis for action, unless otherwise required by law.

(4) **Emergency order.** The presiding officer will enter an emergency order as soon as practicable under the circumstances. The order will include a brief statement of findings of fact, conclusions of law, and justification for the determination of an immediate danger to the public health, safety, or welfare. The order is effective when entered. The commission will serve the order pursuant to WAC 480-07-150 (3) and (7).

(5) **Post-order process.** After entering an emergency order under this section, the commission will proceed as quickly as feasible to complete any proceedings that would be required if the matter did not involve an immediate danger to the public health, safety, or welfare, and will enter a final order.

(6) **Review or reconsideration of emergency order.** Any party to an emergency adjudicative proceeding may seek immediate review by the full commission in the case of any order entered by a single commissioner or by an administrative law judge. In the case of any order entered by a majority of the commissioners, any party may seek immediate reconsideration. If either review or reconsideration is requested, the commission will establish appropriate process to complete its review or reconsideration within ten days of the date of any petition for review or reconsideration. A party seeking immediate review or reconsideration is not automatically entitled to a stay of the emergency order.

NEW SECTION

WAC 480-07-630 Telecommunications companies—Arbitration under the Telecommunications Act of 1996.

(1) **Scope.** This rule implements the arbitration provisions of sections 251 and 252 of the Telecommunications Act of 1996, 47 U.S.C. §§ 251 and 252.

(2) **Nature of the proceeding.** Arbitrations that the commission conducts pursuant to 47 U.S.C. § 252 are subject to judicial review. Arbitration under this section, however, is not an adjudicative proceeding under the Washington Administrative Procedure Act, chapter 34.05 RCW. Arbitration decisions are binding only upon the parties to the arbitration. Arbitration under this section should be characterized by fairness, cooperation and openness between or among the parties, and is designed to resolve disputes efficiently and economically.

(3) **Intervention; public counsel.** Arbitrations typically involve only the parties to the negotiation. Others may ask to participate but will be allowed to do so only upon a showing

of compelling public interest. The public counsel section of the office of attorney general may elect to participate pursuant to RCW 80.04.510.

(4) **Filing and service of a petition for arbitration.**

(a) **When allowed.** During the period from the 135th to the 160th day (inclusive) after the date on which an incumbent local exchange carrier receives a request for negotiation under 47 U.S.C. § 252 (b)(1), any party to the negotiation may petition the commission to arbitrate all issues that remain unresolved. Parties may continue to negotiate in good faith and may continue to participate in mediation to resolve the disputed issues after arbitration is requested.

(b) **Filing.** Parties must file petitions for arbitration under section 252 (b)(2) as provided for other petitions under WAC 480-07-145, and must follow the format requirements for pleadings in WAC 480-07-395.

(c) **Service.** A party that files a petition for arbitration must deliver a complete copy of the petition and all accompanying documentation to the other party or parties to the negotiation on the same day that the petition is filed with the commission.

(5) **Contents of petition and documentation.** A petition for arbitration filed under this section must:

(a) State the date on which the original request for negotiation was received, and the dates one hundred thirty-five days and one hundred sixty days after the request was received;

(b) Include a brief statement of each unresolved issue and a summary of each party's position with respect to each issue;

(c) State all proposed rates or charges, if prices are in dispute, and all relevant cost studies and related supporting materials that are available to the petitioner;

(d) State any conditions that the petitioning party requests be imposed;

(e) Recommend any information that the arbitrator should request from the parties pursuant to 47 U.S.C. § 252 (b)(4)(B), including an explanation of why the information is necessary for the arbitrator to reach a decision on the unresolved issues; and

(f) Be accompanied by all relevant documentation including:

(i) A current draft of the interconnection agreement, if available, with all agreed provisions in standard typeface and all unresolved issues in bold typeface;

(ii) A legal brief that addresses the disputed issues, including discussion of how the parties' positions, and any conditions requested, meet or fail to meet the requirements of 47 U.S.C. §§ 251 and 252, any applicable FCC regulations, and any applicable regulation, order, or policy of this commission; and

(iii) Any other documents relevant to the dispute, including copies of all documents the petitioner relies on to support its positions or that it intends to introduce as exhibits at the hearing.

(6) **Filing and service of an answer to a petition for arbitration.**

(a) **When allowed.** Any party to the negotiation may respond to a petition for arbitration and may file with the

commission such additional information as it wishes within twenty-five days after the petition is filed.

(b) **Filing.** Answers to petitions for arbitration under section 252 (b)(2) must be filed with the commission in the manner provided for answers to other petitions under WAC 480-07-145, and must follow the format requirements for pleadings under WAC 480-07-395.

(c) **Service.** A party responding to a petition for arbitration must deliver to the petitioner and any other party or parties to the negotiation a complete copy of the answer and all accompanying documentation on the same day that the response is filed with the commission.

(7) **Contents of answer and required documentation.** An answer to a petition for arbitration filed under this section must:

(a) State whether the respondent disputes the date the petitioner asserts was the date on which the respondent received the original request for negotiation, or disputes any subsequent dates stated in the petition in conformance with subsection (5)(a) of this section;

(b) Include a brief statement of each unresolved issue and a summary of each party's position with respect to each issue;

(c) State all proposed rates or charges, if prices are in dispute, and all relevant cost studies and related supporting materials that are available to the respondent;

(d) State any conditions that the responding party requests be imposed;

(e) Recommend any information that the arbitrator should request from the parties pursuant to 47 U.S.C. § 252 (b)(4)(B), including an explanation of why the information is necessary for the arbitrator to reach a decision on the unresolved issues; and

(f) Be accompanied by all relevant documentation including:

(i) A current draft of the interconnection agreement, if available and different from any draft agreement submitted with the petition, with all agreed provisions in standard typeface and all unresolved issues in bold typeface;

(ii) A legal brief that addresses the disputed issues, including discussion of how the parties' positions, and any conditions requested, meet or fail to meet the requirements of 47 U.S.C. §§ 251 and 252, any applicable FCC regulations, and any applicable regulation, order, or policy of this commission; and

(iii) Any other documents relevant to the dispute, including copies of all documents the respondent relies on to support its positions or that it intends to introduce as exhibits at the hearing.

(8) **Verification.** The petition, answer, and all documentation filed must be verified as provided by WAC 480-07-395, or submitted by affidavit or declaration.

(9) **Confidentiality; protective order.** Petitions, answers, and any documents a party provides to the commission pursuant to a request under section 252 (b)(4)(B) are subject to Washington's public disclosure laws, including chapter 42.17 RCW and RCW 80.04.095. Confidential information submitted with a petition for arbitration or answer is subject to the protections and procedures set out in WAC

480-07-160. A party may include in its petition or response a request that the commission enter a protective order.

(10) **Discovery.** Parties must cooperate in good faith in the voluntary, prompt and informal exchange of all documents and other information relevant to the disputed issues, subject to claims of privilege or confidentiality. A party's failure to cooperate in discovery may be treated as a failure to negotiate in good faith. The arbitrator will schedule a discovery conference for a date ten days after the deadline for responses to the petition for arbitration, subject to rescheduling or cancellation if all parties agree. During the conference, the arbitrator will review the asserted need for any additional discovery, including requests for information by the arbitrator pursuant to 47 U.S.C. § 252 (b)(4)(B). Parties may submit to the arbitrator any discovery requests not responded to by the time of the conference and request that the arbitrator order the discovery. The arbitrator or the commission may request information from the parties pursuant to 47 U.S.C. § 252 (b)(4)(B) at any time.

(11) **Appointment and authority of arbitrator.**

(a) **Appointment.** One or more commissioners, one or more commission employees appointed by the commission, or one or more persons under contract with the commission may be designated as arbitrator(s) when a petition for arbitration is filed. The commission will not appoint an arbitrator who previously mediated a dispute between the same parties concerning the same interconnection agreement, unless the parties consent in writing or no other arbitrator is available to the commission. The commission will advise the parties of the appointment by entry of an order on arbitration procedure. The commission, in its discretion, may permit parties to comment on the selection of the arbitrator.

(b) **Authority.** Arbitrators will exercise all authority reasonable and necessary to conduct arbitration under the provisions of this rule, the commission's orders on arbitration procedure, and other provisions of law. Other members of the commission's staff may assist an arbitrator, but a staff member who has acted as a mediator with respect to the same interconnection agreement between the same parties may not be consulted. The arbitrator will issue the arbitrator's report within one hundred ten days after the date on which the petition for arbitration was filed. The arbitrator's report satisfies the commission's responsibility to resolve the disputed issues under 47 U.S.C. § 252 (b)(4)(C).

(12) **Consolidation.** The commission or an arbitrator may consolidate arbitration proceedings to reduce burdens on telecommunications carriers, parties to arbitration proceedings, and the commission.

NEW SECTION

WAC 480-07-640 Telecommunications companies—Review and approval of interconnection agreements under the Telecommunications Act of 1996. (1) **Scope.** This rule implements the commission review and approval process provisions of section 252 of the Telecommunications Act of 1996, 47 U.S.C. § 252.

(2) **Review and approval of agreements by the commission.**

(a) **Filing and service of agreements for approval.**

(i) *Negotiated agreements.* Parties to a negotiated interconnection agreement must submit a complete, signed copy of their agreement to the commission for approval under 47 U.S.C. § 252(e) within thirty days after the agreement is signed. Any appendices or attachments to the agreement must be included. The request for approval must summarize the agreement's main provisions. The request for approval must affirm that the agreement does not discriminate against nonparty carriers, is consistent with state and federal law, and is in the public interest. The commission will reject a request for approval that does not include all of the information required in this section but will allow it to be refiled when complete. The timelines established for commission review of requests for approval under 47 U.S.C. § 252 do not begin until a complete request is properly filed.

(ii) *Arbitrated agreements—Petition for review; answer.* Any party may petition for commission review of an arbitrator's report and decision within thirty days after the arbitrator's report is issued, or at such other time as is established by notice or order. Other parties to the arbitration proceeding must file an answer within ten days after the petition is served, or at such other time as is established by notice or order. Both petition and answer must be in the form of a brief of the issues, and must address all legal and factual bases in support of the parties' respective arguments that the arbitrator's report and decision should, or should not, be modified.

(iii) *Arbitrated agreements—Request for approval.* The parties must also file, on the date established for answering any petition for review, their request for approval of an arbitrated interconnection agreement and a complete, signed copy of their interconnection agreement including all negotiated terms, all terms requested under section 252(i) of the Telecommunications Act of 1996, and all terms drafted to implement the arbitrator's report and decision. Arbitrated terms must be in bold font style and identify by footnote the arbitrated issue that relates to the text. Any appendices or attachments to the agreement must be included. The request for approval must summarize the agreement's main provisions. The request for approval must affirm that the agreement does not discriminate against nonparty carriers, is consistent with state and federal law, and is in the public interest. The commission will reject a request for approval that does not include all of the information required in this section but will allow it to be refiled when complete. The timelines established for commission review of requests for approval do not begin until a complete request is properly filed.

(iv) *Filing and service.* Parties must file requests for approval with the commission secretary, as provided in WAC 480-07-145. Parties must serve the request for approval on all other parties not filing jointly, as provided in WAC 480-07-150.

(b) *Commission consideration of requests for approval and petitions for review.* The commission will consider a request for approval of a fully negotiated interconnection agreement at a regularly or specially scheduled open public meeting. The commission will consider any petition for review of an arbitrator's report and decision at hearing, which may, in the commission's discretion, be scheduled coincident with a regularly or specially scheduled open public meeting. The commission may hear oral argument by the parties, oral

comment from members of the public, or both. The commission will enter an order approving or rejecting a fully negotiated agreement within ninety days after the date on which the request for approval and interconnection agreement are filed. The commission will enter an order resolving a partially or fully arbitrated agreement within thirty days after the request for approval and interconnection agreement are filed.

NEW SECTION

WAC 480-07-650 Petitions for enforcement of telecommunications company interconnection agreements. The purpose of this rule is to provide a speedy and enforceable means to resolve disputes when one party to an interconnection agreement contends that the other party is violating the terms of the agreement.

(1) **Petitions for enforcement.** A telecommunications company that is party to an interconnection agreement with another telecommunications company may petition under this rule for enforcement of the agreement.

(a) **What the petition must contain.** Each petition for enforcement must contain the following elements:

(i) A statement, including specific facts, demonstrating that the petitioner engaged in good faith negotiations to resolve the disagreement, and that despite those negotiations the parties failed to resolve the issue.

(ii) A copy of the provision of the interconnection agreement that the petitioner contends is not being complied with.

(iii) A description of facts demonstrating failure to comply with the agreement. One or more affidavits, declarations, or other sworn statements, made by persons having personal knowledge of the relevant facts must support the description.

(b) **How to serve the petition.** The petitioner must serve the petition for enforcement on the responding party on the same day the petition is filed with the commission. If the petitioner chooses to serve the respondent by mail or parcel delivery service, it must deliver a copy of the petition and all supporting documents by hand delivery, telefacsimile, or electronic mail (to the e-mail address specified by the recipient for the purpose of receiving a copy of the petition) on the same day as filed with the commission. For purposes of this section, service must be effected on:

(i) The responding party's authorized representative, attorney of record, or designated agent for service of process;

(ii) The responding party's representatives with whom the petitioner conducted the negotiations addressed in (a)(i) of this subsection; and

(iii) All parties designated in the interconnection agreement to receive notices.

(c) **Profiling notice of petition.** The petitioner must give at least ten days' written notice to the respondent that the petitioner intends to file a petition for enforcement. The notice must identify the contract provision the petitioner alleges was violated, and the exact behavior or failure to act that petitioner alleges violates the agreement. The written notice must be served as provided in (b) of this subsection. The petitioner must include a copy of this notice with its petition for enforcement.

(2) **Answering a petition.** The respondent may answer the petition. The respondent waives the opportunity to

present any matter that is not raised in the answer, except that the answer may be amended under subsection (3) of this section.

(a) **Contents of the answer.** The answer to a petition for enforcement must respond to each allegation of failure to comply with the terms of the interconnection agreement, stating relevant facts. Any facts relied upon must be supported by affidavits, declarations, or other sworn statements by persons having personal knowledge of the facts.

(b) **Filing and service of the answer.** The respondent must file the answer with the commission and serve it on the petitioner within five business days after service of the petition for enforcement. Service must be accomplished so that a copy of the response to the petition for enforcement and all supporting documents reach the petitioner's attorney, or the person who signed the petition if petitioner has no attorney, on the same day the answer is filed with the commission. If the respondent chooses to serve the petitioner by mail, a copy of the petition for enforcement and all supporting documents must be delivered to the person identified above on the same day as filed with the commission.

(3) **Amendment of petition and answer.** The presiding officer may permit the responding party to amend its answer for good cause shown, and to avoid substantial prejudice to the responding party that is not caused by the fault of the responding party. The presiding officer may permit either party to amend its petition or answer to conform to the evidence presented during the proceeding. The presiding officer may refer to, but is not bound by, CR 15(b) of the Washington superior court civil rules, when determining whether to permit amendment of the petition or answer to conform to the evidence.

(4) **Prehearing conference.** The commission will conduct a prehearing conference regarding each petition for enforcement of an interconnection agreement.

(a) **Schedule; mandatory attendance.** The presiding officer will issue notice of a prehearing conference within five business days after the petition is filed. Both the petitioner and the respondent must attend the prehearing conference. The prehearing conference may be conducted by telephone.

(b) **Procedural determination.** The presiding officer will determine at the prehearing conference whether the issues raised in the petition can be determined on the pleadings, submissions, and any oral statements without further proceedings. When determining whether to schedule an oral enforcement hearing session, the presiding officer will consider the parties' preferences and the reasons they advance, the need to clarify statements by asking questions, whether the issues are largely factual, largely legal, or involve questions of fact and law, the apparent complexity of facts and issues, the need for speedy resolution, and the completeness of information presented. The presiding officer may require the parties to submit written briefs on the issues.

(c) **Means of obtaining additional information.** If the presiding officer determines that further proceedings are necessary, the presiding officer will establish a schedule for receiving additional facts or evidence and may schedule an enforcement hearing session to explore the facts and issues raised in the petition and the answer. The party filing the

complaint or answer may file with the complaint or answer a request for discovery, stating the matters to be inquired into and their relationship to matters directly at issue. The presiding officer may allow limited discovery requiring only the disclosure of facts relating directly to matters at issue, and only if discovery is shown to be essential to the requesting party. The presiding officer will establish a shortened discovery schedule to comply with the timelines of this rule.

(5) **Powers of the presiding officer; conversion of proceeding; recommended or final decision.**

(a) **Conduct of proceeding.** The presiding officer has broad discretion to conduct the proceeding in a manner that best suits the nature of the petition, including, but not limited to, converting the proceeding into a complaint proceeding under RCW 80.04.110. Matters may be appropriate for conversion when their complexity requires that they cannot be completed on the schedule provided in this rule; when the petitioner requires discovery beyond a disclosure of facts directly related to the matters at issue; when extensive policy argument or legal briefing is required; or when participation by parties other than the petitioner and the respondent is necessary. The presiding officer may limit the record to written submissions or may schedule an enforcement hearing session. The presiding officer may limit the number of exhibits and witnesses and the time for their presentation.

(b) **Recommended decision.** The presiding officer, if other than the commissioners, will serve a recommended decision on the parties within seventy-five days of the date the petition for enforcement was filed, or twenty-one days after the last hearing session or submission, whichever is later. The recommended decision is subject to approval by the commission. If the commissioners preside over the enforcement proceeding, they may enter a final decision within the time requirements applicable to recommended decisions.

(c) **Review of the recommended decision.** The commission may hear the parties' arguments or comments regarding any recommended decision during a hearing, which may, in the commission's discretion, be scheduled coincident with a regular or special open public meeting. The parties may file written comments prior to the meeting on a schedule established in the recommended decision. The commission may request commission staff to make a presentation at the meeting. The commission will conduct this session within ten days after the date of the recommended decision, or as soon thereafter as the commissioners' schedules permit.

(6) **Commission decision on petition for enforcement.**

(a) **Extent of commission discretion.** The commission will serve a final decision on the parties in the form of a commission order resolving the issues. The commission may adopt, modify, or reject all or part of any recommended decision.

(b) **Time of service.** The commission will enter its order on the petition for enforcement no later than ninety days after the date the petition is filed or fifteen days after the meeting at which it reviews the recommended decision, whichever is later. The commission may extend this time for lack of resources or for other good cause.

(c) **Petition for reconsideration.** The parties may petition for reconsideration within ten days after the commission

serves its order on the petition for enforcement. If a party petitions for reconsideration, the commission may request that an answer be filed. The commission may request additional comments, briefing, evidence, or argument from the parties. Filing a petition for reconsideration of the order does not stay the effect of the order. A petition for reconsideration is deemed denied unless the commission grants or denies it by written order within ten days after the date on which petition for reconsideration is filed or the date established for filing an answer or additional comments, briefing, evidence, or argument, whichever is later. The commission may alter the time for entering its order on a petition for reconsideration by notice or letter.

(d) **Failure to comply with the order.** Any party who fails to comply with the terms of the commission's final order on a petition for enforcement is subject to penalties under RCW 80.04.380 and any other penalties or sanctions as provided by law. A company against whom a penalty is assessed may challenge the penalty or the facts on which it is based, or seek mitigation of the penalty, pursuant to pertinent law and commission rules.

NEW SECTION

WAC 480-07-660 Railroad grade-crossing closures—Objections. (1) **Filing.** Anyone who objects to a highway-railroad grade crossing closure under RCW 81.53.060 must file an objection in writing within twenty days after publication of notice of the proposed closure. The objection must:

- (a) Identify the person or persons who object by full name and mailing address;
- (b) Identify the particular crossing that is the subject of the objection;
- (c) State the commission docket number, if known; and
- (d) Explain the basis for the objection.

If a communication does not meet these requirements, the commission will not treat the communication as an objection when determining whether a hearing is required under RCW 81.53.060.

(2) **Party status; appearances; service of final order.** Filing an objection does not make a person a party to a proceeding under RCW 81.53.060. A person who wishes to participate as a party must enter an appearance at the first hearing session, as prescribed by WAC 480-07-340. A person who fails to establish party status by appearance may file a "late-filed petition to intervene" as provided in WAC 480-07-355. A person must establish party status to be entitled to service of any initial order or the commission's final order in the matter. Persons who are not parties may receive a courtesy copy of any initial or final order on request.

(3) **Other interested persons.** Interested persons who are not parties will be provided an opportunity to be heard and offer evidence, as required by RCW 81.53.060. Interested persons who are not parties may not call witnesses, cross-examine witnesses, or otherwise participate as a party. Interested persons who are not parties do not have standing to file petitions for administrative review of initial orders or to file petitions for reconsideration of final orders.

SUBPART D: ALTERNATIVE DISPUTE RESOLUTION

NEW SECTION

WAC 480-07-700 Alternative dispute resolution. The commission supports parties' informal efforts to resolve disputes without the need for contested hearings when doing so is lawful and consistent with the public interest, and subject to approval by commission order. Alternative dispute resolution (ADR) includes any mechanism to resolve disagreements, in whole or in part, without contested hearings.

(1) **No delegation of commission authority.** The commission cannot delegate to parties the power to make final decisions in any adjudicative proceeding. The commission retains and will exercise its authority in every adjudicative proceeding to consider any proposed settlement or agreement for approval.

(2) **Forms of ADR.** Parties to a dispute that is within the commission's jurisdiction may agree to negotiate with any other parties at any time without commission oversight. The commission may direct parties to meet or consult as provided in subsection (3) of this section, or may establish or approve a collaborative process as provided in WAC 480-07-720. The commission may assign commission staff trained in ADR principles and techniques to serve as neutral third parties (e.g., mediator or facilitator) to assist the parties. The commission may assign a settlement judge to assist the parties in appropriate circumstances. The commission may provide an arbitrator whose decision is subject to commission review in matters for which arbitration is authorized.

(3) **Settlement conference.** The commission may invite or direct the parties to confer among themselves, or with a designated person. Settlement conferences must be informal and without prejudice to the rights of the parties. Any resulting settlement or stipulation must be submitted to the commission in writing and is subject to commission approval.

(4) **ADR guidelines.** In any negotiation, the following apply unless all participants agree otherwise:

(a) The parties, as their first joint act, will consider the commission's guidelines for negotiations, set out in a policy statement adopted pursuant to RCW 34.05.230, and determine the ground rules governing the negotiation;

(b) No statement, admission, or offer of settlement made during negotiations is admissible in evidence in any formal hearing before the commission without the consent of the participants or unless necessary to address the process of the negotiations;

(c) Parties may agree that information exchanged exclusively within the context of settlement negotiations will be treated as confidential, subject to the requirements of RCW 5.60.070; and

(d) Participants in a commission-sanctioned ADR process must periodically advise any nonparticipating parties and the commission of any substantial progress made toward settlement. Participants must immediately advise the commission if a commission-sanctioned ADR process is without substantial prospects of resolving the issue or issues under discussion (i.e., if the participants agree that an impasse has

been reached or an impasse is declared by any neutral third party who is assisting the participants in the ADR process).

(e) Any mediator, facilitator, or settlement judge who assists the participants in an ADR process will not participate in any adjudication, arbitration, or approval process for the same proceeding, unless all parties consent in writing.

NEW SECTION

WAC 480-07-710 Mediation. (1) **Scope.** This rule applies generally to settlement negotiations in which the commission agrees to assign a qualified mediator to assist the parties. This rule applies specifically to implement the mediation provisions of sections 251 and 252 of the Telecommunications Act of 1996, 47 U.S.C. §§ 251 and 252.

(2) **Commission participation.** The parties to a negotiation, including a negotiation under 47 U.S.C. §§ 251 and 252, may ask the commission to mediate any differences that arise during the negotiation. A request for mediation must include a brief statement of the nature of the dispute and the names, postal and electronic mail addresses, telephone and fax numbers of the parties and their representatives. Copies of the request must be served on all parties to the negotiation. All parties are required to participate in good faith if the commission agrees to mediate.

(3) **Mediators.** The commission may assign one or more qualified employees to serve as mediator(s). The commission may require the parties to retain the services of a professional mediator acceptable to all parties.

(4) **Process.** Mediators have discretion to regulate the course of the mediation, including scheduling mediation sessions, in consultation with the parties. The following general procedures apply:

(a) The mediator may not impose a settlement but may offer proposals for settlement;

(b) The mediator may meet individually with the parties or attorneys during mediation;

(c) Only the parties to the negotiation and the mediator may attend the mediation session(s), unless all parties consent to the presence of others;

(d) Parties must provide the mediator with a brief statement of position and relevant background information prior to the first mediation session;

(e) The mediator may ask for supplemental information;

(f) The mediator should not provide legal advice to the parties, nor are any mediator's statements as to law or policy binding on the commission, unless later adopted by the commission;

(g) The mediation process is confidential to the extent permitted by law, subject to the requirement for a written agreement as required under RCW 5.60.70; and

(h) No stenographic record will be kept.

(5) **Fees and costs.** Each party must bear its own fees and costs. Each party must pay any fees imposed by commission rule or statute.

(6) **Notice to commission.** Parties must advise the commission if they reach a full, partial, or multiparty settlement and may suggest preferred procedural alternatives for review of the settlement, subject to the requirements of WAC 480-07-640 (commission approval of interconnection agree-

ments) or WAC 480-07-740, as appropriate. The commission will determine the appropriate procedure in each proceeding consistent with the requirements of WAC 480-07-640 or 480-07-740.

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 480-07-720 Collaboratives. (1) **Defined; membership.** A collaborative is a commission-sanctioned negotiation in which interested persons work with each other and representatives of commission staff to achieve consensus on one or more issues, within the commission's jurisdiction, assigned to or identified by the collaborative participants. Any person whose interests may be substantially affected by the result of the collaborative must be given an opportunity to participate. Collaborative participants must inform the commission and seek approval if a collaborative seeks to change its membership or redefine the issues it will address.

(2) **Procedure.** Participants must develop procedural guidelines for their negotiations when beginning a collaborative and should refer to any commission policy statement(s) that relate to ADR for guidance.

(3) **Communication with commission.** Communication between the commission and collaborative participants may be through commission staff assigned to serve as a neutral third party in the collaborative, or through the commission secretary, subject to agreement among the participants to the form and substance of any such communication.

NEW SECTION

WAC 480-07-730 Settlement. A settlement is an agreement among two or more parties to a proceeding that is filed with the commission as a proposed resolution of one or more issues. Parties must supplement the filing of a written settlement agreement by submitting the document in electronic form as specified in WAC 480-07-140(5).

(1) **Full settlement.** An agreement of all parties that would resolve all issues in a proceeding may be presented as a full settlement for commission review. Parties that file a full settlement should file supporting evidence at the same time as the settlement agreement, or within a reasonable time following filing of the settlement agreement.

(2) **Partial settlement.** An agreement of all parties on some issues may be presented as a partial settlement for commission review, and remaining matters may be litigated. Parties that file a partial settlement should file supporting evidence at the same time as the settlement agreement, or within a reasonable time following filing of the settlement agreement.

(3) **Multiparty settlement.** An agreement of some, but not all, parties on one or more issues may be offered as their position in the proceeding along with the evidence that they believe supports it. Nonsettling parties may offer evidence and argument in opposition.

(4) **Notice to commission.** Parties must advise the commission if they reach a full, partial, or multiparty settlement and may suggest preferred procedural alternatives for review

of the settlement, subject to the requirements of WAC 480-07-740. The commission will determine the appropriate procedure in each proceeding consistent with the requirements of WAC 480-07-740.

NEW SECTION

WAC 480-07-740 Settlement consideration procedure. The commission must determine whether a proposed settlement meets all pertinent legal and policy standards. The commission must have a reasonable opportunity to hear parties' views on why the settlement should be approved and adopted, to ask questions of the parties, and to conduct its processes in an orderly fashion. Parties must, therefore, consider the timing and the content of the settlement presentation to the commission.

(1) **Settlement presentation timing.** Parties must file a proposed settlement with a recommended effective date that allows the commission sufficient time to schedule a formal settlement hearing and provide an opportunity for public comment when the commission, after consulting the parties, determines that such comment is needed. The commission must have sufficient time to deliberate and to prepare an order responding to the proposal. The parties must allow sufficient time for the filing, review, and approval of any required compliance filing.

(a) **General rate proceedings.** In general rate proceedings or matters of comparable complexity, parties must allow at least thirty days between filing a proposed settlement agreement and the requested effective date of any tariff changes or other terms and conditions of the settlement.

(b) **Less complex matters.** In matters that are less complex, parties must allow at least twenty-one days between filing a proposed settlement agreement and the requested effective date for any tariff changes or other terms and conditions of the settlement.

(c) **Notice to commission; inquiries regarding arrangements for review.** Parties should inform the commission at the earliest opportunity when it appears that they may reach a settlement and ask the commission to make tentative arrangements for review. Parties may direct informal inquiries to the supervisor of the commission's administrative law function or the supervisor's designee.

(d) **Hearing.** The commission will schedule a hearing to consider a proposed settlement if the commission believes that a hearing will assist it to decide whether to adopt the proposal.

(e) **Timing; requested effective date.** The commission will endeavor to meet the parties' requested effective date, but cannot guarantee that it will be able to do so.

(2) **Settlement presentation contents.** When filing a proposed settlement agreement, parties must also file supporting documentation sufficient to demonstrate to the commission that the proposal is consistent with law and the public interest and that it is appropriate for adoption.

(a) **Narrative.** Supporting documentation should include a narrative outlining the scope of the underlying dispute; the scope of the settlement and its principal aspects; a statement of parties' views about why the proposal satisfies both their interests and the public interest; and a summary of legal

points that bear on the proposed settlement. The documentation may be in the form of a memorandum, supporting pre-filed testimony, brief, or other form that serves the same functions.

(b) **Testimony.** Each party to a settlement agreement must offer to present one or more witnesses to testify in support of the proposal and answer questions concerning the settlement agreement's details, and its costs and benefits. Proponents of a proposed settlement must present sufficient evidence to support its adoption under the standards that apply to its acceptance. Counsel must make a brief presentation of the settlement, and address any legal matters associated with it. Counsel must be available to respond to questions from the bench regarding those subjects.

(c) **Rights of opponents of a proposed settlement.** Parties opposed to the commission's adoption of a proposed settlement retain the following rights: The right to cross-examine witnesses supporting the proposal; the right to present evidence opposing the proposal; the right to present argument in opposition to the proposal; and the right to present evidence or, in the commission's discretion, an offer of proof, in support of the opposing party's preferred result. The presiding officer may allow discovery on the proposed settlement in the presiding officer's discretion.

NEW SECTION

WAC 480-07-750 Commission discretion to accept settlement, impose conditions, or reject a proposed settlement. (1) The commission may decide whether or not to consider a proposed settlement. The commission will approve settlements when doing so is lawful, the settlement terms are supported by an appropriate record, and when the result is consistent with the public interest in light of all the information available to the commission.

(2) If the commission considers a proposed settlement, it may accept the proposed settlement, with or without conditions, or may reject it.

(a) If the commission rejects a proposed settlement, the litigation returns to its status at the time the settlement was offered and the time for completion of the hearing will be extended by the elapsed time for consideration of the settlement.

(b) If the commission accepts a proposed settlement upon conditions not proposed in the settlement, the parties may seek reconsideration of the decision and the settling parties must within the time for reconsideration state their rejection of the conditions. If a party rejects a proposed condition, the settlement is deemed rejected and (a) of this subsection applies.

SUBPART E: ORDERS AND POST-ORDER PROCESS

NEW SECTION

WAC 480-07-800 General; definitions. (1) "Entry" of an order means the signing of the order by all persons who are to sign the order, as an official act indicating that the order is

to be effective. Each order will state the date on which it is entered.

(2) An order is effective when entered, unless an effective date other than the date the order is entered is specified in the order.

(3) "Service" of an order means placing copies of the order in the U.S. mail, postage prepaid, addressed to all parties and any other persons required by law to be served. Each order will state the date on which it is served. The service date of an order governs the determination of time limits for further administrative procedure or for judicial review.

NEW SECTION

WAC 480-07-810 Interlocutory orders. (1) **Defined.** Orders entered during the course of an adjudicative proceeding are "interlocutory orders," as distinguished from initial orders that may be entered by an administrative law judge at the conclusion of a proceeding and final orders entered by the commission at the conclusion of a proceeding. Examples of interlocutory orders are orders concerning a party's participation in a proceeding, orders concerning discovery, and orders that relate to proposed evidence.

(2) **When review is available.** Interlocutory review is discretionary with the commission. The commission may accept review of interim or interlocutory orders in adjudicative proceedings if it finds that:

(a) The ruling terminates a party's participation in the proceeding and the party's inability to participate thereafter could cause it substantial and irreparable harm;

(b) A review is necessary to prevent substantial prejudice to a party that would not be remediable by post-hearing review; or

(c) A review could save the commission and the parties substantial effort or expense, or some other factor is present that outweighs the costs in time and delay of exercising review.

(3) **Process for seeking review.** Any party may petition for review of an interlocutory order. Petitions for interlocutory review must be filed and served on other parties within ten days after service of the order or issuance of the ruling for which review is requested. The petition must state why the ruling is in error or should be changed and why interlocutory review is necessary, and must cite reasons that support the petition. Answers must be filed within ten days after the petition is filed. The commission may alter these filing deadlines when doing so is consistent with the public interest.

NEW SECTION

WAC 480-07-820 Initial and final orders. (1) **Defined.**

(a) **Initial orders.** "Initial orders" dispose of the merits in a proceeding that is conducted before an administrative law judge and are entered over the signature of the administrative law judge. Initial orders include those that grant dispositive motions (e.g., motions to dismiss and motions for summary determination) and orders that resolve contested issues on the basis of the official record in a proceeding. All initial orders are subject to further action by the commission as provided in WAC 480-07-825.

(b) **Final orders.** "Final orders" dispose of the merits of a proceeding following consideration by the commissioners and are entered over the signatures of a majority of the commissioners. Final orders include those that grant dispositive motions (e.g., motions to dismiss and motions for summary determination) and orders that resolve contested issues on the basis of the official record in a proceeding. Final orders may be entered whenever:

(i) The commissioners personally preside over a proceeding;

(ii) The commissioners enter an order following administrative review of an initial order in response to a timely petition for administrative review;

(iii) The commissioners enter an order after the period available for petitions for administrative review and no such petition has been filed;

(iv) All of the parties to a proceeding waive their right to an initial order; or

(v) The commissioners enter an order following the timely filing of a petition for reconsideration of a final order or a petition for rehearing of a final order.

(2) **Service.** The commission will serve a copy of any initial order and the commission's final order to each party of record and to the party's attorney or other authorized representative pursuant to RCW 34.05.461(9) and WAC 480-07-150(3).

(3) **Timing.** The presiding officer will enter an initial order within sixty days after the commission receives transcripts following the close of the record, hears oral argument (if allowed or required), initial briefs are filed, or reply briefs are filed, whichever occurs last. The commission will enter its final order within ninety days after the commission receives transcripts following the close of the record, hears oral argument (if allowed or required), initial briefs are filed, or reply briefs are filed, or the commission receives a petition for administrative review or an answer to a petition for review, whichever occurs last. The presiding officer or the commission may alter the time for entry of an initial or final order by notice to the parties.

NEW SECTION

WAC 480-07-825 Initial orders—Petitions for administrative review. (1) **When a petition for administrative review is appropriate.** A party who wishes to challenge any finding of fact, conclusion of law, remedy, or result proposed by an initial order may file a petition for administrative review. A party also may file a petition for administrative review to challenge the reasons stated in support of any result reached in an initial order. The commission will accept only one petition for administrative review from any party.

(2) **Timing of petition.** Any party to an adjudicative proceeding may file and serve a petition for administrative review within twenty days after the initial order is served. The commission may extend the time on a showing of good cause. (3) **Contents; length.** Petitions for administrative review must clearly identify the nature of each challenge to the initial order, the evidence, law, rule or other authority that the petitioner relies upon to support the challenge, and state the remedy that the petitioner seeks. Petitions for review of

initial orders must be specific. The petitioner must separately state and number every contention. A petition that challenges a finding of fact must cite the pertinent page or part of the record or must otherwise state the evidence it relies on to support its petition, and should include a recommended finding of fact. A petition that challenges a conclusion of law must cite the appropriate statute, rule, or case involved and should include a recommended conclusion of law. A petition that challenges the summary or discussion portion of an initial order must include a statement showing the legal or factual justification for the challenge, and a statement of how the asserted defect affects the findings of fact, the conclusions of law, and the ultimate decision. Petitions for administrative review must not exceed sixty pages, without prior permission from the commission.

(4) Answers.

(a) **Who may answer.** Any party to the adjudication may answer another party's petition for administrative review.

(b) **Filing and service.** An answer to a petition for administrative review must be filed and served within ten days after the petition is filed. The commission may designate a different time for filing answers to petitions.

(c) **Challenge to order in answer.** A party who did not file a petition for administrative review of an initial order may challenge the order or portions of the order in its answer to the petition of another party.

(5) Reply.

(a) **By right.** A party has the right to reply to new challenges to the order that are raised under subsection (c) of this section.

(b) **By leave of commission.** A party otherwise has no right to reply to an answer, but may petition for leave to reply, citing new matters raised in the answer and stating why those matters were not reasonably anticipated and why a reply is necessary. The petitioner may attach a reply to the petition for leave to accept the reply.

(c) **Timing.** A reply under (a) of this subsection, or a petition for leave to reply under (b) of this subsection, must be filed no later than five days after service of the answer. The commission may extend the time upon a showing of good cause.

(6) **Oral argument.** The commission may hear oral argument on a petition for administrative review at a time and place the commission designates by notice to all parties to the proceeding. A party who desires to present oral argument may request argument, stating why oral argument is necessary to assist the commission in making its decision and why written presentations will be insufficient.

(7) **Final order.** The commission may by final order adopt, modify, or reject an initial order after reviewing the initial order and any petitions for review, answers, replies, briefs, and oral arguments, and the record. Alternatively, the commission may remand the matter for further proceedings with instructions to the presiding officer. The statutory time for filing a petition for judicial review commences when the commission serves its final order. However, if a party timely files a petition for reconsideration of the final order, and complies with the commission's procedural rules governing reconsideration, the time for filing a petition for judicial review does not commence until the date on which the

agency serves an order disposing of the petition for reconsideration, or the date on which the petition is deemed denied as a matter of law, as provided in RCW 34.05.470.

NEW SECTION

WAC 480-07-830 Motion to reopen the record prior to entry of a final order. Any party may file a motion to reopen the record at any time after the close of the record and before entry of the final order. The commission may reopen the record in a proceeding on its own motion. In uncontested proceedings, the commission may exercise its discretion to reopen the record to allow receipt of written evidence when otherwise lawful. In contested proceedings, the commission may reopen the record to allow receipt of evidence that is essential to a decision and that was unavailable and not reasonably discoverable with due diligence at the time of the hearing or for any other good and sufficient cause. The commission will give all parties an opportunity to respond to any evidence received after the record is closed. The commission may enter a final order or may return the matter to the presiding officer for further consideration, including further hearing or other process when appropriate.

NEW SECTION

WAC 480-07-835 Clarification of final order by motion. (1) **Motion - when appropriate.** Any party who does not seek to change the outcome with respect to an issue may file a motion for clarification of a final order within ten days after the order is served. The purpose of a motion for clarification is to ask for clarification of the meaning of an order so that compliance may be enhanced, so that any compliance filing may be accurately prepared and presented, to suggest technical changes that may be required to correct the application of principle to data, or to correct patent error without the need for parties to request reconsideration and without delaying post-order compliance. A motion for clarification may also request that obvious or ministerial errors in orders be corrected by letter from the secretary or by subsequent order, consistent with WAC 480-07-875.

(2) **Motion - when not appropriate.** If a party seeks to change an outcome with respect to one or more issues resolved by a final order, or challenge a finding of fact or conclusion of law stated in the order, it may not do so by motion for clarification, but must file a petition for reconsideration pursuant to WAC 480-07-850.

(3) **Response.** No party may file a response to a motion for clarification unless requested by the commission.

(4) **Tolling.** Filing a petition for clarification tolls the time for judicial review but does not toll the time for compliance with the final order of which clarification is sought.

NEW SECTION

WAC 480-07-840 Clarification of a final order by conference. The commission may schedule an order conference on its own motion or at a party's request. The commissioners may personally attend the conference or may designate one or more persons to attend on their behalf. The com-

mission will determine whether an order conference will be recorded.

(1) **Purpose.** The purpose of an order conference is to clarify the meaning of a final order when parties disagree about the order's meaning or requirements. Parties to an order conference may ask for clarification of the meaning of an order to:

- (a) Explore and resolve any barriers to compliance;
- (b) Ensure that any compliance filing can be accurately prepared and presented;
- (c) Propose technical changes that may be required to correct the application of principle to data; or
- (d) Correct patent error.

The conference is not a forum for discussing or challenging the evidentiary, legal, or policy decisions expressed in the order. Parties may pursue those remedies through a petition for reconsideration or other means.

(2) **Effect.** An order conference will not stay the effect of an order, the time for compliance, the time for securing post-order review, or the time for petitioning for judicial review, unless the conference results in a supplemental commission order, which then becomes a final order subject to review. An order conference does not constitute a formal interpretation of an order. The final order that is the subject of an order conference will remain the sole expression of the commission's decision unless supplemented through an additional order.

NEW SECTION

WAC 480-07-850 Reconsideration of a final order by petition. (1) **Petition - timing.** Any party may petition for reconsideration of a final order within ten days after the order is served. The purpose of a petition for reconsideration is to request that the commission change the outcome with respect to one or more issues determined by the commission's final order.

(2) **Petition - contents.** The petitioner must clearly identify each portion of the challenged order that it contends is erroneous or incomplete, must cite those portions of the record and each law or commission rule that the petitioner relies on to support its petition, and must present brief argument in support of its petition.

(3) **Answer.** No party may file an answer to a petition for reconsideration unless requested by the commission. If the commission requests answers to a petition for reconsideration, it will issue a notice stating the date by which answers must be filed and the date by which the commission intends to enter an order resolving the petition.

(4) **Oral argument.** The commission will not hear oral argument on a petition for reconsideration unless the commission determines on its own motion that oral argument is required.

(5) **Disposition.** A petition for reconsideration is deemed denied twenty days after the date the petition is filed, unless the commission either:

- (a) Enters an order resolving the petition; or
- (b) Serves the parties with a written notice specifying the date by which it will act on the petition.

(6) **Action.** If the commission grants a petition, the commission may modify its prior order or take other appropriate action. If the commission denies the petition, no further action will be taken in the matter with respect to the final order. No party may petition for reconsideration of an order on reconsideration.

(7) **Stay.** Filing a petition for reconsideration does not automatically stay the effect of an order or serve as a request for a stay. A party may request that the commission stay the effectiveness of an order pending reconsideration by filing a petition for stay pursuant to WAC 480-07-860.

(8) **Judicial review.** Filing a petition for reconsideration is not a prerequisite for seeking judicial review of a commission final order. If a proper petition for reconsideration is timely filed, the time for filing a petition for judicial review does not commence until the agency serves an order disposing of the petition for reconsideration, or the date on which the petition is deemed denied as a matter of law, as provided in RCW 34.05.470. An order denying reconsideration, or a notice of the time for disposition under subsection (5)(b) of this section is not subject to judicial review.

NEW SECTION

WAC 480-07-860 Stay. Any party may petition to stay of the effectiveness of a final order within ten days after its service, unless otherwise provided by statute or stated in the final order. The commission may stay the effect of a final order on its own initiative. The effect of a final order is not automatically stayed when a party files a motion for clarification, a petition for reconsideration, or a petition for rehearing.

NEW SECTION

WAC 480-07-870 Rehearing. Any person affected by a final order may file a petition for rehearing. Public service companies may seek rehearing under RCW 80.04.200 or 81.04.200.

NEW SECTION

WAC 480-07-875 Amendment, rescission, or correction of order. (1) **Amendment or rescission.** The commission may alter, amend, or rescind any order that it has entered, after notice to the public service company or companies affected and to all parties in the underlying proceeding, and after allowing an opportunity for hearing as in the case of complaints. Any order altering, amending, or rescinding a prior order will have the same effect as any other final order when served upon the public service company or companies affected.

(2) **Correction.** The commission may act on its own initiative or on the motion of any party to correct obvious or ministerial errors in orders. The commission may enter a corrected order or effect any corrections by notice or letter. The commission may direct the secretary to effect any corrections by notice or letter. The time for any available post-hearing review begins with the service of the correction, as to the matter corrected.

NEW SECTION

WAC 480-07-880 Compliance filing; subsequent filing; reporting requirement. (1) **Compliance filing; compliance order.** When the commission enters a final order that authorizes or requires a party to make a filing to implement specific terms of the order with respect to the issues resolved in an adjudicative proceeding by implementing a precisely defined result, the filing is a "compliance filing." For example, a commission final order in a general rate proceeding may authorize or require a party to file original or substitute tariff sheets to implement the terms of the final order. A compliance filing is made under the docket number of the final order to which it relates. A compliance order is an order approving or rejecting a compliance filing.

(2) **Subsequent filing.** When the commission enters a final order that authorizes or requires a party to make a filing to implement general instructions (e.g., the formulation of policy, or filing of tariffs other than to implement a precisely defined result), the filing initiates a new proceeding that will be assigned a new docket number, and the filing is deemed a "subsequent filing." For example, a commission final order in a complaint proceeding may authorize or require a party to make a tariff filing by a date certain.

(3) **Reporting requirement.** The commission may enter a final order that requires a party to report periodically to the commission with respect to designated subject matter. The reports must be filed under the docket number of the proceeding in which the final order is entered, unless otherwise specified in the order establishing the requirement or by later letter from the secretary of the commission.

NEW SECTION

WAC 480-07-883 Compliance filing—Filing requirements; timing; commission action. A party must strictly limit the scope of its compliance filing to the requirements of the final order to which it relates. If the commission finds that a compliance filing varies from the requirements or conditions of the order authorizing or requiring it, either by falling short of or by exceeding the authorization, conditions, or requirements of the order, the commission may reject the filing unless it has preapproved the variance.

(1) **Filing requirements.** A compliance filing must include the following:

- (a) A cover letter that identifies the order to which the filing relates;
- (b) All required tariff sheets; and
- (c) Work papers that clearly demonstrate the derivation of the proposed tariffs.

(2) **Service requirement.** A party who makes a compliance filing must serve it on each party to the proceeding in which the compliance filing is authorized or required. Service must be initiated on the same day as the filing.

(3) **Timing; effective date.**

(a) The commission will state in its final order authorizing or requiring a compliance filing the date by which the compliance filing must be made and the effective date that should appear on any tariff sheets that are required as part of a compliance filing. The commission may state the amount of time it will require to examine any proposed compliance

tariff sheets between their filing and their proposed effective date.

(b) A compliance filing does not become effective automatically on its stated effective date. Commission action is required before any compliance filing can be effective. The commission may enter an order approving a compliance filing or taking other appropriate action. The commission may delegate to the secretary, by written authorization in individual proceedings, the authority to approve or take other appropriate action with respect to a compliance filing.

(4) **Commission action on compliance filing.**

(a) The commission may enter an order in any proceeding in which a compliance filing is authorized or required that:

- (i) Approves the compliance filing; or
- (ii) Rejects a compliance filing or any portion of the filing that apparently fails to comply.

(b) If the commission rejects all or part of a compliance filing, the party may refile. The commission may impose conditions on refiling.

(c) If the commission approves a compliance filing, but later discovers that it failed to recognize that the compliance filing was, in fact, incomplete or did not fully comply with the order authorizing or requiring the filing, the commission may take any necessary and lawful steps to secure full compliance.

NEW SECTION

WAC 480-07-885 Subsequent filing—Filing requirements; timing; commission action. (1) **Filing and service requirements.**

(a) A person who makes a subsequent filing must provide a cover letter that identifies the order and the docket in which the commission required the subsequent filing. The commission will assign a new docket number to a subsequent filing.

(b) A person who makes a subsequent filing that includes tariff sheets must comply with all pertinent requirements for tariff filings of the industry, including the required statutory notice period, unless the commission authorizes the subsequent filing to become effective on less than statutory notice.

(c) A person who makes a subsequent filing must serve a copy of the filing on all parties to the proceeding in which the filing was authorized or required.

(2) **Timing.** A final order that authorizes or requires a subsequent filing may state the date by which the subsequent filing must be made. If no date for the subsequent filing is specified in the final order, the commission may establish the date by order or by letter from the commission secretary.

(3) **Commission action on subsequent filing.** The commission will act on a subsequent filing that includes tariff sheets in the same manner that it would act on an original tariff filing of the industry.

PART IV: OTHER COMMISSION PROCEEDINGSNEW SECTION

WAC 480-07-900 Open public meetings. (1) **Regular meetings.** The commission will hold regular meetings to

conduct business under chapter 42.30 RCW, the Open Public Meetings Act. The meetings will begin at 9:30 a.m., on the second, fourth, and fifth Wednesday of each month in the commission's office in Olympia, Washington. If the regular meeting day is a legal holiday, the regular meeting will be held on the next business day or on an alternate schedule published in the *Washington State Register*.

(2) **Changes to regular meetings.** Regular meetings may be canceled. The commission may change the time and place of regular meetings from the information set out in this section. The current times and places are published, as required, in the *Washington State Register*, on the commission's Internet website, and are available through telephone inquiry.

(3) **Special meetings.** The commission may convene special meetings under RCW 42.30.080.

(4) **Agenda.** The commission secretary will distribute an agenda for each open public meeting. The commission will make its best effort to compile and publish a complete agenda, but may amend its agenda after it is published, and may take up matters that do not appear on its published agenda. The agenda is posted to the commission's Internet site at www.wutc.wa.gov. Persons without Internet access capability may request the commission records center to provide a copy of the agenda via U.S. mail.

(a) **"Discussion" agenda.** In general, the agenda will identify each item scheduled for discussion and action, as relating to utility regulation under Title 80 RCW; as relating to transportation regulation under Title 81 RCW; or "other." The secretary will group similarly identified items together on the agenda.

(b) **"No action" agenda.** Any request, proposal, or other filing that can take effect without commission action may be placed on a "no action required" portion of the agenda. Any item on this portion of the agenda will be discussed at any commissioner's request, and the commission may take such action on the item as it deems appropriate.

(c) **"Consent" agenda.** The secretary may place any item that the secretary believes to be noncontroversial on a "consent agenda" portion of the open meeting agenda. The commission will ask at the meeting if any person wants to address any consent agenda item, and an item will be removed from the consent agenda for individual discussion and action at the request of any commissioner. Items on the consent agenda may be collectively moved for approval by a single motion and may be collectively approved by a single vote of the commission.

(5) **Staff contact.** A commission staff member is ordinarily assigned to analyze and, if appropriate, present each open meeting item to the commission at the open meeting. The staff person and a contact number are identified in the draft agenda. Persons interested in open meeting agenda items may discuss them with staff, subject to time availability. Any person interested in an item on the open meeting agenda may address the item during the meeting.

(6) **Orders.** The commission may direct the secretary to enter any order or sign any document necessary to implement an open meeting decision by the commissioners.

(7) **Modifications.** The commission may exercise its discretion to modify the procedures in this section when appropriate to the conduct of its business.

NEW SECTION

WAC 480-07-910 Informal complaints. (1) **How to make an informal complaint.** Any person may make an informal complaint to the commission about any business that the commission regulates. A person may make an informal complaint by telephone, correspondence, facsimile transmission, or electronic mail.

(2) **Contents.** An informal complaint must identify the business or person to whom the complaint pertains. An informal complaint should:

(a) Present all facts that are needed for the commission to understand the nature of, and reason(s) for, the complaint;

(b) Describe the acts or omissions that led to the complaint, with all relevant dates;

(c) Cite all relevant statutes or rules, if the person who files the complaint knows them.

(3) **Commission response; result.** Commission employees assigned to assist consumers may discuss an informal complaint with the affected persons, by correspondence or otherwise. The commission will try to assist the parties to resolve the informal complaint by agreement without the need for a formal complaint, hearing, and order. The commission encourages the informal resolution of disputes whenever possible. An informal complaint will not result in a hearing or in an order that compels a person to do something or forbids a person from doing something.

(4) **Conversion of informal complaint to formal complaint.** Making an informal complaint does not prevent any party from filing a formal complaint, which may constitute an application for an adjudicative proceeding. The commission may initiate a formal complaint proceeding on its own initiative.

NEW SECTION

WAC 480-07-920 Interpretive and policy statements.

(1) **General.** Upon the petition of any person, or upon its own motion, the commission may make and issue interpretive and policy statements to advise the public of its current opinions, approaches, and likely courses of action.

(2) **Roster of interested persons.** The commission will maintain a roster of interested persons, consisting of persons who have requested in writing to be notified of all interpretive and policy statements issued by the commission. The commission will periodically update the roster. When the commission issues an interpretive or policy statement, it will send a copy of the statement to each person on the roster.

(3) **Index of current statements.** The commission maintains a file and an index of all currently effective interpretive and policy statements. The statements are available for inspection and copying at the records center in the commission's Olympia headquarters office and are posted on the commission's Internet website.

NEW SECTION

WAC 480-07-930 Declaratory orders under RCW 34.05.240. (1) **Petition.** Any interested person may petition the commission for a declaratory order with respect to the applicability to specified circumstances of a rule, order, or statute enforceable by the commission, as provided by RCW 34.05.240. Petitions for declaratory orders under RCW 34.05.240 must conform in style and substance to the requirements for other forms of pleading as specified in Part III, subpart A of this chapter.

(2) **Notice.** The commission will give notice of any petition for declaratory order within fifteen days after the commission receives the petition. The notice will be served on all persons who are required by law to be given notice and on any other person to whom the commission deems notice to be desirable.

(3) **Response.** Any person may respond to a petition for declaratory order by filing an answer within twenty days after the petition is filed or at such other time as the commission may establish by notice. The commission will not enter a declaratory order under RCW 34.05.240 if any person asserts in response to a petition for declaratory order filed pursuant to RCW 34.05.240 that their rights might be substantially prejudiced by entry of a declaratory order, supports such assertion by sworn affidavit demonstrating the potential for substantial prejudice, and does not consent in writing to the determination of the matter by a declaratory order proceeding under RCW 34.05.240.

(4) **Conversion of proceeding.** The commission may convert the form of a declaratory order proceeding as provided under RCW 34.05.070 and conduct the matter as an adjudicative proceeding under Part III, subpart A of this chapter.

(5) **Commission action on petition.** Within thirty days after it receives a petition for declaratory order, the commission will:

- (a) Enter a declaratory order;
- (b) Notify the petitioner that the commission will not enter a declaratory order under RCW 34.05.240, and state reasons for its action;
- (c) Set a specified time, no later than ninety days after the day the petition was filed, by which the commission will enter a declaratory order; or
- (d) Set a reasonable time and place for a hearing. If a hearing is held on a petition for declaratory order under RCW 34.05.240, it must be held no more than ninety days after receipt of the petition. If a hearing is held, the commission will give at least seven days' notice to the petitioner, to all persons to whom notice is required by law, and to any other person it deems desirable. The notice will include the time, place, and a statement of the issues involved.

(6) **Extension of time.** The commission may extend the times specified in subsection (5)(c) and (d) of this section.

(7) **Commission action after hearing.** If a hearing is held as provided in subsection (5)(d) of this section, the commission will within a reasonable time:

- (a) Enter a declaratory order; or
- (b) Notify the petitioner that the commission will not enter a declaratory order and state the reasons for its action.

(8) **Service.** The commission will serve its order or notice upon all persons who are required to receive notice under subsection (2) of this section.

NEW SECTION

WAC 480-07-940 Conversion of proceedings. The commission will consider whether to convert a proceeding pursuant to RCW 34.05.070 upon application by any person or upon its own motion.

NEW SECTION

WAC 480-07-950 Joint hearings with other administrative bodies. (1) **Federal.** The rules of practice and procedure of the federal agency govern in any proceeding in which the commission participates jointly with a federal agency.

(2) **State.** The rules of the state in which the hearing is held govern in any proceeding in which the commission participates jointly with the administrative body of another state or states, unless otherwise agreed by the participating agencies.

(3) **Who may appear.** Any person entitled to appear in a representative capacity before any of the agencies involved in a joint hearing may appear in the joint hearing.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 480-09-005	Scope of this chapter—How to communicate with the commission.
WAC 480-09-010	When this chapter applies—Exceptions.
WAC 480-09-012	Incorporated and referenced materials.
WAC 480-09-015	Submission of "confidential" information.
WAC 480-09-100	Sending communications to the commission.
WAC 480-09-101	When communications are received; required identification of sender; communications from the commission.
WAC 480-09-110	Office hours.
WAC 480-09-115	Procedure at open public meetings.
WAC 480-09-120	Filing and service filing by telefacsimile; number of copies.
WAC 480-09-125	Failure to file sufficient copies—Costs of copying.
WAC 480-09-130	Computation of time.

PERMANENT

WAC 480-09-135	Variation from time limits.	WAC 480-09-466	Settlement conference; settlements.
WAC 480-09-140	Ex parte communications.	WAC 480-09-467	Collaboratives.
WAC 480-09-150	Informal complaints.	WAC 480-09-470	Stipulation as to facts.
WAC 480-09-200	Interpretive and policy statements.	WAC 480-09-475	Subpoenas.
WAC 480-09-210	Rule-making procedures—Rules coordinator.	WAC 480-09-480	Methods for obtaining data in adjudicative proceedings.
WAC 480-09-220	Petitions for rule making, amendment, or repeal.	WAC 480-09-500	Brief adjudicative proceedings.
WAC 480-09-230	Declaratory orders.	WAC 480-09-510	Emergency adjudicative proceedings.
WAC 480-09-300	Filing requirements—Statement of policy.	WAC 480-09-520	Formal investigation and fact-finding.
WAC 480-09-310	Filing requirements—Definition.	WAC 480-09-530	Petitions for enforcement of interconnection agreements.
WAC 480-09-320	Filing requirements—Master service.	WAC 480-09-600	Conversion of proceedings.
WAC 480-09-330	Filing requirements—General rate increases.	WAC 480-09-610	Consolidation of proceedings.
WAC 480-09-335	Filing requirements—General rate increases solid waste collection companies.	WAC 480-09-620	Joint hearings.
WAC 480-09-337	Filing requirements—General rate increases water companies.	WAC 480-09-700	Hearings—Notice and failure to appear.
WAC 480-09-340	Compliance filings.	WAC 480-09-705	Notice to limited-English-speaking parties.
WAC 480-09-390	Objections to closures of highway-railroad grade crossings.	WAC 480-09-710	Appearance and practice before commission.
WAC 480-09-400	Applications for adjudicative proceedings.	WAC 480-09-720	Appearances—Party status.
WAC 480-09-410	Parties.	WAC 480-09-730	Conduct at hearings.
WAC 480-09-420	Pleadings and briefs—Applications for authority—Protests.	WAC 480-09-735	Order of procedure.
WAC 480-09-425	Pleadings—Verification, time for filing, responsive pleadings, liberal construction, amendments.	WAC 480-09-736	Hearing guidelines.
WAC 480-09-426	Motion for summary disposition.	WAC 480-09-740	Evidence.
WAC 480-09-430	Intervention.	WAC 480-09-745	Exhibits and documentary evidence.
WAC 480-09-440	Continuances—Extensions of time.	WAC 480-09-750	Rules of evidence; official notice; resolutions.
WAC 480-09-450	Interpreters.	WAC 480-09-751	Witness panels.
WAC 480-09-460	Prehearing and other conferences.	WAC 480-09-760	Interlocutory orders.
WAC 480-09-465	Alternate dispute resolution.	WAC 480-09-770	Briefs.
		WAC 480-09-780	Entry of initial and final orders—Administrative review.
		WAC 480-09-800	Stay.
		WAC 480-09-810	Reconsideration.
		WAC 480-09-815	Amendment, rescission or correction of order.
		WAC 480-09-820	Rehearing or reopening.

AMENDATORY SECTION (Amending Order R-435, Docket No. TV-941290, filed 11/22/95, effective 12/23/95)

WAC 480-14-050 Reference to other chapters. (1) **Procedure.** Except as otherwise provided in this chapter, the commission's rules relating to procedure, chapter ((480-09)) 480-07 WAC, shall govern the administrative practice and procedure in and before the commission in proceedings involving motor freight carriers.

(2) **Communications.** Except as provided in chapter 480-04 WAC, all written communications and documents should be addressed to the secretary, Washington utilities and transportation commission, at the headquarters office of the commission at Olympia, Washington, and not to individual members of the commission staff.

(a) Except as provided in chapter 480-04 WAC, all communications and documents are deemed to be officially received only when delivered at the office of the secretary.

(b) In addressing communications to the commission each permit holder must use the name shown upon its permit and indicate permit number.

(c) Except as provided in WAC ((480-09-120)) 480-07-143, 480-07-145, and 480-14-420, receipt in the commission's telefacsimile machine does not constitute filing with the commission.

(3) **Documents—When filed.** Except as provided in chapter 480-04 WAC, all petitions, complaints, applications for common carrier permits or extensions, or any other matter required to be served upon or filed with the Washington utilities and transportation commission shall be served or filed upon the commission at its headquarters office as shown in WAC 480-04-030, upon the secretary of the commission. Except as provided in chapter 480-04 WAC, any petition, complaint, application, or other matter required to be served upon or filed with the commission shall not be considered served or filed until it is received at the headquarters office of the commission at Olympia, Washington.

AMENDATORY SECTION (Amending Order R-435, Docket No. TV-941290, filed 11/22/95, effective 12/23/95)

WAC 480-14-190 Permanent common carrier permits. (1) For the purposes of this rule, applications for authority shall include applications for original or extended common carrier authority for general commodities (excluding household goods), materials transported by armored car, and/or hazardous materials.

(2) A common carrier permit shall be issued to any applicant satisfying the following requirements:

(a) Filing an application satisfying the requirements of WAC 480-14-180.

(b) Filing, or causing to be filed, insurance in accordance with the requirements of WAC 480-14-250.

(c) Passing a safety fitness review of the applicant's knowledge and ability to conform with the motor carrier safety and/or hazardous materials regulations. The safety fitness review may be waived if the applicant can furnish a copy of a U.S. Department of Transportation "satisfactory" safety rating issued within twenty-four months before the date of the application. The commission may require an on-site

safety compliance review to satisfy the safety fitness review requirements prior to issuing any permit.

(3) An application may be dismissed for failure to complete needed steps and it may be dismissed, denied, or granted in part based upon the satisfactory compliance with this chapter. The applicant may request a review of dismissal or full or partial denial through a brief adjudicative proceeding, pursuant to WAC ((480-09-500)) 480-07-610.

AMENDATORY SECTION (Amending General Order No. R-471, Docket No. TV-991559, filed 6/27/00, effective 7/28/00)

WAC 480-15-035 Exemptions from rules. (1) The commission may grant an exemption of any rule in this chapter when doing so is consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(2) To request a rule exemption, a company must file with the commission a written request identifying the rule for which an exemption is sought and giving a full explanation of the reason the exemption is requested.

(3) The commission will assign the request a docket number, if needed, and schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the company requesting the exemption, and other interested persons, of the date the commission will consider the request.

(4) The commission will issue an order granting or denying the request or setting it for hearing, pursuant to chapter ((480-09)) 480-07 WAC.

AMENDATORY SECTION (Amending Order R-454, Docket No. TV-971477, filed 12/15/98, effective 1/15/99)

WAC 480-15-080 How do I file documents with the commission? You may file documents by mailing them to the address listed in WAC 480-15-060, or by hand delivering them to the commission's records management section. Your documents are officially received when date stamped by the commission's records management section. You may file certain documents electronically, as provided in WAC ((480-09-120)) 480-07-143 and 480-07-145.

AMENDATORY SECTION (Amending Order R-454, Docket No. TV-971477, filed 12/15/98, effective 1/15/99)

WAC 480-15-090 May I submit information to the commission confidentially? Yes, you may submit information confidentially under the following conditions:

(1) **Information other than complaints.** The commission will limit access to information that is identified as confidential and is submitted under the provisions of WAC ((480-09-045)) 480-07-160. Copies of this rule are available upon request.

(2) **Complaints and rule violations.** If you fear for your safety when reporting a complaint for rule violation then, at your request, we will keep your name and address confidential. We require that you sign and submit a form specifying that you fear for your safety if your name and address are made public. Please note, however, that it is difficult to

investigate complaints regarding a specific shipment if we are unable to release the name of the shipper, as carrier records are often kept by shipper name and address.

AMENDATORY SECTION (Amending Order R-454, Docket No. TV-971477, filed 12/15/98, effective 1/15/99)

WAC 480-15-120 What rules apply to commission proceedings? The commission's rules governing administrative practices and procedures are in chapter ((480-09)) 480-07 WAC. When a rule in this chapter is different than a rule in chapter ((480-09)) 480-07 WAC, the rule in this chapter applies to household goods carriers.

AMENDATORY SECTION (Amending Order R-454, Docket No. TV-971477, filed 12/15/98, effective 1/15/99)

WAC 480-15-310 May I comment on a decision to grant or deny temporary authority? (1) We publish an application docket listing temporary authority we have granted or denied. We mail the docket to each applicant and, upon written request, to any other person interested in application proceedings.

(2) Anyone having an interest in an application appearing on the docket may file written comments within ten days following publication. Comments may be in the form of statements supporting or protesting the grant of authority or application. Comments must include your full name, address, telephone number, fax number, and permit number, if applicable. Comments must state the nature of your support or protest and address the following issues: Fitness, public interest, levels of service, business practices, safety, and/or operation of equipment.

(3) We may grant or deny a protest without a hearing. We may, at our own discretion, hold a brief adjudicative proceeding on a protest. Rules governing applications and procedures for brief adjudicative proceedings are in chapter ((480-09)) 480-07 WAC.

AMENDATORY SECTION (Amending Order R-454, Docket No. TV-971477, filed 12/15/98, effective 1/15/99)

WAC 480-15-350 Will my application be set for a hearing? We may hold a hearing or brief adjudicative proceeding on any application for permanent authority if it is necessary to resolve outstanding issues or concerns related to fitness, public interest, public convenience and necessity, or any other issue resulting from a compliance review, audit, inspection report, complaint, or public comment. Rules governing hearings and brief adjudicative proceedings are contained in chapter ((480-09)) 480-07 WAC.

AMENDATORY SECTION (Amending Order R-454, Docket No. TV-971477, filed 12/15/98, effective 1/15/99)

WAC 480-15-440 What happens if my permit is suspended for cause? (1) **Notification.** The commission will send you notice of its action to suspend your permit. The suspension is effective upon the service date of the notice.

(2) **Contest of suspension.** You may contest the suspension of your permit by requesting a hearing or brief adjudica-

tive proceeding. The procedures for such hearings are contained in chapter ((480-09)) 480-07 WAC.

(3) **Reinstatement of permit.** We will lift the suspension of your permit after you correct all conditions leading to the suspension.

AMENDATORY SECTION (Amending Order R-454, Docket No. TV-971477, filed 12/15/98, effective 1/15/99)

WAC 480-15-460 What happens if my permit is canceled for cause? (1) **Notification.** The commission will send you notice of its action to cancel your permit. The cancellation is effective upon the service date of the notice.

(2) **Contest of cancellation.** You may contest the cancellation of your permit by requesting a hearing or brief adjudicative proceeding. The procedures for such hearings are contained in chapter ((480-09)) 480-07 WAC.

(3) **Reinstatement of permit.** If you correct all conditions that led to the cancellation of your permit, you may apply for reinstatement of your permit.

(a) To reinstate your permit within thirty days of cancellation, you must file an application for reinstatement and pay the applicable reinstatement fees.

(b) If you file an application for reinstatement after thirty days of cancellation, your application will be considered in all aspects to be an application for new authority, and will be subject to all terms and conditions specified in WAC 480-15-240 for new entrants.

(4) **Small business, reinstatement of permit.** If you are a small business as defined in WAC 480-15-020, and you correct all conditions that led to the cancellation of your permit, you may apply for reinstatement of your permit.

(a) To reinstate your permit within sixty days of cancellation, you must file an application for reinstatement and pay the applicable reinstatement fees.

(b) If you file an application for reinstatement after sixty days of cancellation, your application will be considered in all aspects to be an application for new authority, and will be subject to all terms and conditions specified in WAC 480-15-240 for new entrants.

AMENDATORY SECTION (Amending Order R-454, Docket No. TV-971477, filed 12/15/98, effective 1/15/99)

WAC 480-15-510 Changing commission-published tariffs. (1) **Who may propose changes to the tariff?** Companies holding temporary or permanent household goods authority may propose changes to the tariff. We may, on our own motion, propose tariff changes.

(2) **How do I propose changes to the tariff?** All proposed changes must be sent to the commission's mailing address and must:

- (a) Be in writing;
- (b) Identify the rates, rules, or classifications to be changed;
- (c) Fully describe the proposed change;
- (d) State clearly the reason(s) for the proposed change;
- (e) Include any information or documents that justify the proposed change (the person proposing the change must prove the change is just and reasonable); and

(f) Identify the name, address, title, telephone number, permit number and fax number (if any) of the person we should contact regarding the proposal.

(3) How does the commission consider proposals for tariff changes? When we receive a proposed tariff change we:

(a) Assign a docket number;

(b) Schedule each docketed proposal for tariff change for consideration at one of our regularly scheduled open public meetings. The commission may approve the proposed changes, or suspend them and set them for hearing;

(c) Notify you and other interested persons of the date when we will consider the tariff change; and

(d) Process each application for tariff change under the procedures set forth in chapter ((480-09)) 480-07 WAC.

(4) When do approved changes become effective? Changes we approve are not effective until we publish and distribute a revised tariff page. We will identify the effective date of the change on the revised page.

AMENDATORY SECTION (Amending Order R-454, Docket No. TV-971477, filed 12/15/98, effective 1/15/99)

WAC 480-15-520 Procedure for filing individual carrier tariffs. (1) **What must be filed?** You must submit to us:

(a) A cover letter requesting permission from us to publish and file an individual tariff. The letter must describe the reasons you believe permission should be granted. Your letter should state the reasons you believe it is impractical for us to publish a tariff for the commodities or services contained in your proposed tariff.

(b) Two copies of your proposed tariff. Your proposed tariff must comply with the tariff drafting standards in chapter 480-149 WAC (Tariff Circular No. 6). You may request a copy of chapter 480-149 WAC from our records management section. The proposed tariff must contain all rates, charges, and rules you will be using if we grant you permission to publish and file an individual tariff.

(c) Data showing that the rates and charges contained in the proposed tariff are fair, just, reasonable, and sufficient.

(2) How are individual carrier filed tariffs processed?

(a) We review individual carrier filed tariffs:

(i) For compliance with laws and rules relating to content and format;

(ii) To ensure rates are fair, just, reasonable, and sufficient; and

(iii) For reasonableness and accuracy.

(b) If tariffs are incomplete or do not comply with laws and rules, staff will discuss the issues with the carrier and require that corrected tariffs be filed.

(c) When an individual carrier filed tariff is approved, the commission will issue an order stating the date on which the rates become effective. One copy of the tariff marked "approved" will be returned with the order.

(3) How does the commission consider proposals to amend individual carrier filed tariffs? When we receive your proposed tariff amendment we will:

(a) Assign a docket number;

(b) Schedule each proposed tariff amendment for consideration at one of our regularly scheduled open public meet-

ings. The commission may approve the proposed amendment, or suspend them and set them for hearing;

(c) Notify you and other interested persons of the date when we will consider the tariff proposed amendment;

(d) Process your proposed tariff amendment under the procedures established in chapter ((480-09)) 480-07 WAC; and

(e) Notify you of the disposition of your proposed tariff amendment. If the filing is approved, we will notify you of the date upon which the tariff amendment becomes effective.

(4) What happens if I don't charge the rates and charges in my tariff? You are subject to administrative action (see WAC 480-15-130(3)) if you charge rates or charges different from those contained in your tariff.

AMENDATORY SECTION (Amending Order R-415, Docket No. TC-940123, filed 5/5/94, effective 6/5/94)

WAC 480-30-032 Notice of application; protests; contemporaneous applications. (1) Notice shall be made of the filing of applications for authority to provide auto transportation service in identified territory by sending notice of the application, with a description of its terms, to all persons presently authorized to provide auto transportation service under this chapter in the territory of the application, all present applicants for such service, and any other person who has requested, in writing, to receive such notices. Interested persons shall have twenty days from the date of mailing of the notice in which to file a protest with the commission stating opposition to the application. Protests should set forth specifically the grounds on which they are made and contain a concise statement of the interest of the protestant in the proceeding. Any person who is eligible to file a protest to an application but fails to do so, absent a showing of good cause, is precluded from participating in any hearing upon the application or in any further stage of the proceeding.

(2) If any person wishes to seek authority which overlaps, in whole or in part, that sought in any pending application, it must apply for that authority within thirty days after the mailing of the notice of filing of the initial application in order for the applications to be considered jointly by the commission. During the thirty-day period, pending applications will be on file and available for inspection in the commission headquarters office in Olympia.

(3) The commission may consolidate overlapping pending applications, pursuant to WAC ((480-09-610)) 480-07-320, for joint consideration.

(4) Overlapping applications which are not filed within thirty days after mailing of the notice of filing of the initial application will not be jointly considered with the initial application and will not be decided until after the conclusion of proceedings resolving the pending application and any other application which qualifies for joint consideration.

(5) The commission may consider and decide, on any schedule, portions of an overlapping application when:

(a) The portions to be heard do not overlap a prior pending application; and

(b) The overlapping portions may appropriately be severed from the portions to be heard.

AMENDATORY SECTION (Amending Order R-440, Docket No. TC 961102, filed 3/27/97, effective 4/27/97)

WAC 480-31-090 Passenger complaints and disputes. Any complaint or dispute involving a passenger and a provider for which the commission has jurisdiction must be treated in the following manner:

(1) Each complaint or dispute received by a provider from a passenger must be investigated promptly as required by the particular case, and the results reported to the passenger. When the circumstances indicate the need for corrective action, such action must be taken as soon as possible.

(2) Each provider must ensure that personnel engaged in initial contact with a dissatisfied or complaining passenger will inform the passenger that if dissatisfied with the decision or explanation provided, the passenger has the right to have the problem considered and acted upon by supervisory personnel. The passenger must be provided with the name or department of such supervisory personnel and a telephone number by which they can be reached.

(3) Each provider must ensure that supervisory personnel contacted by a dissatisfied passenger will inform a still-dissatisfied passenger of the availability of the commission for further review of any complaint or dispute. The telephone number and address of the commission must also be provided.

(4) All parties to a dispute between a passenger and the provider have the right to bring before the commission an informal complaint pursuant to the provisions of WAC ((480-09-150)) 480-07-910 and/or a formal complaint pursuant to the provisions of WAC ((480-09-420)) 480-07-370.

(5) When a complaint is referred to a provider by the commission, the provider must, within two business days, report the results of any investigation made regarding the complaint to the commission and must keep the commission currently informed as to progress made with respect to the solution of, and final disposition of, the complaint. If warranted in a particular case, the provider may request an extension of time.

(6) Records - each provider must keep a record of all complaints concerning its service or rates. The record must show at least the name and address of the complainant, the nature and date of the complaint, action taken, and the final disposition of the complaint. Such records must be maintained in a suitable place readily available for commission review and will be provided to the commission upon request.

All written complaints made to a provider must be acknowledged within five business days. Correspondence and records of complaints must be retained by the provider for a minimum period of one year.

AMENDATORY SECTION (Amending Order R-435, Docket No. TS-941485, filed 10/18/95, effective 11/18/95)

WAC 480-51-040 Notice of application—Protests—Contemporaneous applications. (1) The commission shall send a notice of each application for certificated commercial ferry service and each application to operate vessels providing excursion service, with a description of the terms of that application, to all persons presently certificated to provide service; all present applicants for certificates to provide ser-

vice; the department of transportation; affected cities and counties; and any other person who has requested, in writing, to receive such notices. Interested persons may file a protest with the commission within thirty days after service of the notice. The protest shall state the specific grounds for opposing the application and contain a concise statement of the interest of the protestant in the proceeding. A person who is eligible to file a protest and fails to do so may not participate further in the proceeding in any way, unless it can be demonstrated that failure to file a protest was due to an omission by the commission in providing proper notification of the pending application.

(2) If any person wishes to seek authority which overlaps, in whole or in part, with that sought in any pending application, it must apply for that authority within thirty days following mailing of the notice of filing of the initial application in order for the applications to be considered jointly. During the thirty-day period, pending applications will be on file and available for inspection in the commission's headquarters office in Olympia.

(3) The commission may consolidate overlapping pending applications, pursuant to WAC ((480-09-610)) 480-07-320, for joint consideration.

(4) Overlapping applications which are not filed within thirty days of the initial application will not be jointly considered with the initial application and will not be decided until after the conclusion of proceedings resolving the initial application and any other application qualifying for joint consideration.

(5) The commission may consider and decide, on any schedule, portions of an overlapping application when:

(a) The portions to be heard do not overlap a prior pending application; and

(b) The overlapping portions may appropriately be severed from the portions to be heard.

AMENDATORY SECTION (Amending Order R-435, Docket No. TS-941485, filed 10/18/95, effective 11/18/95)

WAC 480-51-050 Waiver of ten-mile restriction. (1) **Application.** An application to provide service otherwise forbidden by the ten-mile restriction in RCW 47.60.120 shall include a request for waiver of that restriction.

(2) **Notice—Protests.** The commission shall send a notice of each application for waiver of the ten-mile restriction pursuant to WAC 480-51-030. Interested persons shall have twenty days from the date of mailing of the notice in which to file a protest with the commission stating opposition to the waiver petition and application. Protests should set forth specifically the grounds upon which they are made and contain a concise statement of the interest of the protestant in the proceeding.

(3) **Standards.** In determining whether to grant or deny a waiver, the commission shall consider, but is not limited to, the impact of the waiver on:

(a) Transportation congestion mitigation;

(b) Air quality improvement; and

(c) The Washington state ferry system.

(4) **Resolution—Hearing.** The commission shall act upon a request for a waiver of the ten-mile restriction within

ninety days after the conclusion of the hearing. The commission may in its discretion separate the request for a waiver of the ten-mile restriction from other issues in the application when necessary to comply with the statutory ninety-day deadline.

(5) Effective period of waiver.

(a) A waiver granted to an applicant or certificate holder under RCW 47.60.010(3) shall be effective for a period of five years from the date of grant of the waiver.

(b) Pursuant to RCW 47.60.010(3), the waiver shall automatically become permanent unless appealed to the commission, or unless reviewed by the commission upon its own motion, no later than thirty days after the fifth anniversary of the effective date of the waiver as set forth in (a) of this subsection. The commission will issue no notice of the expiration date of the five-year period. The burden of proof to show that the waiver should not become permanent shall be upon the party who files the appeal or upon the commission, if the review is on the commission's own motion. Persons who may appeal include the department of transportation, affected cities and counties, and any interested party. An interested party, for the purposes of this rule, means any party to the proceeding in which the application was granted, any person certificated to provide service possessing overlapping authority, and any applicant for overlapping authority.

(c) Upon receipt of an appeal of a waiver and the holder's answer, if any, the commission shall set the matter for adjudication. The commission may, in its discretion, on the request of a party, or on its own motion, order a brief adjudicative proceeding on the appeal. WAC ((480-09-500)) 480-07-610 governs applications for and procedures in brief adjudicative proceedings.

(6) Certificates containing waiver. Certificates granted in conjunction with the grant of a waiver shall include the following proviso:

"Pursuant to RCW 47.60.010(3), the waiver of the ten-mile restriction granted in this certificate is effective until (DATE). This waiver shall become permanent if not appealed within thirty days after this date."

AMENDATORY SECTION (Amending Order R-435, Docket No. TS-941485, filed 10/18/95, effective 11/18/95)

WAC 480-51-060 Temporary certificates. (1) The commission may issue temporary certificates for authority to provide service for a period not to exceed one hundred eighty days.

(2) The commission shall not issue a temporary certificate to operate on a route for which a certificate has been issued or for which an application is pending.

(3) The commission shall only issue temporary certificates upon finding that the issuance is due to an urgent and immediate need and is otherwise consistent with the public interest. In determining whether to grant the requested temporary certificate, the commission will consider evidence of the following factors:

(a) An immediate and urgent need for the requested service;

(b) Any available service capable of meeting the need;

(c) The fitness of the applicant; and

(d) Any other circumstance indicating that a grant of temporary authority is consistent with the public interest.

(4) An application for a temporary certificate shall be completed legibly on a form furnished by the commission, giving all information requested and accompanied by:

(a) The application fee;

(b) A copy of a certificate or letter from the United States Coast Guard certifying that any vessel to be used under that temporary certificate has been inspected by the United States Coast Guard and is safe and seaworthy for the intended operation;

(c) Evidence of proper insurance as required by WAC 480-51-070;

(d) Statements from potential customers, riders, shippers or interested parties demonstrating that there is an immediate and urgent need for the requested service.

(5) The commission shall send a notice of each temporary certificate granted, with a description of the temporary certificate's terms, to all persons presently certificated to provide service; all present applicants for certificates to provide service; the department of transportation; affected cities and counties; and any other person who has requested, in writing, to receive such notices. Interested persons may file a protest with the commission within twenty days after service of the notice. The protest shall state the specific grounds for opposing the application and contain a statement of the interest of the protestant in the proceeding.

(6) The commission may grant or deny the protest without hearing. The commission may, in its discretion, on the application of a party, or on its own motion, order a brief adjudicative proceeding on the protest. WAC ((480-09-500)) 480-07-610 governs applications for and procedures in brief adjudicative proceedings.

(7) The commission may impose special terms and conditions in connection with the grant of any temporary certificate.

(8) If the holder of temporary authority files a valid application for parallel permanent certificated authority within thirty days after the grant of temporary authority, that temporary authority shall continue in force until the commission grants or denies the application for the permanent certificate authority, or until the temporary certificate is otherwise cancelled pursuant to law, whichever occurs first.

AMENDATORY SECTION (Amending Order R-435, Docket No. TS-941485, filed 10/18/95, effective 11/18/95)

WAC 480-51-120 Failure to initiate service—Extensions of time to initiate service—Progress reports. (1) **Progress reports.**

(a) If a certificate holder has not initiated service to all or any portion of the route or routes granted in its certificate, the certificate holder must, during the first five years after obtaining the certificate, and during each twelve-month extension period granted by the commission, file written progress reports with the commission every six months after the certificate is granted.

(b) For purposes of these rules the following definitions shall apply:

(i) The term "portion of a route or routes" means service to any named point or points along a route, and service between two or more points named in a certificated commercial ferry certificate; and

(ii) The term "initiating service" means providing regular, ongoing service to all points and between all points granted in a certificated commercial ferry certificate.

(c) Progress reports must include a statement of progress toward overcoming impediments to initiating service, including, but not limited to, the following information: The progress of environmental impact, parking, local government land use, docking, and financial considerations, the purchase or lease of a vessel or vessels, hiring of employees, advertising, and the ability to handle proposed traffic.

(2) Extensions of time to initiate service.

(a) If a certificate holder has not initiated all or any portion of the route or routes granted in its certificate during the first five years after obtaining the certificate, the certificate holder may petition the commission to extend the certificate on a twelve-month basis for up to three years.

(b) If a certificate holder obtained its certificate prior to July 25, 1993, and is not providing service on all or any portion of the route or routes granted in its certificate during the first five years after obtaining its certificate, and has not initiated service during the three-year extension period discussed above in (a) of this subsection, the certificate holder may petition the commission to extend its certificate on a twelve-month basis for up to an additional two years.

(c) The term "providing service" means operating to all points and between all points granted in a certificate by the commission. In determining whether a certificated commercial ferry which operates in on-call service, such as launch service or service to flag stops, is providing service, the commission shall consider whether the certificated commercial ferry is ready, willing, and able to provide the service when requested, and makes a reasonable effort to obtain traffic.

(d) For purposes of these rules, the term "not providing service on all or any portion of the route or routes" does not include:

(i) Service discontinued by grant of the commission under WAC 480-51-130; or

(ii) Temporary interruptions of regular service reported promptly to the commission in accordance with WAC 480-51-140.

(e) In determining whether to grant an extension of time in which to initiate service, the commission will consider whether:

(i) The certificate holder has submitted timely progress reports during the first five years after obtaining the certificate and during any extension period; and

(ii) The progress reports indicate significant advancement toward initiating service.

(3) Failure to initiate service. Certificates, or portions thereof, are subject to cancellation, alteration or amendment by the commission under the provisions of RCW 81.84.060 (1) if:

(a) A certificate holder has not initiated all or a portion of the route or routes granted in its certificate during the first five years after obtaining its certificate, and has not submitted

timely progress reports to the commission as required in RCW 81.84.010(2);

(b) The commission has denied a certificate holder's request for an extension of time to initiate service and the certificate holder has not initiated service within thirty days of the denial; or

(c) A certificate holder has not initiated all or a portion of the route or routes granted before the expiration of any extensions of time to initiate service, and the certificate holder has not timely filed for an additional extension.

(4) Petitions for extension of time to initiate service.

(a) A certificate holder must file a petition with the commission seeking an extension of time to initiate service no later than ninety days prior to:

(i) The date upon which the five-year period following the grant of the certificate expires; or

(ii) The date upon which the current twelve-month extension period expires.

(b) Petitions for extension of time to initiate service shall be legibly prepared on forms to be furnished by the commission, giving all information requested.

(c) The commission may grant or deny petitions for extension without hearing. The grant or denial of extensions will be issued by letter of the secretary of the commission. A certificate holder aggrieved by the denial of an extension petition may seek review of the denial by filing a request for review of the decision within twenty days after service of the letter notifying the certificate holder of the denial. Within thirty days after receipt of the request for review, the commission shall schedule an adjudicative proceeding, and provide at least twenty days notice of the proceeding to the certificate holder requesting review. The commission may, in its own discretion, on the request of the aggrieved certificate holder, or on its own motion, order a brief adjudicative proceeding on the petition. WAC ((480-09-500)) 480-07-610 governs applications for and procedures in brief adjudicative proceedings.

AMENDATORY SECTION (Amending Order No. R-469, Docket No. TR-981101, filed 1/21/00, effective 2/21/00)

WAC 480-60-012 Contacting the commission. You may contact the commission in writing, in person, by telephone, by e-mail, or by facsimile. The commission's location, mailing address, e-mail address and telefax number are found in WAC ((480-09-100)) 480-07-125. The commission's internet home page address is found in WAC ((480-04-050)) 480-04-035.

AMENDATORY SECTION (Amending Order No. R-469, Docket No. TR-981101, filed 1/21/00, effective 2/21/00)

WAC 480-60-014 Rules of practice and procedure. The commission's rules governing administrative practices and procedures are in chapter ((480-09)) 480-07 WAC. When a rule in this chapter conflicts with a rule in chapter ((480-09)) 480-07 WAC, the rule in this chapter applies to railroad companies.

AMENDATORY SECTION (Amending Order No. R-469, Docket No. TR-981101, filed 1/21/00, effective 2/21/00)

WAC 480-60-020 Exemptions. (1) When the overhead or side clearances between a track and any building, structure, or facility are less than the minimum required by these rules, but were lawfully created prior to October 9, 1969, the minimum clearances required by these rules must be provided whenever the building, structure, or facility is relocated or reconstructed. However, the commission will consider specific requests for the future continuance of these previously lawful clearances when the railroad or owner or manager of the building, structure, or facility applies for an exemption under the provision set forth below.

(2) Where restricted clearances are unavoidable, the following moves are allowed without requesting an exemption from the commission:

(a) The movement of material over tracks when the material is needed for the construction or maintenance of the tracks;

(b) The movement of special work equipment used in the construction, maintenance or operation of the railroad;

(c) Movements during periods of actual emergency due to wrecks, derailments, washouts and like conditions;

(d) All movements authorized in this subsection may be made only after all reasonable steps are taken to provide for the safety of all who could be harmed by the move.

(3) The commission may grant an exemption of any rule in this chapter, if consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(4) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought, and giving a full explanation of the reason the exemption is requested.

(5) The commission will assign the request a docket number, if needed, and schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested persons, of the date the commission will consider the request.

(6) The commission will enter an order granting or denying the request, or setting it for hearing pursuant to chapter ((480-09)) 480-07 WAC.

(7) Logging railroads, or any operation directly incident to logging, now subject to the provisions of the safety standards for logging operations in chapter 296-54 WAC, published by the division of safety of the department of labor and industries of the state of Washington, are exempted from these rules.

AMENDATORY SECTION (Amending Docket No. TR-981102, General Order No. R-477, filed 1/30/01, effective 3/2/01)

WAC 480-62-140 Exemptions from rules. (1) The commission may grant an exemption from the provision of any rule in this chapter, when doing so in chapter 480-62 WAC is consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought, giving a full explanation of the reason the exemption is requested.

(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other affected persons, of the date of the hearing or open meeting when the commission will consider the request.

(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the petitioner, of a degree or a kind different from hardships imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purposes of the rule.

(5) The commission will enter an order granting or denying the request or setting it for hearing, pursuant to chapter ((480-09)) 480-07 WAC.

AMENDATORY SECTION (Amending Docket No. TR-981102, General Order No. R-477, filed 1/30/01, effective 3/2/01)

WAC 480-62-145 Commission proceedings. The commission's rules governing administrative practices and procedures are in chapter ((480-09)) 480-07 WAC. When a rule in this chapter conflicts with a rule in chapter ((480-09)) 480-07 WAC, the rule in this chapter applies.

AMENDATORY SECTION (Amending Order No. R-469, Docket No. TR-981101, filed 1/21/00, effective 2/21/00)

WAC 480-66-120 Contacting the commission. You may contact the commission in writing, in person, by telephone, by e-mail, or by facsimile.

The commission's location, mailing address, e-mail address, and telefax numbers are found in WAC ((480-09-100)) 480-07-125. The commission's Internet home page address is found in WAC ((480-04-050)) 480-040-035.

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

AMENDATORY SECTION (Amending Order No. R-469, Docket No. TR-981101, filed 1/21/00, effective 2/21/00)

WAC 480-66-140 Rules of practice and procedure. The commission's rules governing administrative practices and procedures are in chapter ((480-09)) 480-07 WAC. When a rule in this chapter conflicts with a rule in chapter ((480-09)) 480-07 WAC, the rule in this chapter applies to railroad companies.

AMENDATORY SECTION (Amending Order No. R-469, Docket No. TR-981101, filed 1/21/00, effective 2/21/00)

WAC 480-66-150 Exemptions from rules. (1) The commission may grant an exemption of any rule in this chap-

ter, if consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought, and giving a full explanation of the reason the exemption is requested.

(3) The commission will assign the request a docket number, if needed, and schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested persons, of the date the commission will consider the request.

(4) The commission will enter an order granting or denying the request, or setting it for hearing pursuant to chapter ((480-09)) 480-07 WAC.

AMENDATORY SECTION (Amending Order No. R-469, Docket No. TR-981101, filed 1/21/00, effective 2/21/00)

WAC 480-66-160 Filing a complaint. Any interested person who believes that available sanitary or shelter facilities are inadequate or unsatisfactory under the rules in this chapter may file an informal or formal complaint with the commission pursuant to WAC ((480-09-150)) 480-07-910 and ((480-09-400)) 480-07-370 requesting the responsible party or parties to correct the condition. Upon investigating the complaint, the commission may issue an order, with or without hearing, directing that the conditions complained of be corrected.

AMENDATORY SECTION (Amending Docket No. TG-990161, General Order No. R-479, filed 3/23/01, effective 4/23/01)

WAC 480-70-036 Rules of practice and procedure. Commission rules governing administrative practices and procedures are in chapter ((480-09)) 480-07 WAC. If a rule in this chapter conflicts with a rule in chapter ((480-09)) 480-07 WAC, the rule in this chapter applies. Copies of chapter ((480-09)) 480-07 WAC are available on request to the commission records center.

AMENDATORY SECTION (Amending Docket No. TG-990161, General Order No. R-479, filed 3/23/01, effective 4/23/01)

WAC 480-70-051 Exemptions from rules. (1) The commission may grant an exemption of any rule in this chapter, when doing so is consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought, giving a full explanation of the reason for requesting the exemption.

(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested per-

sons, of the date of the hearing or open meeting when the commission will consider the request.

(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the petitioner, of a degree or a kind different from hardships imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purpose of the rule.

(5) The commission will issue an order granting or denying the request or setting it for hearing pursuant to chapter ((480-09)) 480-07 WAC.

AMENDATORY SECTION (Amending Docket No. TG-990161, General Order No. R-479, filed 3/23/01, effective 4/23/01)

WAC 480-70-106 Certificates, application docket, protests, and intervention. (1) **Application docket.** The application docket is a notice of pending certificate applications published by the commission. The application docket is mailed to each existing certificate holder and to any other interested person. It includes notice of certificate applications for:

- (a) New authority;
- (b) Extension of existing authority;
- (c) Transfer of authority;
- (d) Lease of authority; and
- (e) Reinstatement of authority when a city discontinues self-hauling or contracting for solid waste collection.

(2) **Protests.** A certificate holder may file a protest to an application on the docket. A solid waste collection organization, association, or conference may file a protest on behalf of existing certificate holders, specifying the names of the persons or companies in whose interest the protest is filed.

(a) **Form of protests.** Protests must:

- (i) Be filed within thirty days of the date the commission mailed the application docket notice;
- (ii) Be filed according to the provisions of WAC ((480-09-420)) 480-07-370;
- (iii) Specify the reasons for protest; and
- (iv) Specify the protestant's interest in the proceeding.

(b) **Failure to file protest on time.** A person who is eligible to file a protest but fails to do so within the thirty-day protest period may not in any way participate further in the proceeding, unless that person can show that the commission did not provide proper notice of the pending application.

(3) **Intervention.** Any person, other than the applicant and protestants to an application, who desires to appear and participate, and who does not desire to broaden the issues of the proceeding, may petition in writing to be an intervenor. Refer to chapter ((480-09)) 480-07 WAC for information on intervention.

(4) **Applications not subject to the docket and protest provisions of this rule.** This rule does not apply to:

- (a) Applications to reinstate a certificate canceled for cause under the provisions of WAC 480-70-166, when those applications are filed within thirty days of the cancellation date;
- (b) Applications for expedited temporary authority;
- (c) Applications for temporary certificated authority;

- (d) Applications for name change; or
- (e) Applications to mortgage a certificate.

AMENDATORY SECTION (Amending Docket No. TG-990161, General Order No. R-479, filed 3/23/01, effective 4/23/01)

WAC 480-70-131 Certificates, temporary. (1) **Requirements.** Temporary certificate applications must meet the requirements of WAC 480-70-091.

(2) **Public interest.** The commission may grant a temporary certificate after determining that granting the requested authority is consistent with the public interest. In determining if the requested temporary authority is consistent with the public interest, the commission will consider factors including, but not limited to:

- (a) The fitness of the applicant.
- (b) The immediate or urgent need for the requested service due to circumstances such as, but not limited to:
 - (i) An emergency rendering it impossible for the existing company to provide service;
 - (ii) Commission action suspending or canceling the authority of the existing company; or
 - (iii) Lack of service.
- (c) Whether the requested service is currently available from an existing company serving the territory; and
- (d) Any other circumstances indicating that a grant of temporary authority is consistent with the public interest.

(3) **Shipper support statements required.** Applicants for temporary certificates must include signed and sworn support statements from one or more potential customers identifying all pertinent facts relating to need for the proposed service.

(4) **Commission investigation of applications.** Before granting or denying an application for temporary authority, the commission will conduct an investigation to examine the facts relating to the need for the proposed service.

(5) **Special terms, conditions, and limitations.** The commission may impose special terms, conditions, and limitations in connection with the grant of any temporary certificate. For example, the commission may limit temporary authority to provide service to only those commercial customers whose support statements are submitted with an application.

(6) **Length of service allowed under temporary certificate.** The commission may issue a temporary certificate effective for a period:

- (a) Of up to one hundred eighty days when the area or service territory is not contained in another company's certificate;
- (b) Of up to one hundred twenty days when the area or service territory is contained in another company's certificate; or
- (c) That continues until the commission grants, denies, or dismisses a parallel certificate application for permanent authority, or until the temporary certificate is otherwise canceled, whichever happens first. The permanent certificate application must be filed within thirty days of the temporary certificate application or within thirty days of the order granting the temporary certificate.

(7) **Docketing.** The commission will publish the following on its application docket:

- (a) Temporary certificates granted, including any terms and conditions attached to the grant of such authorities; and
- (b) A list of all applications for temporary certificated authority that the commission considered and denied.

(8) **Protests.** An existing company may file a protest opposing a temporary certificate, if the area or service territory granted is contained in the existing company's certificate. A solid waste collection organization, association, or conference may file a protest on behalf of existing companies, specifying the names of the individuals or companies in whose interests the protest is filed. Protests must:

- (a) Be filed with the commission in writing within twenty days after the date the commission mails the application docket;
- (b) Contain a statement of the specific grounds on which the protest is made;
- (c) Contain a statement of the protestant's interest in the proceeding;
- (d) Be served on the applicant; and
- (e) Be served on the applicant's representative, if one is stated in the notice.

(9) **Disposition of protests.** The commission may grant or deny a protest without hearing.

(10) **Brief adjudicative proceedings.** The commission may order a brief adjudicative proceeding on its own motion or at the request of a party.

(11) **Intervention.** Any person, other than the applicant and protestants to an application, who desires to appear and participate, and who does not desire to broaden the issues of the proceeding, may petition in writing to be an intervenor. Refer to chapter ((480-09)) 480-07 WAC for information on intervention.

AMENDATORY SECTION (Amending Docket No. TG-990161, General Order No. R-479, filed 3/23/01, effective 4/23/01)

WAC 480-70-231 Tariffs, general. (1) **Solid waste tariffs no longer subject to chapter 480-149 WAC.** As of the effective date of these rules, solid waste collection companies are not subject to the provisions of the commission's Tariff Circular No. 6 (chapter 480-149 WAC). They are instead subject to the requirements of this chapter.

(2) **Additional regulatory requirements.** Companies are also subject to additional rules regarding rate filings contained in chapter ((480-09) ~~WAC, including, but not limited to:~~

- ~~(a) WAC 480-09-015 Submission of "confidential" information;~~
- ~~(b) WAC 480-09-101 When communications are received;~~
- ~~(c) WAC 480-09-120 Filing and service by telefacsimile; and~~
- ~~(d) WAC 480-09-300 through 480-09-335 Filing requirements)) 480-07 WAC.~~

AMENDATORY SECTION (Amending Docket No. TG-990161, General Order No. R-479, filed 3/23/01, effective 4/23/01)

WAC 480-70-256 Tariffs, rejection. The commission will reject tariffs that:

- (1) Do not contain all required information, including, but not limited to, that required by WAC ((~~480-09-300 through 480-09-335~~) 480-07-520;
- (2) Do not comply with format rules;
- (3) Are not accompanied by required maps;
- (4) Reflect retroactive rate treatment;
- (5) Are not filed in accordance with the notice requirements shown in WAC 480-70-261 through 480-70-276; or
- (6) Contain provisions that conflict with state statutes or commission rules.

AMENDATORY SECTION (Amending Docket No. TG-990161, General Order No. R-479, filed 3/23/01, effective 4/23/01)

WAC 480-70-339 Tariffs, suspension by the commission. (1) The commission may, on receiving a complaint or protest, or on its own motion, suspend tariff rates, tariff charges, or tariff rules as provided in RCW 81.04.130.

(2) The commission will not take action to suspend a tariff, or any part of a tariff, based on a complaint or protest unless the complaint or protest is filed in compliance with the commission's rules of practice and procedure as set out in chapter ((~~480-09~~) 480-07) WAC.

AMENDATORY SECTION (Amending Docket No. TG-990161, General Order No. R-479, filed 3/23/01, effective 4/23/01)

WAC 480-70-386 Complaints. (1) **Company responsibility.**

(a) **Complaints from customer.** When a company receives a complaint from a customer or an applicant for service, it must:

- (i) Acknowledge the complaint;
- (ii) Investigate promptly;
- (iii) Report the results of the investigation to the complainant;
- (iv) Take corrective action, if warranted, as soon as appropriate under the circumstances;
- (v) Inform the complainant that the decision may be appealed to a higher level representative of the company, if any;
- (vi) Inform the complainant, if still dissatisfied after speaking with the higher level representative, of the commission's availability for review of the complaint; and
- (vii) Provide the complainant with the commission's address and toll-free telephone number.

(b) **Complaint referred by commission.** When commission consumer affairs staff refer an informal complaint to the company, the company must:

- (i) Investigate and report the results to the commission consumer affairs staff within two business days (the commission consumer affairs staff may grant an extension of time for responding to the complaint if requested and warranted);

(ii) Keep the commission consumer affairs staff informed of progress toward the solution; and

(iii) Inform the commission consumer affairs staff of the final result.

(c) **Complaint record.** A company must keep a record of all complaints concerning service or rates for at least one year. The record of complaints and rates must be made readily available for commission review. The record must contain:

- (i) The complainant's name and address;
- (ii) Date and nature of the complaint;
- (iii) Action taken; and
- (iv) Final result.

(2) **Complaints to commission.** Applicants, customers, or their representatives may file with the commission either:

(a) An informal complaint against the company under the provisions of WAC ((~~480-09-150~~) 480-07-910); or

(b) A formal complaint against the company under the provisions of WAC ((~~480-09-500~~) 480-07-370).

AMENDATORY SECTION (Amending Docket No. TO-000712, General Order No. R-500, filed 8/26/02, effective 9/26/02)

WAC 480-75-260 Exemption for rules in chapter 480-75 WAC. (1) The commission may grant an exemption from the provisions of any rule in this chapter if consistent with the public interest, with the purposes underlying regulation, and with applicable statutes.

(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought, giving a full explanation of the reason for the exemption.

(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested persons, of the date of the hearing or open meeting when the commission will consider the request.

(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the petitioner, of a degree or a kind different from hardship imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purpose of the rule.

(5) The commission will enter an order granting or denying the request, or setting it for hearing pursuant to chapter ((~~480-09~~) 480-07) WAC.

AMENDATORY SECTION (Amending Docket No. U-991301, General Order No. R-498, filed 5/14/02, effective 6/17/02)

WAC 480-80-010 Application of rules. (1) The rules in this chapter apply to any public service company that is subject to the jurisdiction of the commission as to rates and services under the provisions of Title 80 RCW.

(2) The tariffs, price lists, and contracts filed by public service companies must conform with these rules. If the com-

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mission accepts a tariff, price list, or contract that conflicts with these rules, the acceptance does not constitute a waiver of these rules unless the commission specifically approves the variation consistent with WAC 480-80-015 (Exemptions from rules in chapter 480-80 WAC). Tariffs, price lists, or contracts that conflict with these rules without approval are superseded by these rules.

(3) Any affected person may ask the commission to review the interpretation of these rules by a public service company or customer by posing an informal complaint under WAC ((480-09-150)) 480-07-910 (Informal complaints), or by filing a formal complaint under WAC ((480-09-420 (Pleadings and briefs—Applications for authority—Protests))) 480-07-370 (Pleadings—General).

(4) No deviation from these rules is permitted without written authorization by the commission. Violations will be subject to penalties as provided by law.

(5) Any tariff, price list, or contract on file and in effect or pending on the effective date of these rules is not required to be refiled to comply with these rules.

AMENDATORY SECTION (Amending Docket No. U-991301, General Order No. R-498, filed 5/14/02, effective 6/17/02)

WAC 480-80-015 Exemptions from rules in chapter 480-80 WAC. (1) The commission may grant an exemption from the provisions of any rule in this chapter, if consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought, giving a full explanation of the reason for requesting the exemption.

(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other affected persons, of the date of the hearing or open meeting when the commission will consider the request.

(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the petitioner, of a degree or a kind different from hardship imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purposes of the rule.

(5) The commission will enter an order granting or denying the request or setting it for hearing, pursuant to chapter ((480-09)) 480-07 WAC.

(6) Competitive telecommunications companies previously granted exemptions from chapter 480-80 WAC Utilities general—Tariffs, price lists, and contracts, are not exempt from Part I and Part III of this chapter. Exemptions from the provisions of chapter 480-80 WAC include only the provisions in effect at the time the exemption was granted. This subsection confirms that there is no change in exemptions previously granted to telecommunications companies that have been classified as competitive as a result of:

(a) Moving rules between chapters 480-80 and 480-120 WAC; and

(b) Renumbering sections within chapters 480-80 and 480-120 WAC.

AMENDATORY SECTION (Amending Docket No. U-991301, General Order No. R-498, filed 5/14/02, effective 6/17/02)

WAC 480-80-105 Tariff filing instructions. (1) A tariff filing must:

(a) Comply with statutory notice requirements;

(b) Specify the requested effective date of the tariff sheet;

(c) Include an original and two copies of each tariff sheet unless it is filed electronically; and

(d) Be accompanied by a transmittal letter as set forth in WAC 480-80-104.

(2) Tariff filings must comply with the requirements set forth in chapter ((480-09)) 480-07 WAC, where applicable.

(3) The tariff filing must include information sufficient to determine that the proposed tariff is fair, just, and reasonable.

(4) **Tariff symbols.** Each time a tariff sheet(s) is revised, a utility must code all changes with the tariff symbol that best reflects the purpose and effect of the change. A utility:

(a) Must locate the symbols on the right hand side of the changed text directly across from the change;

(b) Must use the following list of symbols to signify:

D - discontinued rate, service, regulation, or condition;

N - new rate, service, regulation, condition, or sheet;

I - a rate increase;

R - a rate reduction;

C - changed condition or regulation;

K - that material has been transferred to another sheet in the tariff. (A footnote is required on the tariff sheet to identify the material's new sheet number);

M - that material has been transferred from another sheet in the tariff. (A footnote is required on the tariff sheet to identify the material's former sheet number);

T - a change in text for clarification;

O - no change. (This symbol is discretionary unless specifically requested by the commission); and

(c) May use additional symbols for other purposes when it has identified the symbols in its tariff as provided for in WAC 480-80-102(3).

(5) A utility must not give effect to revised tariff sheets until the commission approves the tariff filing by issuing an order or the new or changed provisions become effective by operation of law.

(6) When a tariff sheet(s) becomes effective, the commission will return one copy of the transmittal letter and one copy of each tariff sheet to the utility marked with the receipt date.

(7) The commission may require a utility to refile the tariff in its entirety should circumstances warrant it.

(8) If the commission issues an order directing a utility to refile all or a portion of its tariff, the utility must refile, marking each affected sheet with the docket number.

AMENDATORY SECTION (Amending Docket No. U-991301, General Order No. R-498, filed 5/14/02, effective 6/17/02)

WAC 480-80-142 Special contracts for telecommunications companies not classified as competitive. (1) Contracts to be filed. Telecommunications companies not classified as competitive must file with the commission:

(a) All contracts for retail sale to end-use customers of intrastate telecommunications services not classified as competitive that:

(i) State rates, charges, prices, terms, or conditions that are not consistent with any existing tariff; or

(ii) Provide for telecommunications services not specifically addressed in the existing tariffs.

(b) Any significant modification of a previously executed contract will be treated as a new contract.

(c) A service order made pursuant to a filed contract is not itself a contract or contract amendment and need not be filed with the commission.

(2) Duration. All contracts must be for a stated time period.

(3) Ratemaking disclaimer. Unless otherwise provided by the commission, approval of contracts will not be determinative with respect to the expenses and revenues of the company for subsequent ratemaking considerations.

(4) Types of telecommunications contracts. The following types of telecommunications contracts have special or unique features, effective dates, and requirements:

(a) Federal, state, and local government "firm bid" contracts are governed under subsection (5) of this section.

(b) School, library, and rural health care (RHC) provider contracts entered into pursuant to 47 CFR, Part 54, are governed under subsection (6) of this section.

(c) All other retail contracts are governed under subsection (7) of this section.

SUMMARY COMPARISON OF THE DIFFERENT TYPES OF RETAIL CONTRACTS			
Subsection	Contract Type	When to File	Effective Date
(5)	Federal, State, and Local Firm Bid	no later than fifteen days after acceptance	when filed or later as specified
(6)	47 CFR Part 54; Schools, Libraries, and RHCs	no later than fifteen days after acceptance	when filed or later as specified
(7)	All other retail contracts	no later than thirty days prior to the proposed effective date	at least thirty days after filing

(5) Federal, state, and local government "firm bid" contracts - filing requirements and effective dates. Where a government agency asserts its authority to solicit a firm offer of services, and a contract subject to this section is submitted in response to that solicitation, the noncompetitive telecommunications company must file the contract with the commission no later than fifteen days after acceptance. The filing must include the same documentation as required for approval by subsection (7)(b) of this section and, if applicable, subsection (8) of this section. The contract will become

effective at the time specified in the contract, but not earlier than when filed with the commission.

(6) School, library, and RHC provider contracts - filing requirements and effective dates. A telecommunications company that enters into a contract to provide service to a school, library, or RHC provider, as part of the federal universal service program, must file the contract with the commission no later than fifteen days after acceptance by the administrator of the federal universal service program. The filing must include the same documentation as required for approval by subsection (7)(b) of this section and, if applicable, subsection (8) of this section. The contract will become effective at the time specified in the contract, but not earlier than when filed with the commission.

(7) All other retail contracts - standard filing requirements and effective dates.

(a) Contracts must be filed with the commission not less than thirty days before the proposed effective date of the contract.

(b) Each application filed for commission approval of a contract must:

(i) Include a complete copy of the proposed contract;

(ii) Show that the contract meets the requirements of RCW 80.36.170 (Prohibiting unreasonable preference) and RCW 80.36.180 (Prohibiting rate discrimination);

(iii) Demonstrate, at a minimum, that the contract charges cover the company's cost of providing the service. Costs will be determined under a long-run incremental cost analysis, including as part of the incremental cost, the price charged by the offering company to other telecommunications companies for any essential function used to provide the service, or any other commission-approved cost method.

(iv) Summarize the basis of the charge(s) proposed in the contract and explain the derivation of the proposed charge(s) including all cost computations involved; and

(v) Indicate the basis for using a contract rather than a filed tariff for the specific service involved.

(c) Contracts will become effective on the effective date stated on the contract or thirty days after the filing date, whichever occurs later, unless suspended or rejected by the commission. The commission may approve an earlier effective date if requested by the company, in which event the contract shall not become effective on a date that precedes commission approval. A request for an earlier effective date must include a complete explanation of why an earlier effective date is appropriate.

(8) Confidentiality. Filings under this section may be submitted with portions designated "confidential" pursuant to WAC ((480-09-015)) 480-07-160. However, any filing that designates as "confidential" the essential terms and conditions will be rejected by the commission as not in compliance with the public inspection requirement of RCW 80.36.150

(1). Essential terms and conditions are:

(a) Nature, characteristics, and quantity of the service provided;

(b) Duration of the contract, including the stated effective date, ending date, and any options to renew;

(c) Charge(s) for service, including minimum charge provisions; and

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(d) Geographic location(s), such as exchange or city, where service will be provided.

AMENDATORY SECTION (Amending Docket No. U-991301, General Order No. R-498, filed 5/14/02, effective 6/17/02)

WAC 480-80-143 Special contracts for gas, electric, and water companies. (1) Contracts to be filed. Gas, electric, and water companies must file with the commission all contracts for the retail sale of regulated utility services to end-use customers that:

(a) State charges or conditions that do not conform to the company's existing tariff; or

(b) Provide for utility services not specifically addressed in the gas, electric, or water company's existing tariffs.

(2) Any significant modification of a previously executed contract will be treated as a new contract for purposes of this section.

(3) Essential terms and conditions of all contracts filed pursuant to this section are considered a part of the gas, electric, or water company's filed tariffs and are subject to enforcement, supervision, regulation, control, and public inspection as such.

(4) Filing and effective dates. The contract will become effective on the effective date stated in the contract or thirty days after the filing date, whichever occurs later, unless suspended or rejected by the commission. The commission may approve an earlier effective date if requested by the company, in which event the contract shall not become effective on a date that precedes commission approval. A request for an earlier effective date must include a complete explanation of why an earlier effective date is appropriate.

(5) Each application filed for commission approval of a contract must:

(a) Include a complete copy of the proposed contract;

(b) Show that the contract meets the requirements of RCW 80.28.090 (Prohibiting unreasonable preference) and RCW 80.28.100 (Prohibiting rate discrimination);

(c) Demonstrate, at a minimum, that the contract charges recover all costs resulting from providing the service during its term, and, in addition, provide a contribution to the gas, electric, or water company's fixed costs;

(d) Summarize the basis of the charge(s) proposed in the contract and explain the derivation of the proposed charge(s) including all cost computations involved; and

(e) Indicate the basis for using a contract rather than a filed tariff for the specific service involved. If the basis for using a contract is the availability of an alternative service provider, identify that provider.

(6) All contracts must be for a stated time period, except for contracts for water line extensions. The commission may approve terms and conditions that prescribe the charge(s) to be applied during the time period, if such charge(s) are found to be appropriate. Unless otherwise provided by the commission, such approval will not be determinative with respect to the expenses and revenues of the utility for subsequent rate-making considerations.

(7) Filings under this section may be submitted with portions designated "confidential" pursuant to WAC ((480-09-

015)) 480-07-160. However, any filing that designates the essential terms and conditions of the contract as "confidential" shall be rejected by the commission as not in compliance with the public inspection requirement of RCW 80.28.050. Essential terms and conditions are:

(a) Identity of the customer;

(b) Nature and characteristics of the service provided, including interruptible, firm, or peak delivery;

(c) Duration of the contract, including any options to renew;

(d) Charge(s) for service, including minimum charge provisions;

(e) Geographic location where service will be provided; and

(f) Additional obligations specified in the contract, if any.

AMENDATORY SECTION (Amending Docket No. U-991301, General Order No. R-498, filed 5/14/02, effective 6/17/02)

WAC 480-80-241 Filing contracts for services classified as competitive. (1) This section applies to services offered by competitive telecommunications companies and to any service classified as competitive under RCW 80.36.330. However, if a telecommunications company has elected, pursuant to WAC 480-80-201(2), to offer a competitive service by tariff, the contract rules in WAC 480-80-142 applicable to tariffed services apply instead.

(2) A telecommunications company must file with the commission any contract with an end-user for retail intrastate telecommunications service if the service is not included in its price list or the contract contains prices, terms, or conditions other than those in its price list. A telecommunications company is not required to file a contract with prices below the maximum prices in the price list, as provided for in WAC 480-80-204(3), or within the maximum and minimum prices in the price list, as provided for in WAC 480-80-204(4), if the contract is otherwise consistent with the price list.

(3) Any significant modification to a previously executed contract is a new contract and must be filed as required by this section.

(4) Unless the contract includes a provision allowing the commission to reject it during the first fifteen days after it is filed, any contract required by subsection (2) of this section to be filed with the commission will become effective on the later of (a) its stated effective date or (b) ten days after it is filed with the commission. The deadline for filing a contract that provides for commission rejection within fifteen days of filing is fifteen days after its stated effective date.

(5) A telecommunications company may submit filings under this section with portions designated "confidential" pursuant to WAC ((480-09-015)) 480-07-160. However, the commission will reject any filing that designates as "confidential" the essential terms and conditions of a contract as defined in WAC 480-80-142(8).

(6) A telecommunications company filing a contract for a service classified as competitive under RCW 80.36.330 must provide information demonstrating that the contract

prices comply with the cost requirement in WAC 480-80-204(6).

AMENDATORY SECTION (Amending Docket No. UG-990294, General Order No. R-484, filed 5/3/01, effective 6/3/01)

WAC 480-90-003 Application of rules. (1) The rules in this chapter apply to any gas utility that is subject to the jurisdiction of the commission under RCW 80.04.010 and chapter 80.28 RCW. These rules also include various requirements of the utility's customers and applicants.

(2) The tariff provisions filed by utilities must conform with these rules. If the commission accepts a tariff that conflicts with these rules, the acceptance does not constitute a waiver of these rules unless the commission specifically approves the variation consistent with WAC 480-90-008, Exemption from rules in chapter 480-90 WAC. Tariffs that conflict with these rules without approval are superseded by these rules.

(3) Any affected person may ask the commission to review the interpretation of these rules by a utility or customer by posing an informal complaint under WAC ((480-09-150)) 480-07-910, Informal complaints, or by filing a formal complaint under WAC ((480-09-420)) 480-07-370, Pleadings and briefs—Application for authority—Protests.

(4) No deviation from these rules is permitted without written authorization by the commission. Violations will be subject to penalties as provided by law.

AMENDATORY SECTION (Amending Docket No. UG-990294, General Order No. R-484, filed 5/3/01, effective 6/3/01)

WAC 480-90-008 Exemptions from rules in chapter 480-90 WAC. (1) The commission may grant an exemption from the provisions of any rule in this chapter if consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought, giving a full explanation of the reason for requesting the exemption.

(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested persons, of the date of the hearing or open meeting when the commission will consider the request.

(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the petitioner, of a degree or a kind different from hardship imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purposes of the rule.

(5) The commission will enter an order granting or denying the request or setting it for hearing, pursuant to chapter ((480-09)) 480-07 WAC.

AMENDATORY SECTION (Amending General Order No. R-496, Docket No. UG-990294, filed 12/3/01, effective 1/3/02)

WAC 480-90-123 Refusal of service. (1) A gas utility may refuse to provide new or additional service if:

(a) Providing service does not comply with government regulations or accepted natural gas industry standards;

(b) In the utility's reasonable judgment, the applicant's or customer's installation of piping or gas burning equipment is considered hazardous or of such a nature that safe and satisfactory service cannot be provided;

(c) The applicant or customer does not comply with the utility's request that the applicant or customer provide and install protective devices, when the utility, in its reasonable judgment deems such protective devices are necessary to protect the utility's or other customers' properties from theft or damage;

(d) After reasonable efforts by the responsible party, all necessary rights of way, easements, approvals, and permits have not been secured; or

(e) The customer is known by the utility to have tampered with or stolen the utility's property, used service through an illegal connection, or fraudulently obtained service and the utility has complied with WAC 480-90-128(2), disconnection of service.

(2) A gas utility may not refuse to provide new or additional service to a residential applicant or residential customer who has a prior obligation. A prior obligation is the dollar amount, excluding deposit amounts owed, the utility has billed to the customer and for which the utility has not received payment at the time the service has been disconnected for nonpayment. The utility must provide service once the customer or applicant has paid all appropriate deposit and reconnection fees. This subsection does not apply to customers that have been disconnected for failure to honor the terms of a winter low-income payment program.

(3) The utility may not refuse to provide service to an applicant or customer because there are outstanding amounts due from a prior customer at the same premises, unless the utility can determine, based on objective evidence, that a fraudulent act is being committed, such that the applicant or customer is acting in cooperation with the prior customer with the intent to avoid payment.

(4) The utility may refuse to provide new or additional service for reasons not expressed in subsection (1) of this section, upon prior approval of the commission. The commission may grant the request upon determining that the utility has no obligation to provide the requested service under RCW 80.28.110. Prior to seeking commission approval, the utility must work with the applicant or customer requesting service to seek resolution of the issues involved.

(5) Any applicant or customer who has been refused new or additional service may file with the commission an informal complaint under WAC ((480-09-150)) 480-07-910, Informal complaints; or a formal complaint under WAC ((480-09-420, Pleadings and briefs—Applications for authority—Protests; and 480-09-425, Pleadings—Verification, time for filing, responsive pleadings, liberal construction, amendments)) 480-07-370, Pleadings—General.

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AMENDATORY SECTION (Amending Docket No. UG-990294, General Order No. R-484, filed 5/3/01, effective 6/3/01)

WAC 480-90-173 Gas utility's responsibility for complaints and disputes. (1) When a gas utility receives a complaint from a customer or an applicant for service, the utility must acknowledge receipt of the complaint and:

(a) Upon request, identify the utility's contact to the complainant;

(b) Investigate the complaint promptly as required by the particular case;

(c) Report the results of the investigation to the complainant;

(d) Take corrective action, if warranted, as soon as possible under the circumstances;

(e) If the complainant is dissatisfied with the results or decision, inform the complainant that the decision may be appealed to a supervisor at the utility; and

(f) If the complainant is dissatisfied after speaking with the utility's supervisor, the supervisor must inform the complainant of the complainant's right to file a complaint with the commission and provide the commission's address and toll-free telephone number.

(2) Applicants, customers, or their representatives may file with the commission:

(a) An informal complaint as described in WAC ((480-09-150)) 480-07-910, Informal complaints; or

(b) A formal complaint against the utility as described in WAC ((480-09-420, Pleadings and briefs—Applications for authority—Protests)) 480-07-370, Pleadings—General.

(3) When the commission refers an informal complaint to the utility, the utility must:

(a) Investigate and report the results to the commission within two business days. The commission may grant an extension of time for responding to the complaint, if requested and warranted;

(b) Keep the commission informed of progress toward the solution and the final result; and

(c) Respond to the commission's request for additional informal complaint information within three business days of the request or at a date specified by the commission. The commission may grant an extension of time for responding to the complaint, if requested and warranted.

(4) Each gas utility must keep a record of all complaints for at least three years and, upon request, make them readily available for commission review. The record must contain:

(a) The complainant's name and address;

(b) The date and nature of the complaint;

(c) The action taken;

(d) The final result; and

(e) All official documents regarding the complaint.

AMENDATORY SECTION (Amending Order R-458, Docket No. UR-980080, filed 2/5/99, effective 3/8/99)

WAC 480-92-060 Minimum filing requirements. (1) When a site operator files for a general rate increase, it must follow the minimum filing requirements set forth in WAC ((480-09-300 through 480-09-330)) 480-07-520.

(2) A site operator filing a request with the commission for a general rate increase must concurrently notify all generators who have disposed of low-level radioactive waste in the three years prior to the request for the proposed rate increases or service changes. The notice must include at minimum; a clear, brief explanation the generators can easily understand of the proposed rates, conditions and changes; the requested effective date; the commission's address, with a statement that generators may obtain more detailed information by writing to the commission; and a phone number for generators to call a company representative if they have questions.

AMENDATORY SECTION (Amending Order R-458, Docket No. UR-980080, filed 2/5/99, effective 3/8/99)

WAC 480-92-090 Site operator responsibility for complaints and disputes. (1) If a site operator receives complaints or disputes regarding its operations, it must:

(a) Acknowledge the complaint;

(b) Investigate promptly;

(c) Report the results of the investigation to the complainant;

(d) Take corrective action, if warranted, as soon as appropriate under the circumstances;

(e) Tell the complainant the decision may be appealed to a higher level representative of the company, if any;

(f) Tell the complainant, if still dissatisfied after speaking with the higher level representative, of the commission's availability to review the complaint; and

(g) Provide the complainant with the commission's address and toll-free telephone number.

(2) Complainants may file with the commission:

(a) An informal complaint against a site operator as set forth in WAC ((480-09-150)) 480-07-910; and/or

(b) A formal complaint against a site operator as set forth in RCW 81.108.080 and chapter ((480-09)) 480-07 WAC.

(3) When commission staff refers an informal complaint to a site operator, the operator must:

(a) Investigate and respond to commission staff within two working days. Commission staff may grant an extension of time for responding to the complaint, if requested, and warranted; and

(b) Report regularly to commission staff about progress toward the solution and the final result.

(4) A site operator must keep a record of all complaints concerning service or rates for at least one year and, on request, make them readily available for commission review. The record must contain:

(a) The complainant's name and address;

(b) The date and nature of the complaint;

(c) The action taken; and

(d) The final result.

AMENDATORY SECTION (Amending Docket No. UE-990473, General Order No. R-482, filed 5/3/01, effective 6/3/01)

WAC 480-100-003 Application of rules. (1) The rules in this chapter apply to any electric utility that is subject to the jurisdiction of the commission under RCW 80.04.010 and

chapter 80.28 RCW. These rules also include various requirements of the utility's customers and applicants.

(2) The tariff provisions filed by utilities must conform with these rules. If the commission accepts a tariff that conflicts with these rules, the acceptance does not constitute a waiver of these rules unless the commission specifically approves the variation consistent with WAC 480-100-008, Exemptions from rules in chapter 480-100 WAC. Tariffs that conflict with these rules without approval are superseded by these rules.

(3) Any affected person may ask the commission to review the interpretation of these rules by a utility or customer by posing an informal complaint under WAC ((480-09-150)) 480-07-910, Informal complaints, or by filing a formal complaint under WAC ((480-09-420)) 480-07-370, Pleading and briefs—Application for authority—Protests.

(4) No deviation from these rules is permitted without written authorization by the commission. Violation will be subject to penalties as provided by law.

AMENDATORY SECTION (Amending Docket No. UE-990473, General Order No. R-482, filed 5/3/01, effective 6/3/01)

WAC 480-100-008 Exemptions from rules in chapter 480-100 WAC. (1) The commission may grant an exemption from the provisions of any rule in this chapter, if consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought, giving a full explanation of the reason for requesting the exemption.

(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested persons, of the date of the hearing or open meeting when the commission will consider the request.

(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the petitioner, of a degree or a kind different from hardships imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purposes of the rule.

(5) The commission will enter an order granting or denying the request, or setting it for hearing, pursuant to chapter ((480-09)) 480-07 WAC.

AMENDATORY SECTION (Amending General Order No. R-495, Docket No. UE-990473, filed 12/3/01, effective 1/3/02)

WAC 480-100-123 Refusal of service. (1) An electric utility may refuse requests to provide service to a master meter in a building with permanent occupants when all of the following conditions exist:

(a) The building or property has more than one dwelling unit;

(b) The occupants control a significant part of the electricity used in the individual units; and

(c) It is cost-effective for the occupants to have the utility purchase and install individual meters considering the long-run benefits of measuring and billing each occupant's electric use separately.

(2) The utility may refuse to provide new or additional service if:

(a) Providing service does not comply with government regulations or the electric industry accepted standards concerning the provision of service;

(b) In the utility's reasonable judgment, the applicant's or customer's installation of wiring or electrical equipment is considered hazardous or of such a nature that safe and satisfactory service cannot be provided;

(c) The applicant or customer does not comply with the utility's request that the applicant or customer provide and install protective devices, when the utility, in its reasonable judgment deems such protective devices are necessary to protect the utility's or other customers' properties from theft or damage;

(d) After reasonable efforts by the responsible party, all necessary rights of way, easements, approvals, and permits have not been secured; or

(e) The customer is known by the utility to have tampered with or stolen the utility's property, used service through an illegal connection, or fraudulently obtained service and the utility has complied with WAC 480-100-128(2), disconnection of service.

(3) An electric utility may not refuse to provide new or additional service to a residential applicant or residential customer who has a prior obligation. A prior obligation is the dollar amount, excluding deposit amounts owed, the utility has billed to the customer and for which the utility has not received payment at the time the service has been disconnected for nonpayment. The utility must provide service once the customer or applicant has paid all appropriate deposit and reconnection fees. This subsection does not apply to customers that have been disconnected for failure to honor the terms of a winter low-income payment program.

(4) The utility may not refuse to provide service to an applicant or customer because there are outstanding amounts due from a prior customer at the same premises, unless the utility can determine, based on objective evidence, that a fraudulent act is being committed, such that the applicant or customer is acting in cooperation with the prior customer with the intent to avoid payment.

(5) The utility may refuse to provide new or additional service for reasons not expressed in subsections (1) and (2) of this section, upon prior approval of the commission. The commission may grant the request upon determining that the utility has no obligation to provide the requested service under RCW 80.28.110. Prior to seeking commission approval, the utility must work with the applicant or customer requesting service to seek resolution of the issues involved.

(6) Any applicant or customer who has been refused new or additional service may file with the commission an informal complaint under WAC ((480-09-150)) 480-07-910, Informal complaints; or a formal complaint under WAC ((480-09-420), Pleadings and briefs—Applications for

~~authority—Protests; and 480-09-425, Pleadings—Verification, time for filing, responsive pleadings, liberal construction, amendments)) 480-07-370, Pleadings—General.~~

AMENDATORY SECTION (Amending Docket No. UE-990473, General Order No. R-482, filed 5/3/01, effective 6/3/01)

WAC 480-100-173 Electric utility responsibility for complaints and disputes. (1) When an electric utility receives a complaint from a customer or an applicant for service, the utility must acknowledge receipt of the complaint and:

- (a) Upon request, identify the utility's contact to the complainant;
- (b) Investigate the complaint promptly as required by the particular case;
- (c) Report the results of the investigation to the complainant;
- (d) Take corrective action, if warranted, as soon as possible under the circumstances;
- (e) If the complainant is dissatisfied with the results or decision, inform the complainant that the decision may be appealed to a supervisor at the utility; and
- (f) If the complainant is dissatisfied after speaking with the utility's supervisor, the supervisor must inform the complainant of the complainant's right to file a complaint with the commission and provide the commission's address and toll-free telephone number.

(2) Applicants, customers, or their representatives may file with the commission:

(a) An informal complaint as described in WAC ((480-09-150)) 480-07-910, Informal complaints; or

(b) A formal complaint against the utility as described in WAC ((480-09-420, Pleadings and briefs—Applications for authority—Protests)) 480-07-370, Pleadings—General.

(3) When the commission refers an informal complaint to the utility, the utility must:

(a) Investigate and report the results to the commission within two business days. The commission may grant an extension of time for responding to the complaint, if requested and warranted;

(b) Keep the commission informed of progress toward the solution and the final result; and

(c) Respond to the commission's request for additional informal complaint information within three business days of the request or at a date specified by the commission. The commission may grant an extension of time for responding to the complaint, if requested and warranted.

(4) Each electric utility must keep a record of all complaints for at least three years and, upon request, make them readily available for commission review. The record must contain:

- (a) The complainant's name and address;
- (b) The date and nature of the complaint;
- (c) The action taken;
- (d) The final result; and
- (e) All official documents regarding the complaint.

AMENDATORY SECTION (Amending Order R-467, Docket No. UW-980082, filed 11/30/99, effective 12/31/99)

WAC 480-110-215 Exemptions from rules. (1) The commission may grant an exemption of any rule in this chapter, if consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought and giving a full explanation of the reason the exemption is requested.

(3) The commission will assign the request a docket number, if needed, and schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested persons, of the date the commission will consider the request.

(4) The commission will enter an order granting or denying the request or setting it for hearing, pursuant to chapter ((480-09)) 480-07 WAC.

AMENDATORY SECTION (Amending Order R-467, Docket No. UW-980082, filed 11/30/99, effective 12/31/99)

WAC 480-110-295 Adopted and initial tariffs. A water company must file revisions to its filed tariff within thirty days of its acquisition of new service area, whether by acquisition of another regulated water company or by acquiring one or more previously unregulated water systems.

(1) **Adopted tariffs - when a regulated company acquires another regulated company.** Any regulated water company acquiring a regulated water company must adopt the latter's tariff. An adoption form must be completed and filed with the commission by the acquiring water company within thirty days of the acquisition. The commission will supply an adoption form upon request.

(2) **Incorporate into existing tariff - when a regulated water company acquires a nonregulated company.**

(a) When a regulated water company acquires a nonregulated water company or water system, the acquiring water company must file a separate tariff page indicating the name of the newly acquired company or system with the rates and charges that were in existence before the acquisition.

(b) If the acquired nonregulated company or water system was previously subject to commission jurisdiction, the acquiring water company must file a separate tariff page indicating the name of the newly acquired company or system with the rates and charges in effect for the acquired company at the time the acquired company was removed from regulation.

(c) No other rates and charges may apply to the customers on the newly acquired system except those specifically shown on the new tariff page unless the company obtains the commission's approval to charge a different rate.

(3) **Initial tariffs - when a company becomes jurisdictional.**

(a) An initial tariff must be filed in a standard tariff format. The commission will provide illustrations of the standard format upon request.

(b) The tariff must be accompanied by a cover letter describing the filing as an initial tariff.

(c) Customers must be notified before the commission receives the filing.

(d) The filing must be accompanied by supporting financial data justifying the proposed rates. See WAC ((~~480-09-337, Filing requirements—General rate increases~~)) 480-07-530, General rate proceedings—Water companies.

(4) **Initial tariffs - a company that was previously subject to commission jurisdiction.** If a company or water system was previously subject to commission jurisdiction and once again becomes jurisdictional, the company must file a tariff with the rates and charges in effect at the time the company was last removed from regulation.

AMENDATORY SECTION (Amending Order R-467, Docket No. UW-980082, filed 11/30/99, effective 12/31/99)

WAC 480-110-385 Water company responsibility for complaints and disputes. (1) If a water company receives a complaint or dispute from a customer or an applicant for service it must:

- (a) Acknowledge the complaint;
- (b) Investigate promptly;
- (c) Report the results of the investigation to the complainant;
- (d) Take corrective action, if warranted, as soon as appropriate under the circumstances;
- (e) Inform the complainant that the decision may be appealed to a higher level representative at the company, if any;
- (f) Inform the complainant, if still dissatisfied after speaking with the higher level representative, of the commission's availability for review of the complaint; and
- (g) Provide the complainant with the commission's address and toll-free telephone number.

(2) Applicants, customers, or their representatives, may file with the commission:

- (a) An informal complaint against the company as set forth in WAC ((~~480-09-150~~)) 480-07-910; and/or
- (b) A formal complaint against the company as set forth in WAC ((~~480-09-500~~)) 480-07-370.

(3) When commission consumer affairs staff refers an informal complaint to the company, the company must:

(a) Investigate and report the results to the commission consumer affairs staff within two business days. The commission consumer affairs staff may grant an extension of time for responding to the complaint, if requested and warranted;

(b) Keep the commission consumer affairs staff informed of progress toward the solution and the final result.

(4) Each water company must keep a record of all complaints concerning service or rates for at least one year and, on request, make them readily available for commission review. The record must contain:

- (a) Complainant's name and address;
- (b) Date and nature of the complaint;
- (c) Action taken; and
- (d) Final result.

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/01/03)

WAC 480-120-011 Application of rules. (1) The rules in this chapter apply to any company that is subject to the jurisdiction of the commission as to rates and services under the provisions of RCW 80.01.040 and chapters 80.04 and 80.36 RCW.

(2) The tariffs and price lists filed by companies must conform to these rules. If the commission accepts a tariff or price list that conflicts with these rules, the acceptance does not constitute a waiver of these rules unless the commission specifically approves the variation consistent with WAC 480-120-015 (Exemptions from rules in chapter 480-120 WAC). Tariffs or price lists that conflict with these rules without approval are superseded by these rules.

(3) Any affected person may ask the commission to review the interpretation of these rules by a company or customer by posing an informal complaint under WAC ((~~480-09-150~~)) 480-07-910 (Informal complaints), or by filing a formal complaint under WAC ((~~480-09-420 (Pleading and briefs—Application for authority—Protests)~~)) 480-07-370 (Pleading—General).

(4) No deviation from these rules is permitted without written authorization by the commission. Violations will be subject to penalties as provided by law.

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

WAC 480-120-015 Exemptions from rules in chapter 480-120 WAC. (1) The commission may grant an exemption from the provisions of any rule in this chapter, if consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought, and provide a full explanation of the reason for requesting the exemption. In addition to any other reason, parties may allege force majeure was the factor leading to the request for waiver.

(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested persons, of the date of the hearing or open meeting when the commission will consider the request.

(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the requesting person, of a degree or a kind different from hardships imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purposes of the rule.

(5) The commission will enter an order granting or denying the request, or setting it for hearing, pursuant to chapter ((~~480-09~~)) 480-07 WAC.

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

WAC 480-120-166 Commission-referred complaints.

(1) Each company must keep a record of all complaints concerning service or rates for at least three years and, on request, make them readily available for commission review. The records must contain complainant's name and address, date and the nature of the complaint, action taken, and final result.

(2) Each company must have personnel available during regular business days to respond to commission staff.

(3) Applicants, customers, or their authorized representatives, may file with the commission an informal complaint as described in WAC ((480-09-150)) 480-07-910 or a formal complaint against a company when there are alleged violations of statutes, administrative rules, or tariffs as provided by WAC ((480-09-420 and 480-09-500)) 480-07-370.

(4) When the commission staff refers an informal complaint to a company, the company must:

(a) Stop any pending action involving the issues raised in the complaint provided any amounts not in dispute are paid when due (e.g., if the complaint involves a disconnect threat or collection action, the disconnect or collection must be stopped);

(b) Thoroughly investigate all issues raised in the complaint and provide a complete report of the results of its investigation to the commission, including, if applicable, information that demonstrates that the company's action was in compliance with commission rules; and

(c) Take corrective action, if warranted, as soon as appropriate under the circumstances.

(5) Commission staff will ask the customer filing the informal complaint whether the customer wishes to speak directly to the company during the course of the complaint, and will relay the customer's preference to the company at the time staff opens the complaint.

(6) The company must report the results of its investigation of service-affecting informal complaints to commission staff within two business days from the date commission staff passes the complaint to the company. Service-affecting complaints include, but are not limited to, nonfunctioning or impaired services (i.e., disconnected services or those not functioning properly).

(7) The company must report the results of its investigation of nonservice-affecting informal complaints to commission staff within five business days from the date commission staff passes the complaint to the company. Nonservice-affecting complaints include, but are not limited to, billing disputes and rate quotes.

(8) Unless another time is specified in this rule or unless commission staff specifies a later date, the company must provide complete responses to requests from commission staff for additional information on pending informal complaints within three business days.

(9) The company must keep commission staff informed when relevant changes occur in what has been previously communicated to the commission and when there is final resolution of the informal complaint.

(10) An informal complaint opened with the company by commission staff may not be considered closed until commission staff informs the company that the complaint is closed.

(11) The company must provide information requested by staff regarding any informal complaint in accordance with subsections (6) and (7) of this section until such time as staff informs the company that the complaint is closed.

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

WAC 480-120-305 Streamlined filing requirements for Class B telecommunications company rate increases.

(1) A Class B company, as defined in WAC 480-120-302(1), may use the streamlined treatment described in this section for seeking a general rate increase, as an alternative to the requirements in WAC ((480-09-330)) 480-07-510.

(2) **General information required.** A Class B company seeking streamlined treatment for a proposed general rate increase must submit the following information at the time of filing or prior to its first notice to customers, whichever occurs first:

(a) A copy of its customer notice as specified in subsection (6) of this section.

(b) A results-of-operations statement, on a commission basis, demonstrating that the company is not presently exceeding a reasonable level of earnings. If the company is exceeding a reasonable level of earnings, the proposed increase must be reduced accordingly.

(c) All supporting documentation used to develop the results-of-operations statement, including supporting documentation for all adjustments.

(d) The results-of-operations statement filed under this subsection must include Washington intrastate results of operations. If a company cannot provide Washington intrastate results of operations with reasonable accuracy, the commission may consider the total Washington results of operations including the interstate jurisdiction.

(3) **Adjustments provided for in the results of operations.**

(a) The results-of-operations statement must provide restating actual adjustments and pro forma adjustments in accordance with (b) of this subsection.

(b) Before the achieved return is calculated a company must adjust the booked results of operations for restating actual and proforma adjustments, including the following:

(i) Nonoperating items;

(ii) Extraordinary items;

(iii) Nonregulated operating items; and

(iv) All other items that materially distort the test period.

(4) **Rate of return.** The authorized overall rate-of-return (for purposes of this section only) is eleven and twenty-five one-hundredths percent.

(5) **Rate design.** A Class B company filing pursuant to this section must clearly describe the basis for allocating any revenue requirement change proposed by customer class (e.g., residential, business, and interexchange).

(6) **Customer notice.** The company must notify customers consistent with the manner outlined in WAC 480-120-194, and must include the following information:

(a) The proposed increase expressed in (i) total dollars and average percentage terms, and (ii) the average monthly increases the customers in each category or subcategory of service might reasonably expect;

(b) The name and mailing address of the commission and public counsel;

(c) A statement that customers may contact the commission or public counsel with respect to the proposed rate change; and

(d) The date, time, and place of the public meeting, if known.

(7) **Public meeting(s).** The commission will ordinarily hold at least one public meeting in the area affected by the rate increase within forty-five days after the date of filing.

(8) **Final action.** The commission will ordinarily take final action on a filing under this section within ninety days after the date of filing.

(9) The commission may decline to apply the procedures outlined in this section if it has reason to believe that:

(a) The quality of the company's service is not consistent with its public service obligations; or

(b) A more extensive review is required of the company's results of operations or proposed rate design.

(10) Nothing in this rule will be construed to prevent any company, the commission, any customer, or any other party from using any other procedures that are otherwise permitted by law.

AMENDATORY SECTION (Amending Order R-475, Docket No. UT-990582, filed 11/30/00, effective 12/31/00)

WAC 480-120-560 Collocation. (1) Definitions.

"CLEC" means a competing local exchange carrier that orders collocation from an ILEC.

"Collocation" means the ability of a CLEC to place equipment, including microwave equipment, within or upon an ILEC's premises.

"Deliver" or "delivery date" means the point when the ILEC turns the collocation space and related facilities over to the CLEC and the space and facilities are ready for service. Deliver or delivery includes, but is not necessarily limited to, providing the CLEC with access to the collocation space for collocation other than virtual collocation, as well as providing power, telephone service, and other services and facilities ordered by the CLEC for provisioning by the delivery date.

"ILEC" means an incumbent local exchange carrier that is required to provide collocation.

"ILEC premises" means an ILEC wire center, central office, or any other location owned and/or controlled by the ILEC at which interconnection with the ILEC's network or access to ILEC unbundled network elements is technically feasible.

"Points of interface (POI)" means the demarcation between the networks of an ILEC and a CLEC. The POI is the point where the exchange of traffic takes place.

(2) ILEC response to CLEC order for collocation. Within ten calendar days of receipt of an order for collocation,

an ILEC must notify the CLEC whether sufficient space exists in the ILEC premises to accommodate the CLEC's collocation requirements. As part of that notification, the ILEC must also notify the CLEC of any circumstance that may delay delivery of the ordered collocation space and related facilities.

(3) Provisioning collocation. If the ILEC notifies a CLEC that sufficient space exists to accommodate the CLEC's order for collocation, the following procedures apply:

(a) Within twenty-five calendar days of receipt of the order, the ILEC must provide the CLEC with a written quote detailing the nonrecurring and recurring charges applicable to provisioning the ordered collocation. After providing the written quote and upon reasonable notice of a request by the CLEC, the ILEC must permit the CLEC at least one accompanied site visit to the designated collocation space without charge to the CLEC, to enable the CLEC to verify and inspect the space the ILEC offers for collocation. The CLEC's acceptance of the written quote and payment of one-half of the nonrecurring charges specified in the quote must be within seven calendar days and does not preclude the CLEC from later disputing the accuracy or reasonableness of those charges.

(b) If the ordered collocation space was included in a periodic forecast submitted by the CLEC to the ILEC at least three months in advance of the order, the ILEC must complete construction of, and deliver, the ordered collocation space and related facilities within forty-five calendar days after the CLEC's acceptance of the written quote and payment of one-half of the nonrecurring charges specified in the quote.

(c) If the ordered collocation space was not included in a periodic forecast submitted by the CLEC to the ILEC at least three months in advance of the order, the commission declines to apply the forty-five calendar day interval in (3)(b) and the national standards adopted by the FCC shall apply.

(d) Following any initial notification as required in section (2) above, the ILEC must notify the CLEC of any change in circumstances as soon as the ILEC is aware of those circumstances and must take all reasonable steps to avoid or minimize any delays caused by those circumstances, including but not limited to joint provisioning of collocation elements by the ILEC and CLEC, or sole construction by the CLEC, through a mutually acceptable third party contractor.

(e) If the ILEC fails to deliver the collocation space by the required delivery date, the ILEC must credit the CLEC in an amount equal to one-tenth of the total nonrecurring charge for the ordered collocation for each week beyond the required delivery date. Recurring charges will not begin to accrue for any element until the ILEC delivers that element to the CLEC. To the extent that a CLEC self-provisions any collocation element, the ILEC may not impose any charges for provisioning that element.

(f) The ILEC must provide periodic notices to the CLEC during construction of the CLEC's collocation space, including scheduled completion and delivery dates. At least thirty calendar days prior to the scheduled delivery date, the ILEC must provide the CLEC with sufficient information to enable the ILEC and the CLEC to establish firm Common Language

Location Identifier (CLLI) codes and any other codes necessary to order interconnection and cross-connection circuits for the equipment the CLEC intends to collocate, and the ILEC must accept and process CLEC orders for such circuits. The ILEC must provision points of interface (POIs) and other circuits concurrent with delivery of the collocation space and related facilities, unless the CLEC agrees to a later date.

(g) The ILEC must conduct an inspection with the CLEC of the collocation space at least five business days prior to completion of construction of the collocation space. The ILEC must correct any deviations to the CLEC's original or jointly amended requirements after the inspection, at the ILEC's sole expense.

(h) Upon order of the CLEC and concurrent with delivery of the collocation space and related facilities, the ILEC must provide basic telephone service to the collocation space under the rates, terms, and conditions of the ILEC's current tariff or price list offering for the service ordered. The ILEC must also provide CLEC employees, contractors, and representatives with reasonable access to basic facilities, such as restroom facilities and parking, while at the ILEC premises.

(4) Denial of order for collocation. If the ILEC notifies a CLEC that insufficient space exists to accommodate the CLEC's order for collocation, the following procedures apply:

(a) As part of its notification of lack of space, the ILEC must notify the CLEC if any space is available for collocation and, if so, how much space is available. The ILEC must also verify that the ILEC cannot reclaim space for collocation by consolidating or removing inactive or underutilized equipment.

(b) The ILEC must permit the CLEC to tour the ILEC premises within fourteen calendar days of the CLEC's written request.

(c) If the CLEC notifies the ILEC that it contests the denial of an order for collocation, the ILEC must, within twenty-five calendar days of the notification, file a petition asking the commission to determine that the space requested by the CLEC is not available. Upon request and execution of an appropriate confidentiality agreement, the ILEC must also provide a copy of the petition to the CLEC. The ILEC must prepare the petition at its sole expense, and the petition must include the following information:

(i) Central Office CLLI, where applicable;

(ii) Ordering CLEC, including the amount of space sought by the CLEC;

(iii) Written inventory of active, inactive, and underutilized equipment, including the signatures of ILEC personnel certifying the accuracy of the information provided;

(iv) Color-coded floor plans that identify office space work areas, provide spatial dimensions to calculate the square footage for each area, and locate inactive and underutilized equipment;

(v) Narrative of the central office floor space use;

(vi) Total amount of space occupied by interconnecting collocators for the sole purpose of interconnection;

(vii) Total amount of space occupied by third parties for purposes other than interconnection, and a narrative of the space use;

(viii) The number of central office employees employed and job titles;

(ix) Description of central office renovation/expansion plans and time frames for completion;

(x) Description of conversion of administrative, maintenance, equipment, and storage space plans and timeframes for completion; and

(xi) Description of any internal policies for conversion of administrative, maintenance, equipment, and storage space in central offices.

(d) The commission will decide any petition filed under subsection (4)(c) through an expedited proceeding conducted in accordance with the relevant procedural requirements and time lines established in WAC ((480-09-530)) 480-07-650. The ILEC bears the burden to prove to the commission that the ordered collocation is not practical for technical reasons or because of space limitations. The ILEC may be relieved of its obligation to provide collocation at a particular ILEC premises only to the extent expressly provided by commission order.

(e) Each ILEC must maintain a list of all of its central offices in Washington in which insufficient space exists to accommodate one or more types of collocation. The list must specify which types of collocation are unavailable in each office and whether the commission has approved the ILEC's denial of collocation in that office. The ILEC must post this list on its publicly accessible web site and provide a copy of the list to any CLEC upon request. The ILEC must update this list within ten business days of (i) denying a CLEC's order for collocation; (ii) the service date of any order from the commission approving or disapproving such a denial; (iii) providing notice to CLECs previously denied collocation that space has become available in a central office; or (iv) obtaining knowledge through any other means that space for one or more types of collocation is no longer available or has become available in a particular central office.

(f) Each ILEC must maintain for each central office a waiting list of all unfilled orders for collocation space and the date of each order. After an ILEC has announced that one or more types of collocation space are not available in an office, any CLEC may submit a letter of intent to order collocation space in lieu of a collocation order, and this letter of intent must be included on the waiting list. If space for collocation becomes available in any central office, the ILEC must inform all CLECs, that ordered collocation or submitted a letter of intent to order collocation, of the availability of that space and must provide each such CLEC with fifteen calendar days to renew its original collocation order. The ILEC must provision collocation to these CLECs on a first-come, first-served basis according to the dates on which each ordered collocation or submitted a letter of intent to collocate in that central office.

AMENDATORY SECTION (Amending General Order No. R-499, Docket No. UT-991922, filed 5/14/02, effective 6/17/02)

WAC 480-121-011 Application of rules. (1) The rules in this chapter apply to any telecommunications company that is subject to the jurisdiction of the commission as to rates

and services under the provisions of RCW 80.01.040 and chapters 80.04 and 80.36 RCW.

(2) Price list provisions filed by telecommunications companies must conform with these rules. If the commission accepts a price list that conflicts with these rules, the acceptance does not constitute a waiver of these rules unless the commission specifically approves the variation consistent with WAC 480-121-015. Price lists that conflict with these rules without approval are superseded by these rules.

(3) Any affected person may ask the commission to review the interpretation of these rules by a telecommunications company or customer by posing an informal complaint under WAC ((480-09-150)) 480-07-910 (Informal complaints) or by filing a formal complaint under WAC ((480-09-420 (Pleadings and briefs—Applications for authority—Protests))) 480-07-370 (Pleadings—General).

(4) No deviation from these rules is permitted without written authorization by the commission. Violations will be subject to penalties as provided by law.

AMENDATORY SECTION (Amending General Order No. R-499, Docket No. UT-991922, filed 5/14/02, effective 6/17/02)

WAC 480-121-015 Exemptions from rules in chapter 480-121 WAC. (1) The commission may grant an exemption from the provision of any rule in this chapter, if consistent with the public interest, with the purposes underlying regulation and with applicable statutes.

(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought, giving a full explanation of the reason for requesting the exemption.

(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested persons, of the date of the hearing or open meeting when the commission will consider the request.

(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the petitioner, of a degree or a kind different from hardship imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purposes of the rule.

(5) The commission will enter an order granting or denying the request or setting it for hearing, pursuant to chapter ((480-09)) 480-07 WAC.

AMENDATORY SECTION (Amending General Order No. R-499, Docket No. UT-991922, filed 5/14/02, effective 6/17/02)

WAC 480-121-061 General requirements to classify a telecommunications company as competitive or to classify a service provided by a telecommunications company as competitive. (1) Initiation of classification proceedings. A telecommunications company requesting competitive classification must file a petition with the commission. The petition

must state the effective date of the requested classification, which must be at least thirty days after the filing date. The commission may initiate a competitive classification proceeding on its own motion by order instituting investigation.

(2) Intervention. Any person desiring to participate in a competitive classification proceeding may petition to intervene as provided in WAC ((480-09-430)) 480-07-355.

(3) Additional parties. In any competitive classification proceeding the commission may require all regulated telecommunications companies potentially affected by the proceeding to appear as parties to determine the proper classification of the affected companies.

(4) Burden of proof. In any competitive classification proceeding, the telecommunications company has the burden of demonstrating that the company or specific service(s) is subject to effective competition.

(5) Effective competition. Effective competition means that customers of the service(s) have reasonably available alternatives and that the company does not have a significant captive customer base for the service(s). The commission will consider the factors outlined in RCW 80.36.320 (1)(a) through (d) when determining whether a company is competitive.

(6) The competitive classification becomes effective on the stated effective date unless the commission suspends the proposed classification. If the commission suspends a proposed classification, it will enter a final order within six months from the date the petition was filed.

AMENDATORY SECTION (Amending Order No. R-466, Docket No. A-990298, filed 11/15/99, effective 12/16/99)

WAC 480-140-015 Exemptions from rules. (1) The commission may grant an exemption of any rule in this chapter, if consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought and giving a full explanation of the reason the exemption is requested.

(3) The commission will assign the request a docket number, if needed, and schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested persons, of the date the commission will consider the request.

(4) The commission will enter an order granting or denying the request or setting it for hearing, pursuant to chapter ((480-09)) 480-07 WAC.

AMENDATORY SECTION (Amending Order No. R-466, Docket No. A-990298, filed 11/15/99, effective 12/16/99)

WAC 480-140-080 Confidentiality provision. The commission may, in its discretion, to the extent permitted by RCW 80.04.095 and chapter 42.17 RCW, upon the request of any public service company, withhold from publication, any portion of any budget designated as confidential pursuant to WAC ((480-09-015)) 480-07-160.

PERMANENT

WSR 04-01-021
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed December 8, 2003, 11:22 a.m., effective January 12, 2004]

Date of Adoption: December 8, 2003.

Purpose: The purpose of this rule change is so that bail bond agent licenses expire one year after the license is issued instead of on their birth date. The reason for changing this rule is to make licensing fees fair to all bail bond agent licensees by providing the same length of time for an active license to all licensees.

Citation of Existing Rules Affected by this Order: Amending WAC 308-19-140.

Statutory Authority for Adoption: Chapter 18.185 RCW.

Adopted under notice filed as WSR 03-20-067 on September 26, 2003.

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: January 12, 2004.

December 1, 2003

Mykel D. Gable

Assistant Director

AMENDATORY SECTION (Amending WSR 00-01-061, filed 12/13/99, effective 1/13/03 [1/13/00])

WAC 308-19-140 When will my license expire and how do I renew my license? (1) Licenses issued to bail bond agents expire ~~((on their respective birth dates. However, if an application for the bail bond agent license is received by the department of licensing within ninety days from the applicant's birthdate, the license issued shall not expire until the next birthdate.))~~ one year from the date of issue.

(2) Licenses issued to bail bond agencies expire on December 31 each year. Licenses must be renewed each year on or before the date established herein and a renewal license fee as prescribed by the director in WAC 308-19-130 must be paid.

(3) If the application for a license renewal is not received by the director on or before the renewal date, a penalty fee as prescribed by the director in WAC 308-19-130 shall be paid. Acceptance by the director of an application for renewal after the renewal date shall not be a waiver of the delinquency.

(4) A license shall be cancelled if an application for a renewal of that license is not received by the director within

one year from the date of expiration. A person may obtain a new license by satisfying the procedures and qualifications for licensing, including the successful completion of any current examination and education requirements.

(5) No agent or agency shall engage in the sale or issuance of bail bonds if their license has expired.

(6) When the director receives verification that a bail bond agency license has expired or has been revoked or suspended, the director shall advise correction centers.

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

WSR 04-01-032

PERMANENT RULES
DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed December 8, 2003, 3:58 p.m.]

Date of Adoption: December 2, 2003.

Purpose: The purpose of amending this rule is to comply with the recently passed legislation ESHB 1904 (chapter 230, Laws of 2003, an act relating to the reporting of incidents by mandated reporters. The proposed rule also includes editorial changes reflecting the correct DSHS administration name.

Citation of Existing Rules Affected by this Order: Amending WAC 388-76-675 Adult family home minimum licensing requirements—Reporting requirements.

Statutory Authority for Adoption: RCW 74.34.165, 74.34.020, and 74.34.035.

Adopted under notice filed as WSR 03-21-123 on October 20, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 2, 2003

Brian H. Lindgren, Manager

Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-11-095, filed 5/20/98, effective 7/1/98)

WAC 388-76-675 Reporting requirements. (1) The provider and all caregivers shall immediately notify the

department's toll-free complaint telephone number of any incidents involving allegations of resident abuse, neglect, exploitation or abandonment in accordance with the provisions of chapter 74.34 RCW.

(2) The provider shall keep a log of injuries and accidents to residents.

(3) When there is a significant change in a resident's condition, or a serious injury, trauma, or death of a resident, the provider shall immediately notify:

(a) The resident's family, surrogate decision maker, physician and other appropriate professionals, and other persons identified in the negotiated care plan; and

(b) The case manager, if the resident is receiving services paid for fully or partially by the department.

(4) The adult family home shall immediately report to the department's aging and ~~((adult))~~ disability services administration:

(a) Any event, actual or potential, requiring the evacuation or relocation of all or part of the home's residents to another address;

(b) Circumstances which threaten the home's ability to ensure continuation of services to residents; and

(c) Instances when a resident is determined to be missing.

(5) The provider shall ~~((immediately))~~ notify local law enforcement ~~((anytime the provider has reason to believe that the resident has been the victim of a crime))~~ in accordance with the provisions of RCW 74.34.035.

(6) The provider shall notify the local public health officer and the department of any occurrence of food poisoning or communicable disease as required by the state board of health.

WSR 04-01-041

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed December 10, 2003, 10:40 a.m.]

Date of Adoption: October 27, 2003.

Purpose: The Department of Health designates trauma care services as part of the comprehensive, statewide emergency medical services and trauma system. These sections describe the designation process and identify the standards for trauma services.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-976-500, 246-976-510, 246-976-520, 246-976-550, 246-976-560, 246-976-570, 246-976-600, 246-976-610, 246-976-615, 246-976-640, 246-976-650, 246-976-680, 246-976-690, 246-976-720, 246-976-730, 246-976-740, 246-976-770, 246-976-780, 246-976-790, 246-976-810, 246-976-820 and 246-976-822; and amending WAC 246-976-485, 246-976-620, 246-976-870, 246-976-881, 246-976-885, 246-976-886, 246-976-887, and 246-976-890.

Statutory Authority for Adoption: RCW 70.168.060 and 70.168.070.

Adopted under notice filed as WSR 03-19-133 on September 17, 2003.

Changes Other than Editing from Proposed to Adopted Version: WAC 246-976-620 (3)(c)(iii) was amended to

allow for the purchase of a cardiac monitor separately from a defibrillator, as is the standard under current 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 6, Amended 8, Repealed 22.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 6, Amended 8, Repealed 22.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 6, Amended 8, Repealed 22.

Effective Date of Rule: Thirty-one days after filing.

November 8, 2003

M. C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 98-04-038, filed 1/29/98, effective 3/1/98)

WAC 246-976-485 Designation of facilities to provide trauma care services. (1) The department designates trauma services as part of the comprehensive, statewide emergency medical services and trauma care system. This section and WAC 246-976-490 describe the designation process. WAC ~~((246-976-500))~~ 246-976-530 through 246-976-890 identify standards for trauma services. The department uses a competitive process to select designated services, including:

(a) An application schedule. You will have at least ninety days to complete the application;

(b) A description of the documents you must submit to demonstrate that you meet the standards;

(c) An on-site review fee schedule. You must pay any required fees at least thirty days before an on-site review;

(d) The department's evaluation criteria; and

(e) The department's decision criteria.

(2) To apply for trauma service designation, you must:

(a) Send a notice of intent to the department by the time required in the application schedule;

(b) Submit a completed application by the time required in the application schedule. If you are applying for multiple designation, you must submit a separate application for each level and category of designation for which you are applying.

If you represent more than one facility applying for joint designation, you must submit a single application for each level and category. The department's evaluation of joint applications will use the same criteria as for a single facility designation. To be considered for joint designation, your joint trauma service must have:

(i) A single trauma service director;

(ii) A single multidisciplinary committee with representation from all participating facilities;

(iii) A single set of common policies and procedures;

(iv) A predetermined facility rotation schedule;

(v) A single, central trauma registry with a common methodology for abstraction and input of trauma data; and

(vi) A single, joint QI program in keeping with the goals of WAC 246-976-881 including joint peer review and joint systems review.

(c) Provide the department's on-site review team access to your facility, staff, and all documents concerning trauma care. This will include at least your standards of care, policy and procedures, patient care records, trauma quality assurance/improvement materials, and other relevant documents.

(3) The department must conduct an on-site review of your facility before you can be designated as level I, II or III trauma care service, or level I, II or III pediatric trauma care service. The department will use a multidisciplinary team to conduct this review.

(a) For level I and II services, the department will only choose members for the review team who live or work outside your state.

(b) For level III services, the department will only choose members for the review team who live or work outside your region.

(c) The department will provide you with the names of members of the review team. You should send any objections to the department within ten days of notification.

(d) The team will give an oral report of preliminary findings before leaving your facility.

(e) The department and the team will maintain confidentiality of information, records, and reports developed pursuant to on-site reviews in accordance with the provisions of RCW 70.41.200 and 70.168.070.

(f) The department will conduct an on-site review within eighteen months of designating a joint service, to confirm that you meet the requirements of this chapter. This requirement shall not be construed to limit the department's right to conduct an on-site review at any earlier or later time, or to limit its authority under WAC 246-976-490 to suspend or revoke designation for cause at any time prior to the on-site review of the jointly designated trauma care service.

(4) The department may conduct an on-site review of your facility if you applied for designation as a level IV or V trauma care service, as a level I-III trauma rehabilitation service, or as a level I-pediatric trauma rehabilitation service.

(5) After designation as a trauma service, you may ask the department to conduct an on-site survey for technical assistance. The department may require you to reimburse its costs for conducting the survey.

(6) The department will designate the health care facilities it considers most qualified to provide trauma care services. The decision to designate will be based on at least the following:

(a) Evaluation of all applications submitted;

(b) Recommendations from the on-site review team;

(c) Trauma patient outcomes during the previous designation period;

(d) The impact of designation on the effectiveness of the trauma care system;

(e) Expected patient volume of the area;

(f) The number, levels, and distribution of designated health care facilities established in the state and regional EMS/TC plans;

(g) Ability of each applicant to comply with goals of the state and regional EMS/TC plans; and

(h) Each applicant's compliance with its designation contract during the previous designation period.

(7) The department will notify you in writing of its designation decision. It will also provide you with a written report summarizing its review of your application, any on-site review findings, and any decisions:

(a) In regions where there is competition for designation, the department will send you the report within ninety days of announcing its decisions. There is competition for designation in any region where the number of applications for a level and type of designation is more than the maximum number of services identified in the state plan.

(b) In regions where there is no competition, the department will send you the report within ninety days of the on-site review for levels I - III or within thirty days of announcing its designation decision for levels IV and V.

(8) The department will notify regional EMS/TC councils of the name, location, and level of services that have been designated in their regions.

(9) The department will not approve your application if it finds that your facility:

(a) Is not the most qualified applicant, if there is competition for designation;

(b) Does not meet the requirements of this chapter for the level you applied for;

(c) Does not meet the requirements of the approved regional plan;

(d) Has made a false statement about a material fact in its application for designation; or

(e) Refuses to allow the department to inspect any part of your facility that relates to the delivery of trauma services, including records, documentation, or files.

(10) If the department denies an application for trauma service designation, the department will notify you in writing, including the reasons for its action and explaining your rights. You may appeal the department's decisions. Your appeal must follow the requirements of chapter 34.05 RCW and chapter 246-10 WAC. Send your appeal to the adjudicative clerk's office at the address indicated on the notice of decision.

(11) The department may:

(a) Consider applications from facilities located and licensed in adjacent states in the same manner as applications received from facilities located and licensed in Washington;

(b) Consider the administrative findings, conclusions and determination of an adjacent state to determine if you meet Washington standards. The department may request additional information. The department will base its decision on these considerations only if:

(i) There is no competition in the region for designation at the level/category you applied for; and

(ii) Your facility is located in an adjacent state that has an established trauma care system, with standards that meet or exceed Washington standards; and your facility is designated by your state to provide trauma service;

(c) Provisionally designate trauma services that are not able to meet all the requirements of this chapter, if this is necessary to ensure adequate trauma care in an area. The provisional designation will not be for more than two years;

(d) Consider additional applications without regard to the schedule, if this is needed to ensure adequate coverage according to the state plan.

(12) You and the department must agree to a contract to provide trauma services. The contract will include at least:

(a) Your authority to provide trauma services for a three-year period;

(b) Both the department's and your contractual and financial requirements and responsibilities;

(c) Allowance for the department to monitor your compliance with trauma service standards;

(d) Allowance for the department access to discharge summaries for trauma patients, patient care logs, trauma patient care records, hospital trauma care quality assurance/improvement materials, including minutes, and other relevant documents;

(e) A requirement for confidentiality of information relating to individual patient's, provider's, and facility's care outcomes.

(13) The department will notify all interested parties of the application process and schedule at least one hundred fifty days before the expiration of designation in each region.

NEW SECTION

WAC 246-976-530 Trauma service designation—Administration and organization.

A facility with a designated trauma service must have:	LEVELS				
	I	II	III	IV	V
(1) A written scope of trauma service for both adult and pediatric trauma patients consistent with chapter 246-976 WAC, community needs and the approved regional plan. The written scope of trauma service must delineate the resources and capabilities available for trauma patient care twenty-four hours every day;	X	X	X	X	X
(2) A trauma service director responsible for organization and direction of the trauma service. The director must be:	X	X	X	X	X

A facility with a designated trauma service must have:	LEVELS				
	I	II	III	IV	V
(a) A general surgeon with special competence in care of the injured. The director may delegate duties to another surgeon (or for level II & III another physician with special competence in care of the injured), but the director must maintain responsibility for the trauma service;	X	X	X		
(b) A general surgeon, or a physician with special competence in the care of the injured;				X	
(c) A physician, physician assistant, or advanced registered nurse practitioner;					X
(3) A trauma service coordinator responsible for ongoing coordination of the trauma service. The coordinator must be a registered nurse with special competence in the care of the injured (for level V clinics the coordinator is not required to be a registered nurse);	X	X	X	X	X
(4) A multidisciplinary trauma committee chaired by the trauma service director with membership that reflects your written scope of trauma service. The multidisciplinary committee must have responsibility and authority for establishing and changing trauma care policy and procedure and for conducting the trauma service quality improvement program in accordance with WAC 246-976-881;	X	X	X	X	X
(5) A full trauma team to provide initial evaluation, resuscitation and treatment. The full trauma team must include:	X	X	X	X	

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A facility with a designated trauma service must have:	LEVELS				
	I	II	III	IV	V
(a) A general surgeon with special competence in care of the injured, who organizes and directs the team and assumes responsibility for coordination of overall care of the trauma patient. (For levels I and II - the surgeon must be at least a postgraduate year four resident);	X	X	X		
(b) A general surgeon if general surgery services are included in your written scope of trauma service or a physician who has specific delineation of surgical privileges by the medical staff for resuscitation, stabilization and treatment of trauma patients. The surgeon or physician with surgical privileges organizes and directs the team and assumes responsibility for coordination of overall care of the trauma patient;				X	
(c) An emergency physician who is responsible for providing team leadership and care for the trauma patient until the arrival of the general surgeon in the resuscitation area;	X	X	X		
(d) An emergency physician or a physician with special competence in resuscitation, care and treatment of trauma patients who is responsible for providing team leadership and care for the trauma patient until the arrival of the general surgeon or physician with surgical privileges;				X	
(e) The trauma service must identify all other members of the team to reflect your written scope of trauma service;	X	X	X	X	
(6) A trauma team to provide initial evaluation, resuscitation and treatment. The team must include:					X

A facility with a designated trauma service must have:	LEVELS				
	I	II	III	IV	V
(a) A physician, physician assistant, or advanced registered nurse practitioner;					X
(b) The trauma service must identify all other members of the team to reflect your written scope of trauma service;					X
(7) A method and criteria for activating the trauma team consistent with WAC 246-976-870 and your written scope of trauma service;	X	X	X	X	X
(8) A written policy and procedures to divert patients to other designated trauma care services when the facility's resources are temporarily unavailable for trauma patient care. The policy must include:	X	X	X	X	
(a) The facility and/or patient criteria used to decide when to divert a trauma patient;	X	X	X	X	
(b) A process to coordinate trauma patient diversions with other area trauma services and prehospital agencies;	X	X	X	X	
(c) A method for documenting trauma patient diversions, including: Date, time, duration, reason, and decision maker;	X	X	X	X	
(9) Interfacility transfer guidelines and agreements consistent with your written scope of trauma service and consistent with WAC 246-976-890;	X	X	X	X	X
(10) A heli-stop, landing zone or airport located close enough to permit the facility to receive or transfer patients by fixed-wing or rotary-wing aircraft;	X	X	X		
(11) A plan addressing receipt and transfer of patient by fixed-wing and rotary-wing aircraft;				X	X

A facility with a designated trauma service must have:	LEVELS				
	I	II	III	IV	V
(12) Participation in the state trauma registry as required in WAC 246-976-430, with a person identified as responsible for coordination of trauma registry activities;	X	X	X	X	X
(13) A quality assurance program conducted by the multidisciplinary committee and consistent with WAC 246-976-881;	X	X	X	X	X
(14) Participation in the regional quality assurance program in accordance with WAC 246-976-910.	X	X	X	X	X

NEW SECTION

WAC 246-976-535 Trauma service designation—Basic resources and capabilities.

A facility with a designated trauma service must have:	LEVELS				
	I	II	III	IV	V
(1) An emergency department, including:	X	X	X	X	
(a) An area designated for adult and pediatric resuscitation;	X	X	X	X	
(b) Written standards of care to ensure immediate and appropriate care for adult and pediatric trauma patients;	X	X	X	X	
(c) A physician director who:	X	X	X		
(i) Is board-certified in emergency medicine, surgery or other relevant specialty (or for level I, has documented experience as director of an emergency department which has been previously recognized as a level I trauma center either by a regional entity or as verified by the Committee on Trauma of the American College of Surgeons);	X	X	X		

A facility with a designated trauma service must have:	LEVELS				
	I	II	III	IV	V
(ii) Is ATLS and ACLS trained, except this requirement does not apply to a physician board-certified in emergency medicine or surgery;	X	X	X		
(iii) Has completed the pediatric education requirement (PER) as defined in WAC 246-976-886, except that this requirement does not apply to a physician board-certified in pediatric emergency medicine;	X	X	X		
(d) Physicians who:	X	X	X	X	
(i) Are board-certified in emergency medicine, or board-certified in a specialty and practicing emergency medicine as their primary practice with special competence in care of trauma patients; (level I only - this requirement may be met by a surgical resident postgraduate year two who is ATLS and ACLS trained, has completed the PER as defined in WAC 246-976-886, and is working under the direct supervision of the attending emergency physician, until the arrival of the surgeon to assume leadership of the trauma team);	X	X			
(ii) Have special competence in resuscitation, care and treatment of trauma patients;	X	X	X	X	
(iii) Are available within five minutes of patient's arrival in the emergency department;	X	X	X		

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A facility with a designated trauma service must have:	LEVELS				
	I	II	III	IV	V
(iv) Are on-call and available within twenty minutes of notification of patient arrival. A physician assistant or advanced registered nurse practitioner who is ACLS and ATLS trained and has completed the PER requirement, may initiate evaluation and treatment upon the patient's arrival in the emergency department until the arrival of the attending physician;				X	
(v) Are ATLS and ACLS trained, except this requirement does not apply to a physician board-certified in emergency medicine;	X	X	X	X	
(vi) Have completed the PER as defined in WAC 246-976-886, except this requirement does not apply to a physician board-certified in pediatric emergency medicine (or emergency medicine for level IV);	X	X	X	X	
(e) Registered nurses who:	X	X	X	X	
(i) Are in the emergency department and available within five minutes of patient's arrival;	X	X	X		
(ii) Are in-house and available within five minutes of notification of patient arrival;				X	
(iii) Are ACLS trained;	X	X	X	X	
(iv) Have completed the PER as defined in WAC 246-976-886;	X	X	X	X	
(v) Have successfully completed a trauma life support course as defined in WAC 246-976-885;	X	X	X	X	
(2) Emergency care services available twenty-four hours every day with:					X

A facility with a designated trauma service must have:	LEVELS				
	I	II	III	IV	V
(a) An area designated for adult or pediatric resuscitation;					X
(b) Written standards of care to ensure immediate and appropriate care of adult and pediatric trauma patients;					X
(c) A physician, physician assistant, or advanced registered nurse practitioner, on-call and available within twenty minutes of notification of team activation, who has ATLS training, except the ATLS requirement does not apply to a physician board-certified in emergency medicine or board-certified in surgery;					X
(3) Equipment for resuscitation and life support of pediatric and adult trauma patients, including equipment described in WAC 246-976-620;	X	X	X	X	X
(4) Radiological services, with:	X	X	X	X	
(a) A radiologist on-call and available within twenty minutes of team leader's request;	X	X			
(b) A radiologist on-call and available within thirty minutes of team leader's request;			X		
(c) A technician able to perform routine radiological capabilities:	X	X	X	X	
(i) Available within five minutes of notification of team activation;	X	X			
(ii) On-call and available within twenty minutes of notification of team activation;			X	X	

A facility with a designated trauma service must have:	LEVELS				
	I	II	III	IV	V
(d) A technician able to perform computerized tomography;	X	X	X		
(i) Available within five minutes of team leader's request;	X				
(ii) On-call and available within twenty minutes of team leader's request;		X	X		
(e) A technician on-call and available within twenty minutes of team leader's request, able to perform the following:	X	X			
(i) Angiography of all types;	X	X			
(ii) Sonography;	X	X			
(5) Respiratory therapy available within five minutes of notification of team activation;	X	X			
(6) Respiratory therapy on-call and available within thirty minutes of notification of team activation;			X		
(7) Clinical laboratory services, including:	X	X	X	X	
(a) A clinical laboratory technologist available within five minutes of notification of team activation;	X	X	X		
(b) A clinical laboratory technologist on-call and available within twenty minutes of notification of team activation;				X	
(c) Standard analysis of blood, urine, and other body fluids;	X	X	X	X	
(d) Coagulation studies;	X	X	X	X	
(e) Blood gases and pH determination;	X	X	X	X	
(f) Serum and urine osmolality;	X	X			
(g) Microbiology;	X	X	X		
(h) Serum alcohol determination;	X	X	X	X	

A facility with a designated trauma service must have:	LEVELS				
	I	II	III	IV	V
(i) Drug or toxicology screening;	X	X	X	X	
(8) Blood and blood-component services, including:	X	X	X	X	
(a) Blood and blood components available from in-house or through community services, to meet patient needs;	X	X	X	X	
(b) Noncrossmatched blood available on patient arrival in the emergency department;	X	X	X	X	
(c) Ability to obtain blood typing and crossmatching;	X	X	X	X	
(d) Policies and procedures for massive transfusion;	X	X	X	X	
(e) Autotransfusion;	X	X	X		
(f) Blood storage capability;	X	X	X	X	
(9) A surgery department, including:	X	X	X	X	
(a) General surgery services, with:	X	X	X		
(i) An attending, board-certified general surgeon available within five minutes of notification of team activation. A postgraduate year four or above surgical resident may initiate evaluation and treatment upon the patient's arrival in the emergency department until the arrival of the attending surgeon. In this case the attending surgeon must be available within twenty minutes of notification of team activation;	X				

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A facility with a designated trauma service must have:	LEVELS				
	I	II	III	IV	V
(ii) An attending, board-certified general surgeon on-call and available within twenty minutes of notification of team activation. A postgraduate year four or above surgical resident may initiate evaluation and treatment upon the patient's arrival in the emergency department until the arrival of the attending surgeon. The attending surgeon must be available within twenty minutes upon notification of team activation;		X			
(iii) An attending general surgeon, on-call and available within thirty minutes of notification of team activation;			X		
(iv) All general surgeons (and surgical residents for level I and II) who are responsible for care and treatment of trauma patients must:	X	X	X		
(A) Be trained in ATLS and ACLS, except this requirement does not apply to a physician board-certified in surgery; and	X	X	X		
(B) Have completed the PER as defined in WAC 246-976-886; and	X	X	X		
(C) Have specific delineation of trauma surgery privileges by the medical staff;	X	X	X		
(b) Surgery services with a general surgeon or physician with specific delineation of surgical privileges by the medical staff for resuscitation, stabilization and treatment of trauma patients. The physician must be:				X	

A facility with a designated trauma service must have:	LEVELS				
	I	II	III	IV	V
(i) On-call and available within thirty minutes of notification of team activation;				X	
(ii) ATLS and ACLS trained, except this requirement does not apply to a physician board-certified in surgery;				X	
(c) Neurosurgical services with:	X	X			
(i) A neurosurgeon:	X	X			
(A) Available within five minutes of team leader's request. A postgraduate year four or above neurosurgery resident may initiate evaluation and treatment upon the patient's arrival in the emergency department until the arrival of the attending neurosurgeon. In this case the neurosurgeon must arrive within thirty minutes of team leader's request;	X				
(B) On-call and available within thirty minutes of team leader's request;		X			
(ii) Ability to provide acute and ongoing care for acute head and spinal cord injuries;	X	X			
(d) Ability to resuscitate and stabilize acute head and/or spinal cord injuries;			X	X	
(e) A neurosurgeon on-call and available within thirty minutes of team leader's request or written transfer guidelines and agreements for head and spinal cord injuries;			X	X	
(f) The following surgical services on-call and available within thirty minutes as requested by the trauma team leader:	X	X	X		

A facility with a designated trauma service must have:	LEVELS				
	I	II	III	IV	V
(i) Cardiac surgery;	X				
(ii) Microsurgery;	X				
(iii) Obstetric surgery (or, for level III, a plan to manage the pregnant trauma patient);	X	X	X		
(iv) Orthopedic surgery;	X	X			
(v) Thoracic surgery;	X	X			
(vi) Urologic surgery;	X	X			
(vii) Vascular surgery.	X	X			
(g) The following surgical services on-call for patient consultation or management:	X	X	X		
(i) Gynecologic surgery;	X	X			
(ii) Ophthalmic surgery;	X	X			
(iii) Oral/maxillofacial or otorhinolaryngologic surgery;	X	X			
(iv) Plastic surgery;	X	X			
(v) Orthopedic surgery;			X		
(10) Anesthesiology, with an anesthesiologist (or certified registered nurse anesthetist for level III and IV) who:	X	X	X	X	
(a) Is available within five minutes of team leader's request;	X				
(b) Is on-call and available within twenty minutes of team leader's request;		X			
(c) Is on-call and available within thirty minutes of team leader's request;			X	X	
(d) Is ACLS trained, except this requirement does not apply to a physician board-certified in anesthesiology;	X	X	X	X	
(e) Has completed the pediatric education requirement (PER) as defined in WAC 246-976-886;	X	X	X		

A facility with a designated trauma service must have:	LEVELS				
	I	II	III	IV	V
(11) An operating room and a registered nurse or designee responsible for opening and preparing the operating room, available within five minutes of notification of team activation, with:	X	X	X	X	
(a) Other essential personnel as identified by the trauma service on-call and available within twenty minutes of notification of team activation;	X	X			
(b) Other essential personnel as identified by the trauma service on-call and available within thirty minutes of notification of team activation;			X	X	
(c) A written policy providing for mobilization of additional surgical teams for trauma patients; and	X	X	X		
(d) Instruments and equipment appropriate for pediatric and adult surgery, including equipment described in WAC 246-976-620.	X	X	X	X	
(12) A postanesthetic recovery service with:	X	X	X	X	
(a) At least one registered nurse available twenty-four hours a day;	X				
(b) At least one registered nurse on-call and available twenty-four hours a day;		X	X	X	
(c) Nurses ACLS trained;	X	X	X	X	
(d) Nurses who have completed the PER as defined in WAC 246-976-886; and	X	X	X		
(13) A critical care service with:	X	X	X		
(a) A medical director who is:					
(i) Board-certified in surgery with special competence in critical care;	X				

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A facility with a designated trauma service must have:	LEVELS				
	I	II	III	IV	V
(ii) Board-certified in surgery, internal medicine, or anesthesiology, with special competence in critical care;		X	X		
(iii) Responsible for coordinating with the attending staff for the care of trauma patients;	X	X	X		
(b) A physician directed code team;	X	X	X		
(c) Critical care registered nurses with special competence in trauma care, who:	X	X	X		
(i) Are ACLS trained; and	X	X	X		
(ii) Have successfully completed a trauma life support course as defined in WAC 246-976-885;	X	X	X		
(d) Designation as a pediatric trauma service or written transfer guidelines and agreements for pediatric trauma patients requiring critical care services;	X	X	X		
(e) Equipment as described in WAC 246-976-620;	X	X	X		
(14) A critical care service which meets requirements for a level III trauma service, if critical care services are included in your written scope of trauma service, or written transfer guidelines and agreements for trauma patients requiring critical care services;				X	
(15) Acute dialysis capability, or written transfer agreements for dialysis services;	X	X	X	X	
(16) The following services on-call and available for patient consultation or management during the in-patient stay:	X	X	X		
(a) Cardiology;	X	X			
(b) Gastroenterology;	X	X			
(c) Hematology;	X	X			

A facility with a designated trauma service must have:	LEVELS				
	I	II	III	IV	V
(d) Infectious disease specialists;	X	X			
(e) Internal medicine;	X	X	X		
(f) Nephrology;	X	X			
(g) Neurology;	X	X			
(h) Pathology;	X	X	X		
(i) Pediatrics;	X	X			
(j) Pulmonology;	X	X			
(k) Psychiatry or care plan for trauma patients requiring psychiatric management;	X	X			
(17) Written policy and procedures for access to ancillary services for in-patient care, including:	X	X	X	X	
(a) Chemical dependency services;	X	X	X		
(b) Child and adult protection services;	X	X	X	X	
(c) Clergy or pastoral care;	X	X	X	X	
(d) Nutritionist services;	X	X	X	X	
(e) Pharmacy services, with pharmacist in-house;	X				
(f) Pharmacy services;		X	X	X	
(g) Occupational therapy services;	X	X	X		
(h) Physical therapy services;	X	X	X	X	
(i) Speech therapy services;	X	X	X		
(j) Social services;	X	X	X	X	
(k) Psychological services;	X	X	X		
(18) Ability to resuscitate and stabilize burn patients;	X	X	X	X	X
(19) A physician directed burn unit staffed by nursing personnel trained in burn care and equipped to care for extensively burned patients; or written transfer guidelines and agreements in accordance with the guidelines of the American Burn Association;	X	X	X	X	X

A facility with a designated trauma service must have:	LEVELS				
	I	II	III	IV	V
(20) A trauma rehabilitation coordinator to facilitate the trauma patient's access to rehabilitation services;	X	X	X		
(21) A designated trauma rehabilitation service; or written agreements to transfer patients to a designated trauma rehabilitation service when medically feasible.	X	X	X		

NEW SECTION

WAC 246-976-540 Trauma service designation—Outreach, public education, provider education, and research.

A facility with a designated trauma service must have:	LEVELS				
	I	II	III	IV	V
(1) An outreach program with telephone and on-site consultations with physicians of the community and outlying areas regarding trauma care;	X	X			
(2) A public education program addressing injury prevention or documentation of participation in regional injury prevention activities;	X	X	X		
(3) Training, including:	X				
(a) A formal program of continuing trauma care education for:	X	X			
(i) Staff physicians;	X	X			
(ii) Nurses;	X	X			
(iii) Allied health care professionals;	X	X			
(iv) Community physicians;	X	X			
(v) Prehospital personnel;	X	X			
(b) Residency programs accredited by the accreditation council of graduate medical education, with a commitment to training physicians in trauma management;	X				

A facility with a designated trauma service must have:	LEVELS				
	I	II	III	IV	V
(c) Make the facility available for initial and maintenance training of invasive manipulative skills for pre-hospital personnel;	X	X	X	X	
(4) A trauma research program.	X				

AMENDATORY SECTION (Amending WSR 98-04-038, filed 1/29/98, effective 3/1/98)

WAC 246-976-620 Equipment (~~requirements for levels I—III and levels I—III pediatric trauma care services~~) **standards for trauma service designation.** ((A facility providing level I—III or level I—III pediatric trauma care services shall have the following equipment:

- (1) In the emergency department:
 - (a) Airway control and ventilation equipment, including:
 - (i) Airways, neonate to adult;
 - (ii) Laryngoscopes, including curved and straight blades, size 0-4;
 - (iii) Endotracheal tubes size 2.5 to 8.0 with stylets available;
 - (iv) Bag-valve-mask resuscitator, neonate, child and adult;
 - (v) Pulse oximeter with infant, child, and adult probes;
 - (vi) CO₂ measurement;
 - (vii) Sources of oxygen;
 - (viii) Ability to provide mechanical ventilation;
 - (b) Suction devices, including:
 - (i) Back-up suction source;
 - (ii) Pediatric and adult suction catheters, size 5.0 to 14 fr; and
 - (iii) Tonsil tip suction;
 - (c) Cardiac monitoring devices, including:
 - (i) Cardiac monitor;
 - (ii) Defibrillator, including pediatric paddles;
 - (iii) Electrocardiograph;
 - (iv) Portable transport monitor with ECG;
 - (v) Blood pressure cuffs, neonate, infant, child, adult;
 - (vi) Noninvasive blood pressure monitor; and
 - (vii) Doppler device;
 - (d) Intravenous supplies, including:
 - (i) Standard apparatus to establish central venous pressure monitoring;
 - (ii) Standard intravenous fluids and administration devices, including:
 - (A) Intravenous catheters: Size 24g to 14g;
 - (B) Intraosseous needles;
 - (C) Umbilical catheters: Size 5.0—8.0;
 - (D) Infusion controllers or pumps;
 - (iii) Pediatric and adult dosages/dilutions of medications;
 - (e) Sterile surgical sets appropriate for pediatric and adult patients, for standard emergency department procedures, including:

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- (i) Thoracotomy set;
- (ii) Chest tubes, sizes 10-36 with sealing devices;
- (iii) Emergency surgical airway set;
- (iv) Peritoneal lavage set;
- (v) Cutdown set;
- (f) Gastric supplies, including:
 - (i) Gastric lavage equipment;
 - (ii) Nasogastric tubes, size 10 fr to 18 fr;
 - (g) Ability to provide thermal control equipment, including:
 - (i) Patient warming/cooling device;
 - (ii) Blood and fluid warming device;
 - (iii) Expanded scale thermometer capable of detecting hypothermia;
 - (iv) Device for assuring maintenance of infant warmth during evaluation and transport;
 - (h) Immobilization equipment, including:
 - (i) Traction splint;
 - (ii) Rigid cervical collars;
 - (iii) Cervical injury immobilization device;
 - (iv) Long bone stabilization device; and
 - (v) Backboard;
 - (i) Other equipment, including:
 - (i) Urinary bladder catheters;
 - (ii) Infant scale for accurate weight measurement under twenty-five pounds;
 - (iii) Medication chart, tape or other system to assure ready access to information on proper dose per kilogram for resuscitation drugs and equipment sizes for pediatric patients; and
 - (iv) Two way radio linked with EMS vehicles from trauma facility;
- (2) In the surgery department, instruments and equipment or capabilities appropriate for pediatric and adult surgery (in levels I-III) or pediatric surgery (in pediatric levels I-III), including:
 - (a) Cardiopulmonary bypass (level I and pediatric level I only);
 - (b) Ability to provide thermal control equipment for:
 - (i) Patient warming/cooling;
 - (ii) Blood and fluid warming;
 - (c) Rapid infusion capability;
 - (d)(i) For level I and II and level I and II pediatric trauma care services, intraoperative autologous blood recovery and transfusion;
 - (ii) For level III and level III pediatric trauma care services, autologous blood recovery and transfusion;
 - (e) Ability to provide bronchoscopic capability in the operating room;
 - (f) Ability to provide endoscopes;
 - (g) Craniotomy set; except this is not required for level III or level III pediatric trauma care services; and
 - (h) Monitoring equipment;
 - (3) In the critical care unit for levels I-III, equipment appropriate for adult patients, including:
 - (a) Airway control and ventilation devices;
 - (b) Oxygen source with concentration controls;
 - (c) Cardiac emergency cart;
 - (d) Cardiac pacing capabilities;
 - (e) Electrocardiograph cardiac monitor defibrillator;

- (f) Cardiac output monitoring;
- (g) Electronic pressure monitoring;
- (h) Ability to provide mechanical ventilator;
- (i) Ability to provide patient weighing devices;
- (j) Ability to provide thermal control equipment for:
 - (i) Patient warming/cooling;
 - (ii) Blood and fluid warming;
 - (k) Intracranial pressure monitoring devices, except this is not required in level III or level III pediatric trauma care services;
- (4) In the critical care unit for level I-III pediatrics:
 - (a) Airway control and ventilation equipment, including:
 - (i) Oral and nasopharyngeal airways, all sizes neonate to adult (NOTE: Neonate and infants can use ETT for NP airway);
 - (ii) Laryngoscopes with curved and straight blades, size 0-4;
 - (iii) Endotracheal tubes size 2.5 to 8.0, with stylets available;
 - (iv) Bag valve mask resuscitators: Neonate, child, adult;
 - (v) Mechanical ventilator appropriate for entire pediatric spectrum;
 - (vi) Noninvasive oximetry and capnometry;
 - (b) Suction devices, including:
 - (i) Suction machine;
 - (ii) Suction catheters size 5.0 to 14 fr;
 - (iii) Tonsil tip suction;
 - (c) Cardiac monitoring devices, including:
 - (i) Cardiac monitor with capability to continuously monitor: Heart rate, respiration, temperature, and at least two pressure monitoring modules;
 - (ii) Hard copy monitor recording capabilities;
 - (iii) Defibrillator with pediatric paddles;
 - (iv) Electrocardiograph; and
 - (v) Portable transport monitor with ECG and pressure monitoring capability;
 - (d) Intravenous supplies, including:
 - (i) Standard apparatus to establish central venous pressure monitoring;
 - (ii) Standard IV fluids and administration devices appropriate for pediatric patients including:
 - (A) IV catheters: Size 24g to 16g;
 - (B) Intraosseous needles;
 - (C) Infusion sets and pumps with micro-infusion capabilities;
 - (D) Infusion controllers;
 - (iii) Pediatric dosages/dilutions of medications;
 - (e) Sterile surgical sets appropriate for pediatric patients, including:
 - (i) Thoracotomy set;
 - (ii) Chest tubes; (sizes 10 to 36);
 - (iii) Emergency surgical airway sets;
 - (iv) Peritoneal lavage set;
 - (v) Cutdown set;
 - (vi) Lumbar puncture set;
 - (f) Gastric supplies, including NG tubes: Size 10 fr to 16 fr;
 - (g) Ability to provide thermal control equipment, including:

- (i) Temperature controlled heating units with or without open crib;
- (ii) Heating/cooling blanket;
- (iii) Heat lamp;
- (iv) Blood and fluid warming device;
- (v) Expanded scale thermometer capable of detecting hypothermia;
- (vi) Device for assuring maintenance of infant warmth during transport;
- (h) Equipment specific to pediatric trauma care including:

- (i) Urinary bladder catheters;
- (ii) Otoscope/ophthalmoscope;
- (iii) Refractometer;
- (iv) Blood pressure cuffs: Neonate, infant, child, adult;
- (v) Doppler device;
- (vi) Noninvasive blood pressure machine;
- (vii) Ability to provide patient weighing devices including an infant scale for accurate weight measurement under twenty five pounds;
- (viii) Provision for life support with emergency cardiopulmonary arrest cart.))

A facility with a designated trauma service must:	LEVELS							
	I	IP	II	IIP	III	IIIP	IV	V
(1) Have the following equipment, both adult and pediatric sizes in the emergency department (or resuscitation area for level V):								
(a) Airway control and ventilation equipment, including:								
(i) Airways;	X	X	X	X	X	X	X	X
(ii) Laryngoscopes, including curved and straight blades;	X	X	X	X	X	X	X	X
(iii) Endotracheal tubes, with stylets available;	X	X	X	X	X	X	X	X
(iv) Bag-valve-mask resuscitator;	X	X	X	X	X	X	X	X
(v) Pulse oximeter;	X	X	X	X	X	X	X	X
(vi) CO ₂ measurement;	X	X	X	X	X	X	X	X
(vii) Sources of oxygen;	X	X	X	X	X	X	X	X
(viii) Ability to provide mechanical ventilation;	X	X	X	X	X	X		
(b) Suction devices, including:	X	X	X	X	X	X		
(i) Back-up suction source;	X	X	X	X	X	X	X	X
(ii) Suction catheters;	X	X	X	X	X	X	X	X
(iii) Tonsil tip suction (except level V clinics);	X	X	X	X	X	X	X	X
(c) Cardiac devices, including:								
(i) Cardiac monitor;	X	X	X	X	X	X	X	X
(ii) Defibrillator;	X	X	X	X	X	X	X	X
(iii) Electrocardiograph;	X	X	X	X	X	X	X	X
(iv) Portable cardiac monitor;	X	X	X	X	X	X	X	X
(v) Blood pressure cuffs;	X	X	X	X	X	X	X	X
(vi) Doppler device;	X	X	X	X	X	X	X	
(d) Intravenous supplies, including:								
(i) Standard intravenous fluids and administering devices, including:	X	X	X	X	X	X	X	X
(A) IV access devices;	X	X	X	X	X	X	X	X
(B) Intraosseous needles;	X	X	X	X	X	X	X	X
(C) Infusion control device;	X	X	X	X	X	X	X	X
(ii) Drugs and supplies necessary for adult and pediatric emergency care;	X	X	X	X	X	X	X	X
(e) Sterile surgical sets for standard emergency department procedures, including:								
(i) Thoracotomy set;	X	X	X	X	X	X	X	
(ii) Chest tubes with closed drainage devices (except level V clinics);	X	X	X	X	X	X	X	X
(iii) Emergency transcutaneous airway set (except level V clinics);	X	X	X	X	X	X	X	X

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	LEVELS							
	I	IP	II	IIP	III	IIIP	IV	V
A facility with a designated trauma service must:								
(iv) Peritoneal lavage set;	X	X	X	X	X	X		
(f) Nasogastric tubes (except level V clinics);	X	X	X	X	X	X	X	X
(g) Ability to provide thermal control equipment, including:								
(i) Patient warming capability (except level V clinics);	X	X	X	X	X	X	X	X
(ii) Blood and fluid warming capability (except level V clinics);	X	X	X	X	X	X	X	X
(iii) Expanded scale thermometer capable of detecting hypothermia (except level V clinics);	X	X	X	X	X	X	X	X
(h) Immobilization devices, including:								
(i) Cervical injury immobilization devices;	X	X	X	X	X	X	X	X
(ii) Long-bone immobilization devices, including traction splints; and	X	X	X	X	X	X	X	X
(iii) Backboard;	X	X	X	X	X	X	X	X
(i) Other equipment:								
(i) Urinary bladder catheters (except level V clinics);	X	X	X	X	X	X	X	X
(ii) Infant scale for accurate weight measurement under twenty-five pounds;	X	X	X	X	X	X	X	X
(iii) Medication chart, tape, or other system to assure ready access to information on proper doses-per-kilogram for resuscitation drugs and equipment sizes for pediatric patients;	X	X	X	X	X	X	X	X
(iv) Two-way radio linked with EMS/TC vehicles;	X	X	X	X	X	X	X	X
(2) Have the following equipment, both adult and pediatric sizes, in the surgery department:								
(a) Cardiopulmonary bypass;	X	X						
(b) Ability to provide thermal control equipment for:								
(i) Patient warming and cooling;	X	X	X	X	X	X	X	
(ii) Blood and fluid warming;	X	X	X	X	X	X	X	
(c) Rapid infusion capability;	X	X	X	X	X	X	X	
(d) Autologous blood recovery and transfusion;	X	X	X	X	X	X		
(e) Ability to provide bronchoscopic capability in the operating room;	X	X	X	X	X	X		
(f) Ability to provide endoscopes;	X	X	X	X	X	X	X	
(g) Craniotomy set;	X	X	X	X				
(3) Have the following equipment, both adult and pediatric sizes, in the critical care unit:								
NOTE for level III pediatric: If your written scope of trauma service includes critical care services, then your service must meet the level II pediatric critical care equipment standards.						X		
NOTE for level IV: If your written scope of trauma service includes critical care services, then your service must meet the level III critical care equipment standards;							X	
(a) Airway control and ventilation devices, including:								
(i) Oral and nasopharyngeal airways;	X	X	X	X	X			
(ii) Laryngoscopes with curved and straight blades;	X	X	X	X	X			
(iii) Endotracheal tubes with stylets available;	X	X	X	X	X			
(iv) Bag-valve-mask resuscitators;	X	X	X	X	X			
(v) Ability to provide mechanical ventilator;	X	X	X	X	X			
(vi) Noninvasive oximetry and capnometry;	X	X	X	X	X			

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	LEVELS							
	I	IP	II	IIP	III	IIP	IV	V
A facility with a designated trauma service must:								
(vii) Oxygen source with concentration controls;	X	X	X	X	X			
(b) Suction devices, including:								
(i) Suction machine;	X	X	X	X	X			
(ii) Suction catheters;	X	X	X	X	X			
(iii) Tonsil tip suction;	X	X	X	X	X			
(c) Cardiac devices, including:								
(i) Cardiac pacing capabilities;	X	X	X	X	X			
(ii) Electrocardiograph;	X	X	X	X	X			
(iii) Cardiac monitor with at least two pressure monitoring modules including cardiac output and hard copy recording and with capability to continuously monitor heart rate, respiratory rate, temperature;	X	X	X	X	X			
(iv) Defibrillator;	X	X	X	X	X			
(v) Portable transport monitor with ECG and pressure monitoring capability;	X	X	X	X	X			
(vi) Blood pressure cuffs;	X	X	X	X	X			
(vii) Doppler device;	X	X	X	X	X			
(viii) Noninvasive blood pressure machine;	X	X	X	X	X			
(d) Intravenous supplies, including:								
(i) Standard IV fluids and administration devices appropriate for pediatric patients including:	X	X	X	X	X			
(A) IV catheters;	X	X	X	X	X			
(B) Intraosseous needles;	X	X	X	X	X			
(C) Infusion sets and pumps with micro-infusion capabilities;	X	X	X	X	X			
(D) Infusion controllers;	X	X	X	X	X			
(ii) Adult and pediatric dosages/dilutions of medications;	X	X	X	X	X			
(e) Sterile surgical sets, including:	X	X	X	X	X			
(i) Thoracotomy set;	X	X	X	X	X			
(ii) Chest tubes;	X	X	X	X	X			
(iii) Emergency surgical airway sets;	X	X	X	X	X			
(iv) Peritoneal lavage set;	X	X	X	X	X			
(f) Intracranial pressure monitoring devices;	X	X	X	X				
(g) Gastric supplies, including NG tubes;	X	X	X	X	X			
(h) Ability to provide thermal control equipment, including:								
(i) Patient warming and cooling devices;	X	X	X	X	X			
(ii) Blood and fluid warming device;	X	X	X	X	X			
(iii) Expanded scale thermometer capable of detecting hypothermia;	X	X	X	X	X			
(iv) Device for assuring warmth during transport;	X	X	X	X	X			
(i) Other equipment, including:								
(i) Ability to provide patient weighing devices;	X	X	X	X	X			
(ii) Cardiac emergency cart.	X	X	X	X	X			

PERMANENT

NEW SECTION

WAC 246-976-750 Pediatric trauma service designation—Administration and organization.

A facility with a designated pediatric trauma care service must have:	LEVELS		
	I	II	III
(1) A written scope of trauma service for pediatric trauma patients consistent with chapter 246-976 WAC, community needs and the approved regional plan. The written scope of trauma service must delineate the resources and capabilities available for pediatric trauma patient care twenty-four hours every day;	X	X	X
(2) A trauma service director responsible for organization and direction of the trauma service. The director must be a general surgeon with special competence in care of the injured child. The director may delegate duties to another physician with special competence in care of the injured child, but the director must maintain responsibility for the trauma service;	X	X	X
(3) A trauma service coordinator responsible for ongoing coordination of the trauma service. The coordinator must be a registered nurse with special competence in the care of the injured child;	X	X	X
(4) A multidisciplinary trauma committee chaired by the trauma service director with membership that reflects your written scope of pediatric trauma service. The multidisciplinary trauma committee must have responsibility and authority for establishing and changing trauma care policy and procedure and for conducting the trauma service quality improvement program in accordance with WAC 246-976-881;	X	X	X

A facility with a designated pediatric trauma care service must have:	LEVELS		
	I	II	III
(5) A full trauma team to provide initial evaluation, resuscitation and treatment. The full trauma team must include:	X	X	X
(a) A board-certified pediatric surgeon or general surgeon with special competence in care of the injured child, who organizes and directs the team and assumes responsibility for coordination of overall care of the trauma patient (for level I the surgeon must be at least a postgraduate year four resident);	X	X	X
(b) An emergency physician with special competence in pediatric care who is responsible for providing team leadership and care for the trauma patient until the arrival of the general surgeon in the resuscitation area;	X	X	X
(c) A board-certified pediatric physician. This requirement is met if a pediatric intensivist or a pediatric emergency physician or a pediatrician responds to the full trauma team activation (for level I the pediatric physician must be a least a postgraduate year two resident). This requirement is also met if the surgeon responder is a board-certified pediatric surgeon. The pediatric board-certified physician must be:	X	X	X
(i) Available within five minutes of team leader's request;	X		
(ii) On-call and available within twenty minutes of team leader's request;		X	
(iii) On-call and available within thirty minutes of team leader's request;			X
(d) The trauma service must identify all other members of the team to reflect your written scope of pediatric trauma service;	X	X	X

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A facility with a designated pediatric trauma care service must have:	LEVELS		
	I	II	III
(6) A method for activating the trauma team as described is consistent with WAC 246-976-870;	X	X	X
(7) A written policy and procedures to divert patients to other designated trauma care services when the facility's resources are temporarily unavailable for trauma patient care. The policy must include:	X	X	X
(a) The facility and/or patient criteria used to decide when to divert a trauma patient;	X	X	X
(b) A process to coordinate trauma patient diversions with other area trauma services and prehospital agencies;	X	X	X
(c) A method for documenting trauma patient diversions including: Date, time, duration, reason, and decision maker;	X	X	X
(8) Interfacility transfer guidelines and agreements consistent with your written scope of trauma service and consistent with WAC 246-976-890;	X	X	X
(9) A heli-stop, landing zone, or airport located close enough to permit the facility to receive or transfer patients by fixed-wing or rotary-wing aircraft;	X	X	X
(10) Participation in the state trauma registry as required in WAC 246-976-430, with a person identified as responsible for coordination of trauma registry activities;	X	X	X
(11) A quality assurance program conducted by the multidisciplinary committee with special focus of pediatric patient care and consistent with WAC 246-976-881;	X	X	X
(12) Participation in the regional quality assurance program consistent with WAC 246-976-910.	X	X	X

NEW SECTION

WAC 246-976-755 Pediatric trauma service designation—Basic resources and capabilities.

A facility with a designated pediatric trauma service must have:	LEVELS		
	I	II	III
(1) An emergency department, including:	X	X	X
(a) An area designated for pediatric resuscitation;	X	X	X
(b) Written standards of care to ensure immediate and appropriate care for pediatric trauma patients;	X	X	X
(c) A physician director who:	X	X	X
(i) Is board-certified in emergency medicine, pediatric emergency medicine, surgery or other relevant specialty (or for level I, has documented experience as director of an emergency department which has been previously recognized as a level I trauma center either by a regional entity or as verified by the Committee on Trauma of the American College of Surgeons);	X	X	X
(ii) Is ATLS and ACLS trained, except this requirement does not apply to a physician board-certified in emergency medicine, pediatric emergency medicine or surgery; and	X	X	X
(iii) Has completed the pediatric education requirement (PER) as defined in WAC 246-976-887, except that this requirement does not apply to a physician board-certified in pediatric emergency medicine;	X	X	X
(d) Physicians who:	X	X	X
(i) Are board-certified in emergency medicine, or pediatric emergency medicine, or board-certified in a specialty and practicing emergency medicine as their primary practice with special competence in care of pediatric trauma patients; (level I only - this requirement may be met by a surgical resident postgraduate year two who is ATLS and ACLS trained, has completed the PER as defined in WAC 246-976-887, and is working under the direct supervision of the attending emergency physician, until the arrival of the surgeon to assume leadership of the trauma team);	X	X	

PERMANENT

PERMANENT

A facility with a designated pediatric trauma service must have:	LEVELS		
	I	II	III
(ii) Have special competence in resuscitation, care and treatment of pediatric trauma patients;			X
(iii) Are available within five minutes of patient's arrival in the emergency department;	X	X	X
(iv) Are ATLS and ACLS trained, except this requirement does not apply to a physician board-certified in emergency medicine or pediatric emergency medicine;	X	X	X
(v) Have completed the PER as defined in WAC 246-976-887, except this requirement does not apply to a physician board-certified in pediatric emergency medicine;	X	X	X
(e) Registered nurses who:	X	X	X
(i) Are in the emergency department and available within five minutes of patient's arrival in the emergency department;	X	X	X
(ii) Have completed the PER as defined in WAC 246-976-887;	X	X	X
(iii) Have successfully completed a trauma life support course as defined in WAC 246-976-885;	X	X	X
(f) Equipment for resuscitation and life support of pediatric trauma patients, including equipment described in WAC 246-976-620;	X	X	X
(2) Radiological services, with:	X	X	X
(a) A radiologist on-call to interpret images within twenty minutes of notification of team activation;	X	X	
(b) A radiologist on-call to interpret images within thirty minutes of notification of team activation;			X
(c) A technician able to perform routine radiological capabilities available within:			
(i) Five minutes of notification of team activation;	X	X	
(ii) Twenty minutes of notification of team activation;			X

A facility with a designated pediatric trauma service must have:	LEVELS		
	I	II	III
(d) A technician able to perform computerized tomography and available within:			
(i) Five minutes of team leader's request;	X		
(ii) Twenty minutes of team leader's request;		X	X
(e) A technician on-call and available within twenty minutes of team leader's request, able to perform the following:			
(i) Angiography of all types;	X	X	
(ii) Sonography;	X	X	
(3) Respiratory therapy available within five minutes of notification of team activation;	X	X	X
(4) Clinical laboratory services, including:	X	X	X
(a) A clinical laboratory technologist available within five minutes of notification of team activation;	X	X	X
(b) Standard analysis of blood, urine, and other body fluids;	X	X	X
(c) Coagulation studies;	X	X	X
(d) Blood gases and pH determination;	X	X	X
(e) Serum and urine osmolality;	X	X	
(f) Microbiology;	X	X	X
(g) Serum alcohol determination;	X	X	X
(h) Drug or toxicology screening;	X	X	X
(5) Blood and blood-component services, including:	X	X	X
(a) Blood and blood components available from in-house or through community services, to meet patient needs;	X	X	X
(b) Noncrossmatched blood available on patient arrival in the emergency department;	X	X	X
(c) Ability to obtain blood typing and crossmatching;	X	X	X
(d) Policies and procedures for massive transfusion;	X	X	X
(e) Autotransfusion; and	X	X	X
(f) Blood storage capability;	X	X	X
(6) A surgery department, including:	X	X	X
(a) General surgery services, with:	X	X	X

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A facility with a designated pediatric trauma service must have:	LEVELS		
	I	II	III
(i) An attending, board-certified pediatric surgeon or board-certified general surgeon with special competence in pediatric care who is available within five minutes of notification of team activation. A postgraduate year four or above surgical resident may initiate evaluation and treatment upon the patient's arrival in the emergency department until the arrival of the attending surgeon. In this case the attending surgeon must be available within twenty minutes of notification of team activation;	X		
(ii) An attending, board-certified pediatric surgeon, or board-certified general surgeon with special competence in pediatric care, who is on-call and available within twenty minutes of notification of team activation;		X	
(iii) An attending general surgeon, with competence in pediatric care, on-call and available within thirty minutes of notification of team activation;			X
(iv) All general surgeons (and surgical residents for level I) who are responsible for care and treatment of trauma patients must:	X	X	X
(A) Be trained in ATLS, except this requirement does not apply to a physician board-certified in surgery or pediatric surgery;	X	X	X
(B) Have completed the PER as defined in WAC 246-976-887;	X	X	X
(C) Have specific delineation of trauma surgery privileges by the medical staff;	X	X	X
(b) Neurosurgical services with:	X		
(i) A neurosurgeon:	X		
(A) Available within five minutes of team leader's request. A postgraduate year four or above neurosurgery resident may initiate evaluation and treatment upon the patient's arrival in the emergency department until arrival of the attending neurosurgeon. In this case the neurosurgeon must arrive within thirty minutes of team leader's request;	X		

A facility with a designated pediatric trauma service must have:	LEVELS		
	I	II	III
(B) On-call and available within thirty minutes of team leader's request;		X	
(ii) Ability to provide acute and ongoing care for acute head and spinal cord injuries;	X	X	
(c) Ability to resuscitate and stabilize acute head and spinal cord injuries;			X
(d) A neurosurgeon on-call and available within thirty minutes of team leader's request; or written transfer guidelines and agreements for head and spinal cord injuries;			X
(e) The following surgical services on-call and available within thirty minutes as requested by the trauma team leader:			
(i) Cardiac surgery;	X		
(ii) Microsurgery;	X		
(iii) Obstetric surgery (or for level III, a plan to manage the pregnant trauma patient);	X	X	X
(iv) Orthopedic surgery;	X	X	
(v) Pediatric surgery;	X	X	
(vi) Thoracic surgery;	X	X	
(vii) Urologic surgery; and	X	X	
(viii) Vascular surgery;	X	X	
(f) The following surgical services on-call for patient consultation or management:	X	X	X
(i) Gynecologic surgery;	X	X	
(ii) Ophthalmic surgery;	X	X	
(iii) Oral/maxillofacial or otorhinolaryngologic surgery;	X	X	
(iv) Plastic surgery;	X	X	
(v) Orthopedic surgery;			X
(7) Anesthesiology, with an anesthesiologist (or a certified registered nurse anesthetist for level III) who:	X	X	X
(a) Is available within five minutes of team leader's request;	X		
(b) Is available within twenty minutes of team leader's request;		X	
(c) Is available within thirty minutes of team leader's request;			X
(d) Is ACLS trained, except this requirement does not apply to a physician board-certified in anesthesiology;	X	X	X

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A facility with a designated pediatric trauma service must have:	LEVELS		
	I	II	III
(e) Has completed the pediatric education requirement (PER) as defined in WAC 246-976-887;	X	X	X
(8) An operating room and a registered nurse or designee responsible for opening and preparing the operating room, available within five minutes of notification of team activation, with:	X	X	X
(a) Other essential personnel as identified by the trauma service on-call and available within twenty minutes of notification of team activation;	X	X	
(b) Other essential personnel as identified by the trauma service on-call and available within thirty minutes of notification of team activation;			X
(c) A written policy providing for mobilization of additional surgical teams for trauma patients; and	X	X	X
(d) Instruments and equipment appropriate for pediatric surgery, including equipment described in WAC 246-976-620;	X	X	X
(9) A postanesthetic recovery service with:			
(a) At least one registered nurse available twenty-four hours a day;	X		
(b) At least one registered nurse on-call and available twenty-four hours a day;		X	X
(c) Nurses ACLS trained;	X	X	X
(d) Nurses who have completed the PER as defined in WAC 246-976-887;	X	X	X
(10) A pediatric critical care service with:	X	X	
(a) A medical director who is board-certified in pediatrics, with sub-board certification in critical care and who is responsible for coordinating with the attending staff for the care of pediatric trauma patients;	X	X	
(b) Patient isolation capacity;	X	X	
(c) A physician directed code team;	X	X	
(d) Pediatric critical care registered nurses, who have special competence in pediatric trauma care and who have completed the PER as defined in WAC 246-976-887;	X	X	

A facility with a designated pediatric trauma service must have:	LEVELS		
	I	II	III
(e) Equipment as described in WAC 246-976-620;	X	X	
(11) A pediatric critical care service which meets requirements for a level II pediatric critical care service if critical care services are included in your written scope of trauma service (except the medical director must be board-certified in pediatrics or another relevant specialty with special competence in pediatric critical care), or written transfer guidelines and agreements for pediatric trauma patients requiring critical care services;			X
(12) Acute dialysis capability, or written transfer agreements for dialysis services;	X	X	X
(13) The following services on-call and available for pediatric patient consultation or management during the in-patient stay:	X	X	X
(a) Cardiology;	X	X	
(b) Gastroenterology;	X	X	
(c) General pediatrics;	X	X	X
(d) Hematology;	X	X	
(e) Infectious disease specialists;	X	X	
(f) Nephrology;	X	X	
(g) Pediatric neurology;	X	X	
(h) Pathology;	X	X	X
(i) Pulmonology; and	X	X	
(j) Psychiatry or a plan for management of the psychiatric trauma patient;	X	X	
(14) Written policy and procedures for access to ancillary services, specific for in-patient care of pediatric patients, including:	X	X	X
(a) Chemical dependency services;	X	X	X
(b) Child and adult protection services;	X	X	X
(c) Clergy or pastoral care;	X	X	X
(d) Nutritionist services;	X	X	X
(e) Pharmacy services, with pharmacist in-house;	X		
(f) Pharmacy services;		X	X
(g) Occupational therapy services;	X	X	X
(h) Pediatric therapeutic recreation/child life specialist;	X	X	
(i) Physical therapy services;	X	X	X
(j) Speech therapy services;	X	X	X

A facility with a designated pediatric trauma service must have:	LEVELS		
	I	II	III
(k) Social services;	X	X	X
(l) Psychological services;	X	X	X
(15) Ability to resuscitate and stabilize burn patients;	X	X	X
(16) A physician-directed burn unit staffed by nursing personnel trained in burn care and equipped to care for extensively burned patients; or written transfer guidelines and agreements in accordance with the guidelines of the American Burn Association;	X	X	X
(17) A trauma rehabilitation coordinator to facilitate the pediatric trauma patient's access to pediatric rehabilitation services;	X	X	X
(18) A designated pediatric trauma rehabilitation service; or written agreements to transfer patients to a designated trauma rehabilitation service when medically feasible.	X	X	X

A facility with a designated pediatric trauma service must have:	LEVELS		
	I	II	III
(b) Residency programs accredited by the accreditation council of graduate medical education, with a commitment to training physicians in trauma management;	X		
(c) Make the facility available for initial and maintenance training of invasive manipulative skills for prehospital personnel;	X	X	X
(4) A trauma research program.	X		

NEW SECTION

WAC 246-976-760 Pediatric trauma service designation—Outreach, public education, provider education, and research.

A facility with a designated pediatric trauma service must have:	LEVELS		
	I	II	III
(1) An outreach program with telephone and on-site consultations with physicians of the community and outlying areas regarding pediatric trauma care;	X	X	
(2) A public education program addressing injury prevention or documentation of participation in regional injury prevention activities;	X	X	X
(3) Training, including:	X		
(a) A formal program of continuing trauma care education for:	X	X	
(i) Staff physicians;	X	X	
(ii) Nurses;	X	X	
(iii) Allied health care professionals;	X	X	
(iv) Community physicians; and	X	X	
(v) Prehospital personnel;	X	X	

AMENDATORY SECTION (Amending WSR 98-04-038, filed 1/29/98, effective 3/1/98)

WAC 246-976-870 Trauma team activation. (1) The purpose of trauma team activation is to assure all personnel and resources necessary for optimal care of the trauma patient are available when the patient arrives in the emergency department. To assure optimal patient care:

(a) Patient status ~~((shall))~~ **must** be reported from the field by prehospital providers to the emergency department in the receiving trauma ~~((care))~~ service;

(i) It is the responsibility of the prehospital providers to ~~((determine))~~ **record** all relevant information and report it to the receiving ~~((facility))~~ **trauma service**;

(ii) It is the responsibility of the receiving ~~((facility))~~ **trauma service** to request any relevant information that is not volunteered by the prehospital providers.

(b) The **trauma service** ~~((shall))~~ **must** use the prehospital information to determine activation of a trauma team and/or resources appropriate for the care of the patient.

(c) The presence of the general surgeon, when included in ~~((the service's))~~ **your written** scope of ~~((practice))~~ **trauma service**, is necessary ~~((both))~~ **to direct resuscitation**, to exercise ~~((his or her))~~ professional judgment that immediate surgery is not indicated, as well as to perform surgery when it is indicated, and to direct ~~((resuscitation and))~~ patient transfer if necessary.

~~((2))~~ ~~((Each designated trauma care service shall use an approved method to determine activation of its trauma team. The method shall include information obtained from prehospital providers and other sources appropriate to the circumstances:))~~

~~((a))~~ ~~((The method shall use notification by a prehospital provider that the patient meets trauma patient triage criteria, as defined in WAC 246-976-370; and))~~

~~((b))~~ ~~((A scoring system such as the Prehospital Index, or patient based criteria, which includes evaluation of each patient's:))~~

- ~~((i))~~ ~~((Vital signs and level of consciousness;))~~
- ~~((ii))~~ ~~((Anatomy of injury, including evaluation;))~~
- ~~((iii))~~ ~~((Mechanism of injury; and))~~
- ~~((iv))~~ ~~((Comorbid factors;))~~

~~((e))~~ ~~((If a methodology is used for modified trauma team response, it shall:))~~

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~~(i) Provide a mechanism to upgrade the level of trauma team response based on newly acquired information; and~~

~~(ii) Be approved by the department.~~

~~(d) The method may include a response by a neurosurgeon in place of response by a general surgeon when, based on prehospital information, the mechanism of injury clearly indicates isolated penetrating trauma to the brain.)~~ A facility designated to provide trauma services must adopt and use a method for activating its full trauma team. The method must:

(a) Be based on patient information obtained from prehospital providers and other sources appropriate to the circumstances;

(b) Include mandatory presence of the general surgeon for levels I - III and for level IV if general surgery services are included in your written scope of trauma service (the surgeon must be at least a postgraduate year four for level I and II);

(c) Specify patient criteria for determining mandatory activation of the full trauma team;

(d) Be applied regardless of time postinjury or previous care, whether delivered by EMS or other means, and whether transferred from the scene or from another hospital;

(e) The method for activation of the full trauma team may include response by a neurosurgeon instead of a general surgeon when, based on prehospital information, the mechanism of injury clearly indicates isolated penetrating trauma to the brain;

(f) The trauma service must adopt a trauma quality improvement audit filter to monitor the appropriateness of and compliance with your full trauma team activation criteria.

(3) A facility designated to provide trauma services may adopt and use a method for activating a modified trauma team. The method must:

(a) Specify patient criteria for determining activation of the modified trauma team;

(b) Include a mechanism to upgrade the level of trauma team response to full based on newly acquired information;

(c) The trauma service must adopt a trauma quality improvement audit filter to monitor the appropriateness of and compliance with your modified trauma team activation criteria.

AMENDATORY SECTION (Amending WSR 98-04-038, filed 1/29/98, effective 3/1/98)

WAC 246-976-881 Trauma quality (~~assurance~~) improvement programs for designated trauma care services. (1) All designated levels I - V and pediatric levels I - III trauma (~~care~~) services (~~shall~~) must have a quality assessment and improvement program conducted by the multidisciplinary trauma committee that reflects and demonstrates a process for continuous quality improvement (~~in the delivery of trauma care~~) consistent with your written scope of trauma service, with:

(a) An organizational structure that facilitates the process of quality assurance and improvement and identifies the authority to change policies, procedures, and protocols that address the care of the trauma patient;

(b) (~~Participation of members of the trauma team;~~

~~(e))~~ Developments of standards of quality care;

~~((d))~~ (c) A process for monitoring compliance with or adherence to the standards;

~~((e))~~ (d) A process of peer review to evaluate specific cases or problems identified by the monitoring process;

~~((f))~~ (e) A process for correcting problems or deficiencies;

~~((g))~~ (f) A process to analyze and evaluate the effect of corrective action;

~~((h))~~ (g) A process to insure that confidentiality of patient and provider information is maintained according to the standards of RCW 70.41.200 and 70.168.090.

(2) Designated levels I and II trauma rehabilitation services and level I pediatric trauma rehabilitation services shall have a quality assessment and improvement program that reflects and demonstrates a process for continuous quality improvement in the delivery of trauma care, with:

(a) An organizational structure and plan that facilitates the process of quality assurance and improvement and identified the authority to change policies, procedures, and protocols that address the care of the major trauma patient;

(b) Participation of members of the multidisciplinary trauma rehabilitation team, including involvement of the trauma rehabilitation coordinator of the referring acute trauma care service;

(c) Development of outcome standards;

(d) A process for monitoring compliance with or adherence to the outcome standards;

(e) A process of internal peer review to evaluate specific cases or problems identified by the outcome monitoring process;

(f) A process for implementing corrective action to address problems or deficiencies;

(g) A process to analyze and evaluate the effect of corrective action;

(h) A process to insure that confidentiality of patient and provider information is maintained according to the standards of RCW 70.41.200 and 70.168.090.

(3) A designated level III trauma rehabilitation service shall have an organized trauma rehabilitation quality assessment and improvement program that reflects and demonstrates a process for continuous quality improvement in the delivery of trauma care, with:

(a) A special audit process for rehabilitation trauma patients to identify the trauma rehabilitation outcome standards and indicators which monitor this program;

(b) A multidisciplinary team, to include the physician identified as responsible for coordination of rehabilitation trauma activities;

(c) A process to insure that confidentiality of patient and provider information is maintained according to the standards of RCW 70.41.200 and 70.168.090.

AMENDATORY SECTION (Amending WSR 98-04-038, filed 1/29/98, effective 3/1/98)

WAC 246-976-885 Educational requirements—Designated trauma care service personnel. (1) To allow for timely and orderly establishment of the trauma system, the department shall consider that education requirements estab-

lished in this chapter for all personnel caring for trauma patients in a designated trauma care service, have been met if:

(a) At the time of initial designation, twenty-five percent of all personnel meet the education and training requirements defined in this chapter;

(b) At the end of the first year of designation, fifty percent of all personnel meet the education and training requirements defined in this chapter;

(c) At the end of the second year of designation, seventy-five percent of all personnel meet the education and training requirements defined in this chapter; and

(d) At the end of the third year of designation, and in all subsequent designation periods, ninety percent of all personnel meet the education and training requirements defined in this chapter.

(2) To meet the requirements for a trauma life support course:

(a) Emergency department registered nurses in levels I, II, III and IV trauma care services, and in levels I, II, and III pediatric trauma care services, shall have successfully completed a trauma nurse core course (TNCC), or a department-approved equivalent that includes a minimum of sixteen contact hours of trauma-specific education on the following topics:

- (i) Mechanism of injury;
- (ii) Shock and fluid resuscitation;
- (iii) Initial assessment;
- (iv) Pediatric trauma;
- (v) Stabilization and transport;

(b) Registered nurses in critical care units in level I or II trauma care services shall have successfully completed a minimum of eight contact hours of trauma-specific education;

(c) Registered nurses in critical care units in level III trauma care services shall have successfully completed a minimum of four contact hours of trauma-specific education;

(d) For level IV services, if ~~((the service's))~~ your written scope of ((care defined in WAC 246-976-640(2))) trauma service includes critical care for trauma patients, registered nurses in critical care units shall have successfully completed a minimum of four contact hours of trauma-specific education.

AMENDATORY SECTION (Amending WSR 02-12-107, filed 6/5/02, effective 7/6/02)

WAC 246-976-886 Pediatric education requirements (PER) for nonpediatric designated facilities. (1) In designated levels I, II, III, and IV general trauma care services emergency physicians and emergency RNs who are involved in the resuscitation and stabilization of pediatric trauma patients shall have PER, as provided in subsection (3) of this section, appropriate to their scope of trauma care.

(2) In designated levels I, II, and III general trauma care services general surgeons, anesthesiologists, CRNAs and PACU RNs who are involved in the resuscitation and stabilization of pediatric trauma patients shall have PER, as provided in subsection (3) of this section, appropriate to their scope of trauma care.

(3) PER can be met by the following methods:

(a) One-time completion of pediatric advanced life support (PALS) or a substantially equivalent training course; or

(b) Current certification in ATLS; or

(c) Completion of a least five contact hours of pediatric trauma education during each designation period. PER contact hours will:

(i) Include the following topics:

(A) Initial stabilization and transfer of pediatric trauma;

(B) Assessment and management of pediatric airway and breathing;

(C) Assessment and management of pediatric shock, including vascular access;

(D) Assessment and management of pediatric head injuries;

(E) Assessment and management of pediatric blunt abdominal trauma;

(ii) Be accomplished through one or more of the following methods:

(A) Review and discussion of individual pediatric trauma cases within the trauma QA/QI program;

(B) Staff meetings;

(C) Classes, formal or informal;

(D) Web-based learning; or

(E) Other methods of learning which appropriately communicate the required topics listed in this section.

AMENDATORY SECTION (Amending WSR 02-12-107, filed 6/5/02, effective 7/6/02)

WAC 246-976-887 Pediatric education requirements (PER) for pediatric designated facilities. (1) In designated levels I, II, III pediatric trauma care services emergency physicians, emergency RNs, general surgeons, pediatric intensivists, anesthesiologists, CRNAs, ICU RNs and PACU RNs who are involved in the resuscitation, stabilization and inpatient care of pediatric trauma patients shall have PER, as provided in subsection (2) of this section, appropriate to their scope of trauma care.

(2) PER can be met by the following methods:

(a) One-time completion of pediatric advance life support (PALS) or a substantially equivalent training course; or

(b) Current certification in ATLS; or

(c) Completion of at least seven contact hours of pediatric trauma education during each designation period. PER contact hours will:

(i) Include the following topics:

(A) Initial stabilization and transfer of pediatric trauma;

(B) Assessment and management of pediatric airway and breathing;

(C) Assessment and management of pediatric shock, including vascular access;

(D) Assessment and management of pediatric head injuries;

(E) Assessment and management of pediatric blunt abdominal trauma;

(F) Pediatric sedation and analgesia;

(G) Complications of pediatric multiple system trauma;

(ii) Be accomplished through one or more of the following methods:

- (A) Review and discussion of individual pediatric trauma cases within the trauma QA/QI program;
- (B) Staff meetings;
- (C) Classes, formal or informal;
- (D) Web-based learning; or
- (E) Other methods of learning which appropriately communicate the required topics listed in this section.

WAC 246-976-570 Designation standards for facilities providing level II trauma care service—Outreach, public education and trauma care education.

WAC 246-976-600 Designation standards for facilities providing level III trauma care service—Administration and organization.

AMENDATORY SECTION (Amending WSR 00-08-102, filed 4/5/00, effective 5/6/00)

WAC 246-976-890 Interhospital transfer guidelines and agreements. Designated trauma services must:

- (1) Have written guidelines ~~((for the identification))~~ consistent with your written scope of trauma service to identify and transfer ((ef)) patients with special care needs exceeding the capabilities of the trauma service.
- (2) Have written transfer agreements with other designated trauma services. The agreements must address the responsibility of the transferring hospital, the receiving hospital, and the prehospital transport agency, including a mechanism to assign medical control during interhospital transfer.
- (3) Have written guidelines consistent with your written scope of trauma service to identify trauma patients who are transferred in from other facilities, whether admitted through the emergency department or directly into other hospital services.
- (4) Use verified prehospital trauma services for interfacility transfer of trauma patients.

WAC 246-976-610 Designation standards for facilities providing level III trauma care service—Basic resources and capabilities.

WAC 246-976-615 Designation standards for facilities providing level III trauma care service—Trauma care education.

WAC 246-976-640 Designation standards for facilities providing level IV trauma care services—Administration and organization.

WAC 246-976-650 Designation standards for facilities providing level IV trauma care services—Basic resources and capabilities.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-976-500	Designation standards for facilities providing level I trauma care service—Administration and organization.	WAC 246-976-680	Designation standards for facilities providing level V trauma care services—Administration and organization.
WAC 246-976-510	Designation standards for facilities providing level I trauma care service—Basic resources and capabilities.	WAC 246-976-690	Designation standards for facilities providing level V trauma care service—Basic resources and capabilities.
WAC 246-976-520	Designation standards for facilities providing level I trauma care service—Outreach, public education, trauma care education, and research.	WAC 246-976-720	Designation standards for facilities providing level I pediatric trauma care service—Administration and organization.
WAC 246-976-550	Designation standards for facilities providing level II trauma care service—Administration and organization.	WAC 246-976-730	Designation standards for facilities providing level I pediatric trauma care services—Resources and capabilities.
WAC 246-976-560	Designation standards for facilities providing level II trauma care service—Basic resources and capabilities.	WAC 246-976-740	Designation standards for facilities providing level I pediatric trauma care service—Outreach, public education, trauma care education, and research.
		WAC 246-976-770	Designation standards for facilities providing level II pediatric trauma care ser-

PERMANENT

- WAC 246-976-780 vice—Administration and organization.

Designation standards for facilities providing level II pediatric trauma care service—Basic resources and capabilities.
- WAC 246-976-790 Designation standards for facilities providing level II pediatric trauma care service—Outreach, public education, and trauma care education.
- WAC 246-976-810 Designation standards for facilities providing level III pediatric trauma care service—Administration and organization.
- WAC 246-976-820 Designation standards for facilities providing level III pediatric trauma care service—Basic resources and capabilities.
- WAC 246-976-822 Designation standards for facilities providing level III pediatric trauma care service—Trauma care education.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 24, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 24, 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 24, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.
 December 10, 2003
 Elise J. Erickson
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-300 Preamble. Under ((Pursuant to the authority granted by)) RCW 28B.50.140(10) ((and 28B.19.020(2))) the board of trustees of Community College District VIII((, Bellevue Community College is granted)) has the authority to establish rules and regulations for pedestrian and vehicular traffic over property owned, operated, or maintained by the college district.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-310 Objectives of parking and traffic rules and regulations. The objectives of these regulations are:

- (1) To protect and control pedestrian and vehicular traffic ((~~on property~~)) on property owned, operated, or maintained by the college district.
- (2) To assure access at all times for emergency equipment.
- (3) To minimize traffic disturbances.
- (4) To facilitate the operation of the college by assuring access to vehicles.
- (5) To allocate limited parking space for the most efficient use.
- (6) To protect state property.

AMENDATORY SECTION (Amending WSR 93-12-007, filed 5/19/93)

WAC 132H-116-315 Definitions. For the purpose of this chapter, the following terms and definitions shall apply:

- (1) Board: The board of trustees of Community College District VIII, state of Washington.
- (2) Campus: Any or all real property owned, operated, controlled, or maintained by Community College District VIII, state of Washington.
- (3) Car pool: Any group of three or more ((~~to five~~)) faculty, staff, or students who commute to the college in the same vehicle.
- (4) College: Bellevue Community College, or any additional community college hereafter established within Community College District VIII, state of Washington, and collectively, those responsible for its control and operations.

WSR 04-01-046

PERMANENT RULES

BELLEVUE COMMUNITY COLLEGE

[Filed December 11, 2003, 9:32 a.m.]

Date of Adoption: December 10, 2003.

Purpose: To make changes to the Bellevue Community College parking and traffic rules that will bring them into compliance with current practice. The amendments correct titles, delete outmoded references and better identify the individual's right to appeal.

Citation of Existing Rules Affected by this Order: Amending 132H-116-300 through 132H-116-791.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 03-19-089 on September 15, 2003.

Changes Other than Editing from Proposed to Adopted Version: WAC 132H-116-315(3), there was a proposal to remove the words "faculty, staff, or" but they are being kept in the final version.

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.

PERMANENT

(5) Faculty members: Any employee of Community College District VIII who is employed on a full-time or part-time basis as a teacher, counselor, librarian or other position for which the training, experience and responsibilities are comparable as determined by the appointing authority, including administrative appointment.

(6) Foot propelled device: Wheeled devices including but not limited to skateboards, roller skates, roller blades, etc. designed or used for recreation and/or transportation purposes.

(7) ~~((Security officers))~~ Public safety officers: Employees of the college accountable to the vice president ~~((dean))~~ of ~~((administrative services))~~ administrative services and responsible for campus security, public safety, and parking and traffic control.

(8) Staff: The administrative and classified members employed by the college.

(9) Student: Any person enrolled in the college.

(10) Vehicle: An automobile, truck, motorcycle, scooter or bicycle, both engine-powered and non((-)engine-powered.

(11) Visitor(s): Person(s) who come on to campus as guest(s), or ~~((and person(s)))~~ who lawfully visit the campus for purposes in keeping with the college's role as an institution of higher learning in the state of Washington and are neither employees nor registered students of the institution.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-320 Applicable parking and traffic rules and regulations. The applicable parking and traffic rules and regulations upon the campus are:

(1) The motor vehicle and other traffic laws of ~~((the))~~ the state of Washington. Title 46 RCW.

(2) The traffic code of the city of Bellevue.

(3) The Bellevue Community College parking and traffic regulations ~~((described in this chapter))~~. In case of conflict among the provisions of the motor vehicle and other traffic laws of the state of Washington or the traffic code of the city of Bellevue and Bellevue Community College parking and regulations, the provisions of the state of Washington motor vehicle laws shall govern.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-330 Enforcement of parking and traffic rules and regulations. The ~~((dean of administration))~~ vice president of administrative services is responsible for parking and traffic management on campus. Duly appointed ~~((security))~~ public safety officers of Bellevue Community College are delegated the authority to enforce all college parking and traffic rules and regulations. ~~((Employees of the Bellevue Community College parking division may be delegated the authority to enforce college parking and traffic regulations.))~~

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-350 Permits required for vehicles on campus. No person shall park, or leave any vehicle, whether attended or unattended, upon the campus of Bellevue Community College between 6:00 a.m. and 3:00 p.m. without properly displaying a valid permit issued by the ~~((security division,))~~ public safety or cashiers ~~((cashier or registration))~~ offices. ~~((Permission to park on campus will be shown by display of a valid permit.))~~

(1) A valid permit is:

(a) A current ~~((vehicle))~~ student or faculty/staff permit displayed in accordance with WAC 132H-116-356. ~~((Vehicle permits are valid until revoked.))~~

(b) A temporary permit authorized by public safety ~~((the security division))~~ and displayed in accordance with instructions. ~~((Temporary permits are valid through the date on the permit.))~~

~~((c) A parking permit issued by a gate attendant. This permit must be displayed on the vehicle in accordance with instructions.))~~

~~((d) A parking permit dispensed by machine at Bellevue Community College and displayed in accordance with instructions.))~~

~~((2) Parking permits are not transferable, except as provided in WAC 132H-116-354.))~~

(3) ~~(2)~~ The college reserves the right to refuse to issue a parking permit.

(3) Vehicles displaying government agency license plates do not need BCC parking permits.

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.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-351 Authorization for issuance of permits. (1) The ~~((dean of))~~ vice president of administrative services or his or her designee is authorized to issue all parking permits.

Special permits are valid only in the areas specified, on the date(s) specified on the permits, and when displayed on the dashboard of the vehicle. Vehicles operated by students, faculty and staff members must display a regular student or faculty/staff permit in addition to the special permit.

~~((2))~~ (1) Car pool permits may be issued to faculty, staff and students. All members of the carpool must appear in person when applying for the permit. One transferable permit will be issued by the ((security)) public safety office for each car pool. This permit is transferable only among the registered members of the car pool. This permit must be displayed in accordance with the instructions provided with the permit. Each carpool vehicle must also display a regular student or faculty/staff permit.

~~((3))~~ Special parking permits may be issued to physically handicapped faculty members, college personnel and students or if issuance enhances the business or operation of the college. Special parking permits are valid for six months from the date of issuance. Those requiring handicapped park-

ing for more than six months must display a state of Washington handicapped permit.)

(2) Handicapped Parking Permits. As of Fall 1995, BCC no longer issues special parking permits for disabled students, faculty, or staff. Only vehicles displaying a valid state of Washington placard may park in spaces designated for the disabled.

(3) Visitor permits. One-day parking permits may be requested from public safety and given to visitors attending conferences, interviews, etc. These permits are valid in faculty/staff lots except E-1.

(4) Other special permits. Public safety may issue special permits to faculty members, staff, students, parents of child care or headstart participants, volunteers working in BCC programs, or vendors if issuing such permits enhances the operation of the college.

(5) Temporary permits. Drivers needing to leave vehicles on campus overnight or for extended periods of time (e.g., because the vehicle is inoperable, or because the driver will participate in a field trip) may request temporary parking permits from public safety. Drivers may also request temporary permits if they will be using a borrowed or rented vehicle.

(6) Special events. The public safety office will assist college divisions which sponsor functions such as conferences, seminars, dinners, and similar events, in arranging reserved parking and direction signs as appropriate. Requests for such assistance must be received in public safety at least 48 hours in advance.

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

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-352 Permit revocations. Parking permits are the property of the college, and may be recalled by the ((~~dean of administration~~)) vice president of administrative services or his or her designee for any of the following reasons:

- (1) When the purpose for which the permit was issued (~~changes or~~) no longer exists.
- (2) When a permit is used by an unauthorized individual.
- (3) Falsification on a parking permit application.
- (4) Repeated ((~~Continued~~)) violation(~~s or~~) of parking and traffic regulations.
- (5) Counterfeiting or altering of permits.
- (6) Failure to comply with a final decision of the citation review committee, or institutional hearing officer.

Parking permit revocations may be appealed to the citation review committee and to the institutional hearing officer.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-354 Transfer of permits. (1) With the exception of carpool permits, ((P)) parking permits are not transferable. If a vehicle is sold or traded, a replacement ((new)) permit will be issued to the permit holder ((at no

additional cost if the permit holder does the following)) if he/she:

- (a) Records invalid permit number;
- (b) Removes invalid permit; and
- (c) Brings invalid permit or remnant thereof ((and permit number)) to public safety ((the security division)). Public safety will ((This office shall)) then issue ((the)) a replacement permit ((holder a new parking permit)) and the ((P)) permit holder will then be registered under the new number.

(2) Permits may be reissued as authorized by the ((col-lege security supervisor)) director of public safety.

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.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-356 Display of permits. (1) Student or faculty/staff permits. The vehicle permit issued by the college shall be ((permanently)) affixed to the inside of the rear window on the lower left corner. If the vehicle is a convertible or a truck-camper or has no permanently fixed rear window, the permit shall be ((displayed in)) affixed to the front windshield. Permits not displayed in accordance with the provisions of this section shall not be valid and vehicles displaying the improperly placed permit shall be subject to citation.

(2) Temporary or special permits. The temporary permit shall be displayed on the dashboard of the vehicle in such a way that it is legible from outside the vehicle.

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 92-13-097, filed 6/17/92)

WAC 132H-116-360 Visitors—Exemption from permit requirements. (1) The director of public safety ((~~security supervisor~~)) may allow visitors without permits to drive through the campus without parking.

(2) The director of public safety ((~~security supervisor~~)) or his or her designee may require visitors to wait at the entrances to the campus during times when pedestrian and/or vehicular traffic congestion is above normal. (See WAC 132H-116-430.)

(3) Guests of the college who are present to attend a conference, interview, etc., may be issued visitor permits valid for faculty/staff parking lots.

(4) Visitors on brief errands to campus may park in any student lot.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-405 Allocation of parking spaces. The parking space available on the campus shall be allocated by the ((~~dean of administration~~)) vice president of administrative services or his or her designee in such manner as will best obtain the objectives of these regulations. The ((~~dean of administration~~)) vice president of administrative services or

his or her designee is further authorized to designate and mark the various parking areas on the campus with numbers or titles or both. This includes the authorization to reserve certain areas for vehicles displaying certain special permits.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-410 Parking within designated spaces. (1) No vehicle shall be parked on the campus except in those areas set aside and designated as parking areas.

(2) No vehicle shall be parked so as to occupy any portion of more than one parking space or stall as designated within the parking area. The fact that other vehicles may have been so parked as to require the vehicle parked to occupy a portion of more than one space or stall shall not constitute an excuse for a violation of this section.

(3) No vehicle shall be parked at any time in roadways, fire lanes, bus zones, loading zones, or service driveways; or on sidewalks; or in the landscaping.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-415 Day and evening parking. Students, staff and faculty may obtain day and/or evening parking on campus to the extent spaces are available as follows:

(1) Student daytime parking is limited to areas designated student parking.

(2) Staff/faculty daytime parking is limited to areas designated staff/faculty parking.

(3) Evening parking, after 3:00 p.m., for students, staff and faculty is available in all designated parking areas with the exceptions of the parking spaces for the handicapped, the college motor pool, and specifically signed reserved areas. Students may not park in those lots designated as "staff/faculty parking" with signage stating "no student parking any-time Mon-Fri".

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-430 Special parking and traffic regulations authorized. During special occasions causing additional and/or heavy traffic and during emergencies, the director of public safety (~~security supervisor~~) is authorized to impose additional traffic and parking regulations to achieve the specified objectives of this chapter.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-431 Regulatory signs, markings, barricades, etc. (~~and directions~~) (1) The director of campus operations is authorized to erect signs, barricades, and other structures and to paint marks and other directions upon the streets and parking areas owned and operated by the college. Such signs, barricades, structures, markings, and directions shall be so made and placed as in the opinion of the director of campus operations will best achieve the goals of these regulations.

(2) Drivers of vehicles shall obey (~~regulatory~~) the signs, barricades, structures, markings, and directions erected pursuant to this section (~~and signs related to the collection of parking fees. Drivers of vehicles shall comply with directions given to them by college security officers in the control and regulation of traffic~~). Drivers shall also comply with directions given to them by a campus public safety officer or other public safety personnel controlling and regulating traffic or parking (~~the traffic guides or parking checkers of the security division in the assignment of parking space and in the collection of parking fees~~).

(3) No person without authorization from the director of campus operations shall move, deface, or in any other way change a sign, barricade, structure, marking or direction so placed, or previously placed, for the purpose of regulating traffic or parking.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-470 Exceptions to parking and traffic restrictions. (~~WAC 132H-116-350, 132H-116-410, and 132H-116-450 of these rules and regulations~~) The regulations governing permits and parking within designated spaces shall not apply to the drivers of state-owned (~~or operated vehicles which are~~) operated by Bellevue Community College in the performance of assigned functions.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-590 Motorcycles, bicycles, scooters. (1) Motorcycles, bicycles and scooters are for the purpose of these regulations considered to be motor vehicles and are subject to all traffic and parking rules and regulations controlling other motor vehicles.

(2) Motorcycles and motorized scooters may be parked in designated areas in addition to the regular parking lots.

(3) Motorcycles and motorized scooters are not permitted on paths, sidewalks, or authorized bicycle or pedestrian areas or in buildings at any time.

(4) Bicycles shall be parked in designated areas only. (~~It is~~) Improperly parked bicycles may be impounded and a citation and/or a fine imposed upon the owner.

(5) No bicycles or foot propelled devices shall be operated on campus walkways, corridors, hallways or buildings unless their use is required as part of the educational process in an authorized program.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-615 Issuance of traffic citations. Upon probable cause to believe that a violation of these rules and regulations has occurred, the vice president of administrative services (~~dean of administration~~) and/or duly appointed public safety (~~security~~) officers may issue citations setting forth the date, the approximate time, the locality, the nature of the violation, the permit number, license number, infraction, officer, and the amount fine(s), by attaching or affixing a copy thereof to the vehicle allegedly involved in

such violation, by placing a copy thereof in some prominent place within such vehicle, by mail, or by personal service.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-620 Fines, penalties and impounding. (1) The current schedule and fines for parking and traffic violations shall be published by the college and made available for review in the public safety ((security)) office.

(2) An individual receiving a parking and traffic citation must pay all fines listed on the citation notice within 20 calendar days after the date on the citation notice unless he/she elects to appeal the citation. Payments should be taken or mailed to the cashiering office.

(3) If any citation remains unpaid after 20 calendar days from the date of the citation, Bellevue Community College may take any of the following actions:

(a) withhold degrees, transcripts, grades, refunds, and/or credits;

(b) block or delay registration for the following quarter;

(c) impound the violator's vehicle;

(d) deny future parking privileges, whether student or faculty/staff;

(e) refuse to issue keys to students, faculty or staff.

~~((2))~~ (4) In addition to imposing fines, the ~~((dean of administration))~~ vice president of administrative services and duly appointed ~~((security))~~ public safety officers are authorized to impound, immobilize and take to such place for storage as the director of public safety ((campus security supervisor)) selects, any vehicles parked on college property in violation of these regulations with the following stipulations:
(-)

(a) The expenses of such impounding, immobilization and storage shall be charged to the owner or operator of the vehicle and must be paid prior to the vehicle's release.

~~((a))~~ (b) The college shall not be liable for loss or damage of any kind resulting from such impounding, immobilization or storage.

~~((b))~~ (c) Impoundment of a vehicle does not remove the obligation for any fines associated with the violation.

~~((c))~~ Vehicles left unattended on college property for an unreasonable duration (a period greater than 4 days) may be impounded by the college.

(d) Grounds for impounding vehicles shall include, but not be limited to the following:

(i) Blocking a roadway so as to impede the flow of traffic;

(ii) Blocking a walkway so as to impede the flow of pedestrian traffic;

(iii) Blocking a fire hydrant or fire lane;

(iv) Creating a safety hazard in the opinion of a public safety ((campus security)) officer;

(v) Blocking another legally parked vehicle;

(vi) Parking in a marked "tow-away" zone.

~~((3))~~ All fines must be paid within 20 calendar days from the date of the citation. All fines are payable as designated on the citation.

~~((3))~~ If any citation remains unpaid after 20 calendar days from the date of the citation, the following action may be taken by Bellevue Community College)

~~((a))~~ Degrees, transcripts, grades, refunds or credits may be withheld until all fines are paid.

~~((b))~~ Registration for the following quarter may be delayed.

~~((c))~~ The violator's vehicle may be impounded.

~~((d))~~ Faculty, students and staff may be denied future parking privileges.

~~((e))~~ The college may refuse to issue keys to faculty, staff or students.

~~((4))~~ (5) An accumulation of traffic violations by a student will be cause for disciplinary action, and the ~~((dean of administration))~~ vice president of administrative services or his or her designee may initiate disciplinary proceedings against such students.

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 92-13-097, filed 6/17/92)

WAC 132H-116-630 Appeals of fines and penalties. ~~((Any fines and penalties levied against a violator of the rules and regulations in this chapter may be appealed pursuant to the provisions of chapter 132H-120 WAC. Appeals must be made in writing within 20 calendar days from the date of the citation.))~~

(1) Right to appeal. Anyone who has received a citation for an alleged violation of these parking and traffic rules has the right to appeal. Appeals must be made in writing and must be submitted to administrative services within 20 calendar days after the date of the citation. Appeal forms are available from the public safety, cashiering and administrative services offices.

If the alleged violator has paid the fine(s) associated with the parking and traffic citation, he/she has forfeited the right to appeal the citation.

(2) Citation review committee. Appeals shall be considered by the BCC citation review committee, which is made up of two students (one the ASBCC chief justice), a faculty representative and a classified staff representative. The citation review committee shall hold hearings regularly throughout the academic year. The committee shall consider each appeal on its merits based upon these parking and traffic regulations. Appellants shall be notified on the hearing dates so that they may state their cases and present any additional evidence in person. The committee shall decide the cases of appellants who do not attend the hearing in person based on the statements given on the appeal form, with no penalty for non-appearance. Appellants who do not attend the hearing shall be sent written notification of the committee's decision.

The citation review committee may uphold, reduce, or waive the fine(s) associated with the parking and traffic citation. Any fine(s) still levied against the appellant must be

paid within 15 calendar days after the date of the hearing unless the appellant wishes to pursue a second-level appeal. Non-payment after 15 calendar days may result in any of the college actions listed under WAC 132H-116-620.

(3) Second level appeal. An appellant who is not satisfied with the decision of the citation review committee has the right to a second-level appeal before the institutional hearing officer appointed by the president of Bellevue Community College. The appellant must contact the institutional hearing officer within 15 calendar days after the citation review committee hearing to request a second-level appeal. The institutional hearing officer shall notify the appellant of his/her decision in writing. The institutional hearing officer's decision is final.

Any appellant who has paid the fine(s) confirmed or set by the citation review committee has forfeited the right to a second-level appeal.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-655 Report of accident and theft.

The operator of any vehicle involved in an accident on campus resulting in injury to or death of any person or total or claimed damage to either or both vehicles of \$500, shall within 24 hours report such accident to the public safety (~~campus security~~) department. This does not relieve any person so involved in an accident from his responsibility to file a state of Washington motor vehicle accident report within 24 hours after such accident.

Students, faculty, staff, and visitors should report any theft of or out of vehicles to the public safety department promptly.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-750 Delegation of authority. The authority and powers conferred upon the director of campus operations or the director of public safety (~~security supervisor~~) by these regulations may be delegated by them to their subordinates.

AMENDATORY SECTION (Amending Order 43, filed 8/10/76)

WAC 132H-116-790 Prohibition of literature. Distribution of literature by placing the same on motor vehicles parked on the premises of Bellevue Community College is hereby prohibited. Literature includes but is not limited to:

- (1) Pamphlets
- (2) Flyers
- (3) Stickers.

**WSR 04-01-051
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-304—Filed December 11, 2003, 2:41 p.m.]

Date of Adoption: December 5, 2003.

Purpose: Establish permanent annual combination license.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-21-146 on October 22, 2003.

Changes Other than Editing from Proposed to Adopted Version: In subsection (1), change "vehicle access permit" to "vehicle use permit."

In subsection (2), after "may designate ... to receive the permanent annual combination license." add "A resident ticket holder may only designate another resident. A nonresident ticket holder may designate a resident or nonresident."

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 11, 2003

Susan Yeager

for Will Roehl, Chair

Fish and Wildlife Commission

NEW SECTION

WAC 220-55-175 Special license application for permanent annual combination licenses. (1) There is hereby created a special license application for permanent combination license packages. Each package awarded will contain: A big game combination number one license allowing the holder to take deer, elk, bear, and cougar during the general season for each species; a small game license allowing the holder to take wild animals and wild birds during the open general season for each, including a single turkey tag; a Western Washington pheasant permit; a migratory bird validation; a combination fishing license and catch record card allowing the holder to take fish, shellfish, and seaweed during the general seasons for each; and a vehicle use permit. Special hunt applications, raffles or auction hunts, juvenile fishing, or fishing set aside for persons of disability (unless the holder qualifies as a fisher with a disability) are not included in this package. If a fee is established for transport tags, fish marking tags, additional access permits, additional

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catch record cards, or other restrictions on fishing or hunting, the holder will be responsible for payment of these fees prior to engaging in the restricted activities.

(2) The fee for a resident special license application ticket is \$6.50, and the fee for a nonresident special license application ticket is \$12.50. The fee for the ticket includes both the transaction and dealer fees. The selection of a successful special license application ticket holder will be by random draw. Only a natural person may be issued a permanent annual combination license. The successful special license application ticket holder may not sell the opportunity to be issued a permanent annual combination license, but may designate a natural person other than the successful special license application ticket holder to receive the permanent annual combination license. A resident ticket holder may only designate another resident. A nonresident ticket holder may designate a resident or nonresident. The designation of another individual to be issued the permanent annual combination license must be made in writing to the department license manager. If the successful special license application ticket holder is an individual, the designation must be made within fifteen days of notification of being selected. If the successful special license application ticket holder is a business or organization, the designation must be made within ninety days of notification of being selected. Notification is complete upon posting a letter in the United States mail to the successful special license application ticket holder. The licensee, once designated, may not transfer the license. The permanent annual combination license package shall be issued on an annual basis to the licensee upon request of the licensee.

(3) The director will determine the number of special license applications to be conducted each year, the date of the drawing for each special license application to be conducted, and the number of permanent annual combination licenses to be awarded for each special license application conducted.

WSR 04-01-052
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-305—Filed December 11, 2003, 2:42 p.m.]

Date of Adoption: December 5, 2003.

Purpose: Establish watchable wildlife program.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-21-137 on October 21, 2003.

Changes Other than Editing from Proposed to Adopted Version: In subsection (3), change "are entitled to" to "may."

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 11, 2003

Susan Yeager

for Will Roehl, Chair

Fish and Wildlife Commission

NEW SECTION

WAC 220-20-115 Watchable wildlife program. (1)

There is established a watchable wildlife program. The minimum amount to participate in the watchable wildlife program is \$30.00 per license year, which includes both the license dealer cost and the automated transaction fee.

(2) Applications to participate in the watchable wildlife program must be made through department license dealers. Each person participating in the watchable wildlife program will receive a vehicle use permit from the license dealer.

(3) Each person participating in the watchable wildlife program will receive a watchable wildlife decal and promotional and informational materials from the department throughout the license year. Persons who contribute more than the minimum amount may receive additional materials or consideration.

WSR 04-01-053
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-303—Filed December 11, 2003, 2:43 p.m.]

Date of Adoption: December 5, 2003.

Purpose: Amend nuisance wildlife control operator rule.

Citation of Existing Rules Affected by this Order:
Amending WAC 232-12-086.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-21-145 on October 22, 2003.

Changes Other than Editing from Proposed to Adopted Version: In the preface, after "nuisance wildlife control operator" add "(NWCO)."

In subsection (1), change the subsections to read:

"(a) Be at least eighteen years of age;

(b) Be licensed as a trapper in the state;

(c) Have completed the NWCO certification course;

(d) Have the equipment, knowledge, and ability to control problem wildlife;

(e) Not be legally ineligible to possess a firearm (including no felony or domestic violence conviction unless firearm possession rights have been restored); and

(f) Not have a gross misdemeanor fish and wildlife conviction within the last five years."

In subsection (7), after "property of another" add "for a fee or other consideration."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 10, 2003

Susan Yeager

for Will Roehl, Chair

Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 255, filed 10/19/84)

WAC 232-12-086 Director or his designee is empowered to ~~((enter agreements))~~ issue nuisance wildlife control operator certifications to control nuisance or problem wildlife. When the director or his designee determines that nuisance or problem wildlife can be controlled by persons, political subdivisions of this state, or the United States, the director or his designee may ~~((enter into agreements))~~ issue nuisance wildlife control operator (NWCO) certifications for control of said nuisance or problem wildlife.

~~((Agreements entered into shall be subject to the following criteria:))~~

~~(1) ((The control activity shall not adversely affect the department's obligation to preserve, protect and perpetuate the states wildlife.~~

~~(2) The agreement shall include but is not limited to:~~

~~(a) The procedure for reporting control activity to the department.~~

~~(b) Species of animals approved for control.~~

~~(c) Location of control activity covered by the agreement.~~

~~(d) Methods of control activity allowed (by species).~~

~~(e) Disposition of animals controlled or captured.~~

~~(3) The person or agency doing the control work))~~ Nuisance wildlife control operators shall:

(a) Be at least eighteen years of age;

(b) Be licensed as a trapper in the state;

(c) Have completed the NWCO certification course;

(d) Have the equipment, knowledge, and ability to control ~~((those species listed in the agreement))~~ problem wildlife;

(e) Not be legally ineligible to possess a firearm (including no felony or domestic violence conviction unless firearm possession rights have been restored); and

(f) Not have a gross misdemeanor fish and wildlife conviction within the last five years.

(2) Nuisance wildlife control operators may use live traps to take any animal causing an animal problem as that term is defined in chapter 77.15 RCW, but may only use body gripping traps after receiving a special trapping permit.

(3) Nuisance wildlife control operators must submit a complete quarterly report of all trapping activity, on the form supplied by the department. The quarterly report is due by the fifteenth day of the month after the end of the quarter. Failure to submit a report may result in certification being revoked and future certification suspended.

(4) ~~((Agreements))~~ Nuisance wildlife control operator certifications may be revoked~~((, modified))~~ or ~~((suspended))~~ future certifications denied by the director or issuing authority ~~((as provided in WAC 232-12-197))~~ when, in the judgment of the department:

(a) Information contained in the application was inaccurate or false;

(b) The permittee or person trapping problem animals fails to comply with department trapping statutes or rules; or

(c) The person trapping violates a trapping or other wildlife law.

(5) ~~((Term of the agreement shall not exceed))~~ If the certification is denied or revoked, the department shall provide the applicant, in writing, a statement of the specific reason(s) for the denial or revocation. The applicant may request an appeal in accordance with chapter 34.05 RCW. Appeal request shall be filed in writing and returned within twenty days from the mailing date of the denial and be addressed to WDFW Legal Services Office, 600 Capitol Way North, Olympia, Washington 98501-1091.

(6) Nuisance wildlife control certifications are valid for three years. ~~((The agreement may be extended three years at a time with written approval of both parties.))~~

(7) It is unlawful to trap nuisance wildlife on the property of another for a fee or other consideration without a nuisance wildlife control certification.

(a) Violation of this subsection using a body-gripping trap is punishable under RCW 77.15.194, Unlawful traps.

(b) Violation of this subsection using a trap other than a body-gripping trap is punishable under RCW 77.15.190, Unlawful trapping—Penalty.

WSR 04-01-054

PERMANENT RULES

DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-307—Filed December 11, 2003, 2:44 p.m.]

Date of Adoption: December 6, 2003.

Purpose: Amend oyster reserve sales rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-60-010.

Statutory Authority for Adoption: RCW 77.12.047.

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Adopted under notice filed as WSR 03-21-101 on October 17, 2003.

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 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 11, 2003

Susan Yeager

for Will Roehl, Chair

Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 85-190, filed 11/27/85)

WAC 220-60-010 Publishing notice of sale. Sales of oysters and/or clams from the oyster reserves of the state in excess of 50 bushels shall take place only after notice of such sales has been published in ~~((the Daily Olympian at Olympia, Washington, and))~~ one newspaper of general circulation in the area in which such sales shall take place.

WSR 04-01-055

PERMANENT RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 03-306—Filed December 11, 2003, 2:45 p.m.]

Date of Adoption: December 6, 2003.

Purpose: Amend volunteer cooperative rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-130-040 and 220-130-080.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-21-130 on October 21, 2003.

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 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 11, 2003

Susan Yeager

for Will Roehl, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 99-235, filed 12/30/99, effective 1/30/00)

WAC 220-130-040 Review and selection process. (1)

The application method is on application forms provided by the department specifically for this purpose. Application forms will be available by request from the Olympia headquarters and at all regional offices of the department.

(2) Applications for projects ~~((may be submitted at any time, however, applications must be submitted at least sixty days prior to the funding decision deadlines to allow review and evaluation by the department))~~ will be accepted each year during the open application period of January 2 through March 31.

(a) Applications accepted prior to the start of a biennium may be for project funding for one or both years of the ensuing biennium.

(b) Applications accepted during the first year of a biennium will be for project funding in the second year of a biennium.

(3) The funding decision ~~((deadlines will be June 30, September 30 and December 31 in odd-numbered years, March 31 and June 30 in even-numbered years))~~ deadline is May 31 of the year of application.

(4) Exceptions to the funding deadline dates will only be allowed in the event of applications for volunteer projects which are responsive to an emergency situation which may arise and which has been declared to be an emergency by the director.

(5) The department will send each applicant, within forty-five days of receipt of each application, a written acknowledgment of the receipt of the application and give the applicant an estimated date when notification of acceptance or rejection of the proposal can be expected. The written acknowledgment will also provide the department's selection criteria and a general description of the review and selection process. Final decisions and notification of acceptance or rejection of proposals where funding is requested will be made only after the biennial budget is passed by the legislature and signed by the governor.

(6) The department will determine when a proposed project might affect the management programs of federal, other state, and local agencies and of treaty tribes and will make contact with these entities, when the department determines that it is appropriate to do so, during the review and selection process. If the department determines that ongoing coordination between a volunteer group and another agency

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or tribe would be appropriate, it may be required as a condition of the agreement, when issued.

(7) The department may provide suggested modifications to the proposal which would increase its likelihood of approval together with the name and telephone number of the person within the department responsible for monitoring the review of the proposal.

AMENDATORY SECTION (Amending Order 99-44, filed 5/6/99, effective 6/6/99)

WAC 220-130-080 Project recovery of reimbursable expenses. Cooperative projects which rear salmon have the potential for generating income from the sale of surplus salmon carcasses and eggs derived from fishes produced at those projects, and to which salmon return to spawn at the end of their life cycle. If the department determines that it is appropriate to do so, such cooperative projects may, under the guidance of the department and by administrative rules and guidelines established for this purpose, recover some of the cooperative projects operating costs through the sale of nonviable salmon eggs and carcasses. It is understood that the primary objective of this provision is not to establish projects which constitute fish farms, but to allow those projects which may generate surplus fish which elude sport, commercial or tribal fisheries to sell the resulting surplus to help defray the cost of the particular cooperative project.

(1) In order for a project to recover reimbursable expenses, the project must have an annual budget presubmitted and approved by the department. The budget must generally show expected expenses, including the names of all persons expected to draw salaries as hired labor.

(2) Under administrative rules developed for this purpose, the cooperative project may sell nonviable salmon eggs and carcasses by soliciting competitive bids from approved buyers, as determined by the department.

(3) Volunteer cooperative project surplus salmon eggs shall be sold as prescribed by chapter 220-74 WAC, Surplus salmon eggs.

(4) All moneys generated by such sales shall be paid to the department and placed into a special account used solely to fund the reimbursable expenses of the cooperative project which generated the funds.

(5) In order to utilize the funds generated by such sales, a cooperative project must submit a list of expenses accompanied by original invoices, including signed time sheets for hired labor salary expenses, which clearly shows that the expenses relate to the presubmitted budget for the project which comply with all accounting and contract requirements.

(6) Reimbursable expenses shall be limited to the actual annual operating expenses of the project. No profit may be realized by the project, and no moneys shall apply to amortization or depreciation.

(7) ~~((Moneys accruing in excess of the reimbursable expense amount, as determined by the director, shall annually be remitted to the state general fund.~~

~~((8)))~~ Viable surplus salmon eggs may not be sold, bartered, exchanged or disposed of by any volunteer group.

~~((9)))~~ (8) Surplus salmon carcass sales may not be allowed if the department determines that they would be

more appropriately utilized to reseed streams in an effort to restore or enhance habitat through nutrient enrichment.

WSR 04-01-056
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-302—Filed December 11, 2003, 2:48 p.m.]

Date of Adoption: December 5, 2003.

Purpose: Establish officer relief from active duty rules.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-21-164 on October 22, 2003.

Changes Other than Editing from Proposed to Adopted Version: In subsection (4) after "requested by the department" insert "specific to the claim."

In subsection (5) at end of subsection add "If the claimant fails to attend any scheduled medical examination or fails to comply with department directions, the request for relief from active duty may be denied."

In subsection (6) after "panel may consist of" delete "a," insert "one or more," pluralize "professional" and insert ", representatives," after "labor and industries" insert "or the department of retirement systems."

In subsection (7) after "certified mail to the claimant" insert "at least thirty days prior to the scheduled exam," delete "cooperate with the department" and insert "comply with department directions," change "will be discontinued" to "may be discontinued."

In subsection (8) in the first line, after "active duty" insert "request is denied or the."

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 10, 2003

Susan Yeager

for Will Roehl, Chair

Fish and Wildlife Commission

NEW SECTION

WAC 220-20-110 Fish and wildlife enforcement officer relief from active duty procedure. (1) This section

governs the actions required for granting relief from active duty and payment of relief from active duty benefits under RCW 77.12.264. Compliance with the procedural steps of this section is mandatory, and failure to comply with these procedures will result in a denial of benefits if payment has not begun, or a termination of payments if payments have begun.

(2) A request for relief from active duty must be filed in writing with the director, and may be filed by either the officer or the officer's representative. For purposes of this section, the officer is the "claimant."

(3) Upon receipt of the relief from active duty request, the director's office will notify the department's personnel office (the personnel office). The personnel office will review the claimant's personnel file to ascertain employment status. The personnel office will determine if a labor and industries on duty injury claim was filed and the status of that claim. If a claim was filed but was disallowed, the department will notify the claimant that the department will not further process a request for relief from active duty until all appeal efforts on the labor and industries on duty injury claim are completed.

(4) The personnel office will respond to the claimant's request for relief from active duty and provide an information request and medical release form to be completed by the claimant and returned to the personnel office. The claimant is required to provide all information and documentation requested by the department specific to the claim. If any requested information is missing, the department will send a second request to the claimant.

(5) Upon receipt of the medical release form and required documentation, the department's labor and industries claims manager, the department's reasonable accommodation program manager, and the senior human resources consultant assigned to the enforcement program will review the information provided by the claimant. From that review, the personnel manager, or designee, will identify one or more licensed medical specialist(s) as appropriate to the independent medical examination. The medical specialist will provide to the personnel manager a current medical analysis with careful consideration of the essential mental, physical and sensory functions of a fish and wildlife officer. The department will pay for the independent medical examination, and will give due consideration for the location of the claimant's current residence. If the claimant fails to attend any scheduled medical examination or fails to comply with department directions, the request for relief from active duty may be denied.

(6) Within sixty days after the receipt of the results of the independent medical examination, the department will arrange for a panel to review the request for relief from active duty. This panel may consist of one or more licensed, qualified medical professionals, representatives of the department of labor and industries or the department of retirement systems, the department's personnel manager or designee, the assistant director for the enforcement program or designee and, at the claimant's expense, a licensed, qualified medical professional of the claimant's choosing. The department will bear the cost of convening this panel with the exception of any costs associated with the medical professional chosen by

the claimant. The panel will provide a written recommendation to the director of the department. The director will make a final decision to either grant or not grant relief from active duty. The director's written decision will be provided to the claimant.

(7) If relief from active duty is granted, the department may require periodic reviews of the claimant's medical condition. Such review may include an independent medical examination. Notice of a scheduled examination will be provided via certified mail to the claimant at least thirty days prior to the scheduled exam. It is the claimant's responsibility to provide the department with the claimant's current address at all times that relief from active duty benefits are being paid. If the certified letter is returned, the claimant fails to attend any scheduled medical examination, or the claimant fails at any point to comply with department directions, the relief from active duty benefits may be discontinued. If a medical examination shows that the claimant is able to perform the essential functions of a fish and wildlife officer position, the claimant will be returned to active service and the relief from active duty benefits will be discontinued.

(8) If the relief from active duty request is denied or the benefits are discontinued for any reason, the claimant may file a written appeal with the director. An appeal must include a copy of any written communication from the department regarding the discontinuance, and must describe in detail the reason the relief from active duty benefits should again be provided. In making a decision on whether to renew payment of relief from active duty benefits, the director may review any information related to the on duty injury claim and may require an independent medical examination. The director's decision is final.

WSR 04-01-058

PERMANENT RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed December 11, 2003, 4:31 p.m.]

Date of Adoption: December 2, 2003.

Purpose: These rules implement a limit on the indirect costs charged by a school district to vocational secondary programs to 15% of the combined basic and vocational education state funding.

Citation of Existing Rules Affected by this Order: Amending chapter 392-121 WAC, Finance—General apportionment.

Statutory Authority for Adoption: Section 502(2) of ESSB 6387.

Other Authority: RCW 28A.150.290.

Adopted under notice filed as WSR 03-21-141 on November 3 [October 21], 2003.

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 6, 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 6, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 11, 2003

Dr. Terry Bergeson

Superintendent of

Public Instruction

VOCATIONAL INDIRECT COST LIMIT

NEW SECTION

WAC 392-121-570 Vocational indirect cost limit—Applicable code provisions—Purpose—Effective date. (1) WAC 392-121-570 through 392-121-578 define the fifteen percent limit on indirect cost charges to school district state-funded vocational-secondary programs as required by the Biennial Operating Appropriations Act. These rules do not apply to federal vocational funding which is governed by federal policies.

(2) The purpose of these sections is to assure that state allocations for vocational education are expended by school districts to support state vocational programs. The minimum levels defined here are not to be construed as recommended expenditure levels.

(3) These sections are effective for the 2002-03 school year and thereafter.

NEW SECTION

WAC 392-121-571 Vocational indirect cost limit—Definitions. As used in WAC 392-121-570 through 392-121-578:

(1) "Program 31" means the vocational-basic-state program as defined in the *Accounting Manual for Public School Districts in the State of Washington*.

(2) "Basic allocation for vocational students" means the amount of money generated by a school district's vocational full-time equivalent enrollment in the general apportionment formula using the state funding formula factors including the grade 4-12 staffing ratios without enhancement, and using the district's average certificated instructional staff mix factor for program 31 staff from the district's S-275 personnel report.

(3) "Enhancement allocation for vocational students" means the additional money above the basic allocation for vocational students generated by a school district's vocational full-time equivalent enrollment as a result of the enhanced state vocational staffing ratio and enhanced nonemployee related cost allocation for vocational students. This enhancement shall be calculated using the district's average certificated instructional staff mix factor for program 31.

(4) "Vocational running start allocation" means the amount generated in the general apportionment formula by a school district's running start students enrolled in vocational courses in a community or technical college pursuant to chapter 392-169 WAC.

NEW SECTION

WAC 392-121-573 Vocational indirect cost limit—Calculation of minimum program 31 expenditures. Each school district's minimum program 31 expenditures equal the sum of the following amounts:

(1) Eighty-five percent of the total basic and vocational enhancement allocations for vocational students;

(2) Ninety-three percent of the vocational running start allocation; plus

(3) Any carryover from the prior school year allowed under WAC 392-121-578.

NEW SECTION

WAC 392-121-574 Vocational indirect cost limit—Preliminary notice to school districts below the minimum expenditure level. (1) After the close of the school year, and before December 31, the superintendent of public instruction shall compare each school district's program 31 expenditures for the school year as reported on the district's Report F-196 annual year end financial statements to the district's minimum program 31 expenditures.

(2) If a district's program 31 expenditures are less than the minimum, then the superintendent shall notify the district of the results of the calculation including any potential recovery of state funding.

NEW SECTION

WAC 392-121-576 Vocational indirect cost limit—School district requests for review and adjustment. (1) After receiving notice of the preliminary notice pursuant to WAC 392-121-574, and before the ensuing January 15, a school district may request review and adjustment to the superintendent's calculations. The request shall be in a form prescribed by the superintendent of public instruction and shall be signed by the school district superintendent or the superintendent's designee.

(2) Grounds for review and adjustment include:

(a) Errors in the calculation; or

(b) Inaccurate school district data used in the calculation.

(3) A district requesting review and adjustment due to inaccurate school district data shall submit corrected data pursuant to the superintendent's instructions.

(4) The superintendent of public instruction shall correct any errors in the calculations or revise the school district data used in the calculations as appropriate.

NEW SECTION

WAC 392-121-578 Vocational indirect cost limit—Recovery of state allocations. (1) At the time of the January apportionment calculations after the close of the school year,

the superintendent of public instruction shall recalculate each school district's minimum direct expenditures.

(2) If the district's program 31 expenditures are below the minimum program 31 expenditure amount, the district shall be allowed to carry over into the ensuing school year an amount equal to up to ten percent of the minimum expenditure amount excluding any carryover from the prior school year.

(3) The superintendent of public instruction shall recover from the district's general apportionment allocation as a prior year adjustment an amount equal to the lesser of the district's enhancement allocation for vocational students or the following amount:

(a) The district's minimum program 31 expenditures; minus

(b) The district's program 31 expenditures plus any allowable carryover.

(2) Recoveries made pursuant to this section shall be adjusted after the January apportionment calculation if revised enrollment, staff mix, or expenditure data submitted by the district and accepted by the superintendent of public instruction materially affects the district's recovery amount.

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.

WSR 04-01-066

PERMANENT RULES

MILITARY DEPARTMENT

[Filed December 12, 2003, 1:26 p.m.]

Date of Adoption: December 11, 2003.

Purpose: RCW 38.52.561 requires the state enhanced 9-1-1 coordinator to set nondiscriminatory uniform technical and operational standards consistent with the rules of the federal communications commission for the transmission of 911 calls from radio communications service companies to enhanced 911 emergency communications. The purpose of new chapter 118-67 WAC is to specify technical and operational standards for wireless providers of enhanced 9-1-1 service as enacted by the 2002 legislature, chapter 341, Laws of 2002.

Citation of Existing Rules Affected by this Order: New chapter 118-67 WAC.

Statutory Authority for Adoption: RCW 38.52.561.

Adopted under notice filed as WSR 03-21-041 on October 9, 2003.

Changes Other than Editing from Proposed to Adopted Version: The following changes were made for clarification to WAC 118-67-030 Definitions: Added definitions for electronic serial number and international mobile equipment identifier to be consistent with FCC memorandum opinion and order adopted November 3, 2003, in Docket No. 94-102.

The following changes were made for clarification to WAC 118-67-120 Non-service-initialized handsets: Added FCC wording for electronic serial number and international mobile equipment identifier in place of "serial number" to be consistent with FCC memorandum opinion and order adopted November 3, 2003, in Docket No. 94-102.

The following changes were made for clarification to WAC 118-67-130 Manufacturers of 9-1-1 only handsets: Added wording for electronic serial number and international mobile equipment identifier in place of "serial number" and specified a compliance date to be consistent with FCC memorandum opinion and order adopted November 3, 2003, in Docket No. 94-102.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 10, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 13, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 12, 2003

Robert G. Oenning

E9-1-1 Coordinator

Chapter 118-67 WAC

WIRELESS ENHANCED 9-1-1 CALLS FROM RADIO COMMUNICATIONS SERVICE COMPANIES - TECHNICAL AND OPERATIONAL STANDARDS

NEW SECTION

WAC 118-67-010 Authority. This chapter is promulgated pursuant to the authority granted in RCW 38.52.561.

NEW SECTION

WAC 118-67-020 Purpose. (1) RCW 38.52.561 authorizes the state enhanced 9-1-1 coordinator, with the advice and assistance of the enhanced 9-1-1 advisory committee, to set nondiscriminatory, uniform technical and operational standards consistent with the rules of the Federal Communication Commission (FCC) for the transmission of 9-1-1 calls from radio communications service companies to enhanced 9-1-1 emergency communications systems. These standards must not exceed the requirements set by the FCC.

(2) The FCC, in its orders may refer to or approve standards adopted by the following standards bodies:

(a) Alliance for Telecommunications Industry Solutions (ATIS);

(b) Emergency Services Interconnection Forum (ESIF);

(c) National Emergency Number Association (NENA).

(3) This chapter is based upon and does not exceed FCC requirements contained in 47 CFR § 20.18.

NEW SECTION

WAC 118-67-030 Definitions. (1) "Alliance for Telecommunications Industry Solutions (ATIS)" shall mean the membership organization that provides the tools necessary for the industry to identify standards, guidelines and operating procedures that make the interoperability of existing and emerging telecommunications products and services possible.

(2) "Emergency Services Interconnection Forum (ESIF)" shall mean the working group of ATIS that provides a venue for the telecommunications industry, public safety and other stakeholders to develop and refine technical and operational interconnection issues that will ensure E9-1-1 service will be available for everyone.

(3) "Federal Communications Commission (FCC)" shall mean the agency of the federal government established under the Communications Act of 1934, as revised, for the purpose of regulating interstate communication by wire and radio.

(4) "Electronic Serial Number (ESN)" shall mean the unique 11-digit serial number assigned to the handset by the manufacturer.

(5) "International Mobile Equipment Identifier (IMEI)" shall mean the unique 15-digit serial number assigned to a Global System for Mobile Communication (GSM) handset used on a GSM wireless network.

(6) "National Emergency Number Association (NENA)" shall mean the group established to foster the technological advancement, availability, and implementation of a universal emergency telephone number system.

(7) "Non-Service Initialized Handsets" shall mean a handset for which there is no valid service contract with an RCSC.

(8) "Phase I Enhanced 9-1-1 Service" shall mean wireless 9-1-1 service where the RCSC is required to provide the telephone number of the originator of a 9-1-1 call and the location of the cell site or base station receiving a 9-1-1 call from any mobile handset accessing their systems to the designated PSAP through the use of ANI and Pseudo-ANI (see WAC 118-66-030).

(9) "Phase II Enhanced 9-1-1 Service" shall mean wireless 9-1-1 service where the RCSC is required to provide the telephone number of the originator of a 9-1-1 call and the location by latitude and longitude to the designated PSAP.

(10) "Radio Communications Service Company (RCSC)" shall mean every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court, and every city or town making available facilities to provide commercial mobile radio communications services, or cellular communications service for hire, sale, and both facilities-based and nonfacilities-based resellers, and does not include radio-paging providers.

(11) "9-1-1 Only Handsets" shall mean a non-service-initialized handset that is manufactured with the capability of dialing 9-1-1 only and that cannot receive incoming calls.

NEW SECTION

WAC 118-67-040 Introduction. (1) Radio communications service companies (RCSCs) shall comply with the technical and operational standards established by the Federal Communications Commission for the transmission of 9-1-1 calls in section 47 CFR Chapter I, § 20.18 of the FCC Rules.

(2) The authority given to the state enhanced 9-1-1 coordinator by RCW 38.52.561 is limited to setting standards as set forth in that section and does not constitute authority to regulate radio communications service companies.

NEW SECTION

WAC 118-67-050 Phase II accuracy. (1) RCSCs shall meet or exceed the location accuracy standards for Phase II enhanced 9-1-1:

(a) For network-based technologies: 100 meters for 67 percent of calls, 300 meters for 95 percent of calls;

(b) For handset-based technologies: 50 meters for 67 percent of calls, 150 meters for 95 percent of calls.

(c) For the remaining 5 percent of calls, location attempts must be made and a location estimate for each call must be provided to the appropriate PSAP.

(2) Adhere to schedules for implementation of Phase I and Phase II enhanced 9-1-1 service (see paragraphs 20.18 (d) thru (g) of the FCC Rules and subsequent modifications of the FCC's Richardson Order and Phase II Compliance Deadlines in CC Docket 94-102):

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 118-67-060 Phase I enhanced 9-1-1 service. (1) Within six months of a request by the designated Public Safety Answering Point as set forth in WAC 118-67-100, RCSCs must provide the telephone number of the originator of a 9-1-1 call and the location of the cell site or base station receiving a 9-1-1 call from any mobile handset accessing their systems to the designated Public Safety Answering Point through the use of ANI and Pseudo-ANI.

(2) When the directory number of the handset used to originate a 9-1-1 call is not available to the serving carrier, such carrier's obligations under paragraph (1) of this section extend only to delivering 9-1-1 calls and available call party information, including that prescribed in WAC 118-67-120 to the designated Public Safety Answering Point.

(3) With respect to 9-1-1 calls accessing their systems through the use of TTYs, RCSCs must comply with the requirements in paragraphs (1) and (2) of this section, as to calls made using a digital wireless system.

NEW SECTION

WAC 118-67-070 Phase II enhanced 9-1-1 service. RCSCs must provide to the designated Public Safety Answering Point, Phase II enhanced 9-1-1 service, i.e., the location of all 9-1-1 calls by longitude and latitude in con-

formance with Phase II accuracy requirements of WAC 118-67-050.

NEW SECTION

WAC 118-67-080 Network-based location technologies. RCSCs that employ a network-based location technology shall provide Phase II enhanced 9-1-1 service to at least 50 percent of their coverage area or 50 percent of their population beginning within 6 months of a PSAP request, and to 100 percent of their coverage area or 100 percent of their population within 18 months of such a request.

NEW SECTION

WAC 118-67-090 Handset-based location technologies. RCSCs that employ a handset-based location technology may phase in deployment of Phase II enhanced 9-1-1 service, subject to the following requirements:

(1) Without respect to any PSAP request for deployment of Phase II 9-1-1 enhanced service, the RCSC shall:

(a) Ensure that 100 percent of all new digital handsets activated are location-capable.

(b) By December 31, 2005, achieve 95 percent penetration of location-capable handsets among its subscribers.

(2) Once a PSAP request is received, the RCSC shall, in the area served by the PSAP, within six months:

(a) Install any hardware and/or software in the CMRS network and/or other fixed infrastructure, as needed, to enable the provision of Phase II enhanced 9-1-1 service; and

(b) Begin delivering Phase II enhanced 9-1-1 service to the PSAP.

(3) For all 9-1-1 calls from portable or mobile phones that do not contain the hardware and/or software needed to enable the RCSC to provide Phase II enhanced 9-1-1 service, the RCSC shall, after a PSAP request is received, support, in the area served by the PSAP, Phase I location for 9-1-1 calls or other available best practice method of providing the location of the portable or mobile phone to the PSAP.

(4) RCSCs employing handset-based location technologies shall ensure that location-capable portable or mobile phones shall conform to industry interoperability standards designed to enable the location of such phones by multiple RCSCs.

NEW SECTION

WAC 118-67-100 Requirements for PSAPs. PSAPs shall request Phase I or Phase II enhanced service from RCSCs providing wireless service in their areas based on the following requirements:

(1) The requirements set forth in WAC 118-67-050, 060, 070, 080, and 090, shall be applicable only if the administrator of the designated Public Safety Answering Point has requested the services required under those paragraphs and is capable of receiving and utilizing the data elements associated with the service, and a mechanism for recovering the Public Safety Answering Point's costs of the enhanced 9-1-1 service is in place.

(2) A Public Safety Answering Point will be deemed capable of receiving and utilizing the data elements associ-

ated with the service requested if it can demonstrate that it has ordered the necessary equipment and has commitments from suppliers to have it installed and operational within the six-month period specified in WAC 118-67-060, 080, or 090, as applicable, and can demonstrate that it has made a timely request to the appropriate LEC for the necessary trunking and other facilities.

(3) In the alternative, a Public Safety Answering Point will be deemed capable of receiving and utilizing the data elements associated with Phase II service if it is Phase I-capable using an NCAS methodology, and if it can demonstrate that it has made a timely request to the appropriate LEC for the ALI database upgrade necessary to receive the Phase II information.

NEW SECTION

WAC 118-67-110 TTY access to 9-1-1 services. RCSCs subject to this section must be capable of transmitting 9-1-1 calls from individuals with speech or hearing disabilities through means other than mobile radio handsets, e.g., through the use of Text Telephone Devices (TTY). Operators of digital wireless systems must comply with the provisions of this paragraph.

NEW SECTION

WAC 118-67-120 Non-service-initialized handsets. RCSCs that donate a non-service-initialized handset for purposes of providing access to 9-1-1 services are required to:

(1) Program each handset with 9-1-1 plus the decimal representation of the seven least significant digits of the Electronic Serial Number, International Mobile Equipment Identifier or any other identifier unique to that handset;

(2) Affix to each handset a label that is designed to withstand the length of service expected for a non-service-initialized phone, and that notifies the user that the handset can only be used to dial 9-1-1, that the 9-1-1 operator will not be able to call the user back, and that the user should convey the exact location of the emergency as soon as possible; and

(3) Institute a public education program to provide the users of such handsets with information regarding the limitations of non-service-initialized handsets.

NEW SECTION

WAC 118-67-130 Manufacturers of 9-1-1-only handsets. Manufacturers of 9-1-1-only handsets that are manufactured after May 3, 2004, are required to:

(1) Program each handset with 9-1-1 plus the decimal representation of the seven least significant digits of the Electronic Serial Number, International Mobile Equipment Identifier or any other identifier unique to that handset;

(2) Affix to each handset a label that is designed to withstand the length of service expected for a non-service-initialized phone, and which notifies the user that the handset can only be used to dial 9-1-1, that the 9-1-1 operator will not be able to call the user back, and that the user should convey the exact location of the emergency as soon as possible; and

(3) Institute a public education program to provide the users of such handsets with information regarding the limitations of 9-1-1-only handsets.

WSR 04-01-067
PERMANENT RULES
PARKS AND
RECREATION COMMISSION

[Filed December 12, 2003, 2:30 p.m.]

Date of Adoption: December 4, 2003.

Purpose: The State Parks and Recreation Commission has amended certain administrative rules to clarify the application of the vehicle parking permit and clarify restrictions on the use of firearms and other weapons in state park areas. These changes also clarify the regulation of dangerous games and activities in state parks, provide for cooperative arrangements with other state and federal agencies in permit programs and provide further authority to the director to establish variable prices for the use of campsites and facilities.

Citation of Existing Rules Affected by this Order: Amending chapter 352-32 WAC, Public use of state park areas.

Statutory Authority for Adoption: RCW 79A.05.030, 79A.05.070, and 79A.05.075.

Adopted under notice filed as WSR 03-21-172 on October 22, 2003.

Changes Other than Editing from Proposed to Adopted Version: The proposed rule changes were adopted with the following change: WAC 352-32-030 was not amended. The proposed rule change to WAC 352-32-030 (8) and (9) would have reduced the maximum number of people permitted at a campsite. The commission did not make such changes and therefore the maximum number of people permitted at a campsite as prescribed in WAC 352-32-030 (8) and (9) remains at 8.

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 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; **or Other Alternative Rule Making:** New 1, Amended 5, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 12, 2003

Jim French

Chief of Policy Research
and Program Development

AMENDATORY SECTION (Amending WSR 02-19-069, filed 9/13/02, effective 10/14/02)

WAC 352-32-010 Definitions. Whenever used in this chapter the following terms shall be defined as herein indicated:

"Aquatic facility" shall mean any structure or area within a state park designated by the director or designee for aquatic activities, including, but not limited to, swimming pools, wading pools, swimming beaches, floats, docks, ramps, piers or underwater parks.

"Bivouac" shall mean to camp overnight on a vertical rock climbing route on a ledge or in a hammock sling.

"Camping" shall mean erecting a tent or shelter or arranging bedding, or both, or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

"Camping party" shall mean an individual or a group of people (two or more persons) that is organized, equipped and capable of sustaining its own camping activity. A "camping party" is a "camping unit" for purposes of RCW 79A.05.065.

"Commercial recreation use" is a recreational activity in a state park that is packaged and sold as a service by an organization or individual, other than state parks or a state park concessionaire.

"Commercial recreation provider" is any individual or organization that packages and sells a service that meets the definition of a commercial recreation use.

"Commission" shall mean the Washington state parks and recreation commission.

"Conference center" shall mean a state park facility designated as such by the director or designee that provides specialized services, day-use and overnight accommodations available by reservation for organized group activities.

"Day area parking space" shall mean any designated parking space within any state park area designated for daytime vehicle parking.

"Director" shall mean the director of the Washington state parks and recreation commission or the director's designee.

"Disrobe" shall mean to undress so as to appear nude.

"Emergency area" is an area in the park separate from the designated overnight camping area, which the park manager decides may be used for camping when no alternative camping facilities are available within reasonable driving distances.

"Environmental interpretation" shall mean the provision of services, materials, publications and/or facilities, including environmental learning centers (ELC), for other than basic access to parks and individual camping, picnicking, and boating in parks, that enhance public understanding, appreciation and enjoyment of the state's natural and cultural heritage through agency directed or self-learning activities.

"Environmental learning centers (ELC)" shall mean those specialized facilities, designated by the director, designed to promote outdoor recreation experiences and environmental education in a range of state park settings.

"Extra vehicle" shall mean each additional unhitched vehicle in excess of the one recreational vehicle that will be parked in a designated campsite or parking area for overnight.

"Group" shall mean 20 or more people engaged together in an activity.

"Group camping areas" are designated areas usually primitive with minimal utilities and site amenities and are for the use of organized groups. Facilities and extent of development vary from park to park.

"Hiker/biker campsite" shall mean a campsite that is to be used solely by visitors arriving at the park on foot or bicycle.

"Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor and a moped.

"Multiple campsite" shall mean a designated and posted camping facility encompassing two or more individual standard, utility or primitive campsites.

"Overflow area" shall mean an area in a park separate from designated overnight and emergency camping areas, designated by the park manager, for camping to accommodate peak camping demands in the geographic region.

"Overnight accommodations" shall mean any facility or site designated for overnight occupancy within a state park area.

"Paraglider" shall mean an unpowered ultralight vehicle capable of flight, consisting of a fabric, rectangular or elliptical canopy or wing connected to the pilot by suspension lines and straps, made entirely of nonrigid materials except for the pilot's harness and fasteners. The term "paraglider" shall not include hang gliders or parachutes.

"Person" shall mean all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.

"Personal watercraft" means a vessel of less than sixteen feet that uses a motor powering a water jet pump, as its primary source of motive power and that is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

"Popular destination park" shall mean any state park designated by the director as a popular destination park because, it is typically occupied to capacity on Friday or Saturday night during the high use season.

"Primitive campsite" shall mean a campsite not provided with flush comfort station nearby and which may not have any of the amenities of a standard campsite.

"Public assembly" shall mean a meeting, rally, gathering, demonstration, vigil, picketing, speechmaking, march, parade, religious service, or other congregation of persons for the purpose of public expression of views of a political or religious nature for which there is a reasonable expectation that more than one hundred persons will attend based on information provided by the applicant. Public assemblies must be open to all members of the public, and are generally the subject of attendance solicitations circulated prior to the event, such as media advertising, flyers, brochures, word-of-mouth notification, or other form of prior encouragement to attend.

Alternatively, the agency director may declare an event to be a public assembly in the following cases: Where evi-

dentiary circumstances and supporting material suggest that more than one hundred persons will attend, even where the applicant does not indicate such an expectation; or where there is reason to expect a need for special preparations by the agency or the applicant, due to the nature or location of the event.

"Ranger" shall mean a duly appointed Washington state parks ranger who is vested with police powers under RCW 79A.05.160, and shall include the park manager in charge of any state park area.

"Recreation vehicle" shall mean a vehicle/trailer unit, van, pickup truck with camper, motor home, converted bus, or any similar type vehicle which contains sleeping and/or housekeeping accommodations.

"Remote controlled aircraft" shall mean nonpeopled model aircraft that are flown by using internal combustion, electric motors, elastic tubing, or gravity/wind for propulsion. The flight is controlled by a person on the ground using a hand held radio control transmitter.

"Residence" shall mean the long-term habitation of facilities at a given state park for purposes whose primary character is not recreational. "Residence" is characterized by one or both of the following patterns:

Camping at a given park for more than thirty days within a forty-day time period April 1 through September 30; or forty days within a sixty-day time period October 1 through March 31. As provided in WAC 352-32-030(7), continuous occupancy of facilities by the same camping party shall be limited to ten consecutive nights April 1 through September 30. 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 October 1 through March 31 in one park, after which the camping unit must vacate the overnight park facilities for three consecutive nights. The time period shall begin on the date for which the first night's fee is paid.

The designation of the park facility as a permanent or temporary address on official documents or applications submitted to public or private agencies or institutions.

"Sno-park" shall mean any designated winter recreational parking area.

"Special groomed trail area" shall mean those sno-park areas designated by the director as requiring a special groomed trail permit.

"Special recreation event" shall mean a group recreation activity in a state park sponsored or organized by an individual or organization that requires reserving park areas, planning, facilities, staffing, or other services beyond the level normally provided at the state park to ensure public welfare and safety and facility and/or environmental protection.

"Standard campsite" shall mean a designated camping site which is served by nearby domestic water, sink waste, garbage disposal, and flush comfort station.

"State park area" shall mean any area under the ownership, management, or control of the commission, including trust lands which have been withdrawn from sale or lease by order of the commissioner of public lands and the management of which has been transferred to the commission, and specifically including all those areas defined in WAC 352-

16-020. State park areas do not include the seashore conservation area as defined in RCW 79A.05.605 and as regulated under chapter 352-37 WAC.

"Trailer dump station" shall mean any state park sewage disposal facility designated for the disposal of sewage waste from any recreation vehicle, other than as may be provided in a utility campsite.

"Upland" shall mean all lands lying above mean high water.

"Utility campsite" shall mean a standard campsite with the addition of electricity and which may have domestic water and/or sewer.

"Vehicle parking permit" means the permit issued on a daily, multiple day or annual basis for parking a vehicle in any state park area designated for daytime vehicle parking, excluding designated sno-park parking areas.

"Walk-in campsite" shall mean a campsite that is accessed only by walking to the site and which may or may not have vehicle parking available near by.

"Watercraft launch site" shall mean any facility located in a state park area designated for the purpose of placing or retrieving any vehicle-borne or trailer-borne watercraft into or out of the water.

"Water trail advisory committee" shall mean the twelve-member committee constituted by RCW 79A.05.420.

"Water trail camping sites" shall mean those specially designated group camp areas identified with signs, that are near water ways, and that have varying facilities and extent of development.

AMENDATORY SECTION (Amending WSR 00-13-070, filed 6/16/00, effective 7/17/00)

WAC 352-32-090 Games or activities. Playing games and/or engaging in activities in a manner and/or location which subjects people or personal property, the park resource or facilities to risk of injury or damage shall be prohibited. Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 03-01-079, filed 12/13/02, effective 1/13/03)

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 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.~~) (1) No person shall discharge or propel across, in, or into any upland state park area as defined in WAC 352-32-010 a firearm, except where the commission for good cause has authorized a special recre-

ational activity upon finding that it is not inconsistent with state park use. Any violation of this section is a gross misdemeanor.

(2) The possession, display, carrying, discharge or use of a firearm is further regulated under chapter 9.41 RCW.

NEW SECTION

WAC 352-32-121 Other weapons. No person shall display, discharge or propel across, in, or into any upland state park area as defined in WAC 352-32-010, a 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 park use.

AMENDATORY SECTION (Amending WSR 03-01-079, filed 12/13/02, effective 1/13/03)

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 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 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. 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 or cooperative arrangements with other state and/or federal agencies for the use of annual permits ((of)) for like services, provided, that Washington licensed vehicles and/or residents shall be required to have and/or display the appropriate Washington permit or other permit as approved by the director or designee;

(2) Overnight camping - standard campsite; utility campsite; emergency campsite; overflow campsite; hiker/biker campsite; walk-in campsite; primitive campsite for nonmo-

torized 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~~) for one year from month of purchase 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~~) Variable pricing - variable prices will apply for use of (~~standard or utility campsite located in a popular destination park~~) campsites and/or facilities during such periods as the director may specify;

(14) Water trail site fees - for one day/night will be set by the commission;

(15) In addition to the regular fee, a (~~per night~~) surcharge (~~shall~~) may 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

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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 92-19-098, filed 9/17/92, effective 10/18/92)

WAC 352-32-310 Penalties. Any violation designated in this chapter as a civil infraction shall constitute a misdemeanor until the violation is included in a civil infraction monetary schedule adopted by rule by the state supreme court pursuant to chapter 7.84 RCW, except that a violation of WAC 352-32-220, 352-32-260, and 352-32-265 shall at all

times constitute a civil infraction, and WAC 352-32-120 shall at all times be a gross misdemeanor.

**WSR 04-01-068
PERMANENT RULES
PARKS AND
RECREATION COMMISSION**

[Filed December 12, 2003, 2:32 p.m.]

Date of Adoption: December 4, 2003.

Purpose: The State Parks and Recreation Commission has amended the administrative rules regarding moorage and inland water facilities in response to the implementation of new and revised fees and permits as well as the need to revise any current rules in this chapter related to their collection. The changes permit the director of state parks to designate certain facilities for advance registration and provide more flexibility to the public for the method of placing the agency's annual permits on their vessels. In addition, chapter 352-12 WAC was updated to reflect recodified RCW references.

Citation of Existing Rules Affected by this Order: Amending chapter 352-12 WAC, Moorage and use of marine and inland water facilities.

Statutory Authority for Adoption: RCW 79A.05.030, 79A.05.055, and 79A.05.070.

Adopted under notice filed as WSR 03-21-171 on October 22, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 5, 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 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 4, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 12, 2003

Jim French

Chief of Policy Research
and Program Development

AMENDATORY SECTION (Amending WSR 99-04-117, filed 2/3/99, effective 3/6/99)

WAC 352-12-005 Definitions. As used in this chapter, the following words and terms have the meanings indicated, unless the context clearly requires otherwise:

(1) "Commercial vessel" shall mean a vessel which is used, rigged, or licensed for any commercial use or purpose,

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but shall not include vessels operated within the terms of a concession lease or agreement with the commission.

(2) "Commission" shall mean the Washington state parks and recreation commission.

(3) "Designated fee facility" shall mean any facility designated as a fee facility by the director or designee.

(4) "Director" shall mean the director of the Washington state parks and recreation commission.

(5) "Facility" shall mean state park floats, piers, mooring buoys, docks, pilings and linear moorage facilities.

(6) "Length" shall mean the overall length of a vessel as measured in a straight line parallel to the keel from the foremost part of the vessel to the aftermost part, not including bowsprit or bumkin or as shown on vessel's state or coast guard registration certificate.

(7) "Manager or ranger" shall mean a duly appointed Washington state parks ranger, or agent of the commission, who is vested with police powers under RCW ((43.51.170)) 79A.05.160.

(8) "Night" shall mean the period between ((3)) 1 p.m. and 8 a.m.

(9) "Vessel" shall mean watercraft of every description, used or capable of being used as a means of transportation on the water.

AMENDATORY SECTION (Amending WSR 99-04-117, filed 2/3/99, effective 3/6/99)

WAC 352-12-010 Moorage and use of marine and inland water facilities. (1) Marine and inland water 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 non-recreational 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.

(2) In order to afford the general public the greatest possible use of facilities, continuous moorage at a facility by the same vessel shall be limited to three consecutive nights, after which the vessel must vacate the facility for twenty-four consecutive hours, unless otherwise posted by the manager at any individual facility or area.

(3) No person or persons shall moor, berth or store a vessel of any type in a commission owned or operated park or area except in facilities posted as available for such use.

(4) Use of facilities by commercial vessels is prohibited except for the loading and unloading of passengers transported for recreation purposes: Provided however, Managers and rangers may allow extended or night moorage at any facility to commercial vessels unloading passengers transported to the park for recreation purposes if in the manager's or ranger's sole discretion sufficient space is reasonably available therefor. Commercial recreation providers operating such vessels must be in possession of a commercial recreation provider permit as required under WAC 352-32-330.

(5) In order to maximize usable space at mooring floats, boaters shall moor their vessels as close as reasonably possible to vessels already moored; and dinghies shall not be left

moored to transoms or swimsteps, nor tied to or alongside moorage floats. Dinghies shall be tied up only in designated spaces or outboard of the moored vessel. Rafting of vessels is also permitted, within posted limits, but not mandatory.

(6) Except where designated by the director or designee, use of any facility shall be on a first-come, first-served basis only. Reserving or retaining space to moor or berth a vessel at any facility, by means of a dinghy or any method other than occupying the space by the vessel to be moored, shall not be permitted.

(7) Open flames or live coals, or devices containing or using open flames, live coals or combustible materials, including but not limited to barbecues, hibachis, stoves and heaters, shall be permitted on floats or piers only when placed on a fireproof base and the fire is located away from fuel tanks and/or fuel vents. In case of dispute related to fire safety, the manager or ranger shall make final determination.

(8) Except as provided in WAC 352-12-060, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 99-04-117, filed 2/3/99, effective 3/6/99)

WAC 352-12-020 Moorage fees. (1) Vessels moored between ((3)) 1 p.m. and 8 a.m. at those facilities designated by the director or designee shall be charged the moorage fee published by state parks: Provided, Vessels properly displaying a valid annual permit shall not be charged a moorage fee: Provided further, There shall be no moorage fee for any vessel riding on its own anchor: Provided further, There shall be no charge for temporary moorage for the purpose of loading or unloading a vessel, such temporary moorage shall be limited to thirty minutes.

(2) A vessel rafted to another vessel shall be charged the appropriate moorage fee based on that vessel's own length.

(3) Except as provided in WAC 352-12-060, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 99-04-117, filed 2/3/99, effective 3/6/99)

WAC 352-12-030 Annual moorage permits. (1) Annual moorage permits may be obtained for the period January 1 through December 31, inclusive. Application for such permits may be obtained from most state park managers or rangers, or by writing to the Commission Headquarters, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650, or on-line at www.parks.wa.gov.

(2) Annual moorage permits will be issued for a particular vessel. The charge for such permits will be based upon the length of the vessel for which the permit is issued and will be published by state parks.

(3) Annual permits shall be visible from outside the vessel, and permanently affixed to the lower left corner of the vessel's left (port) forward windshield, or ((if not equipped with a windshield,)) to the left (port) outside transom, or if a sailboat, on the forward portion of the left (port) cabin trunk, or as otherwise instructed by the director or designee.

(4) Except as provided in WAC 352-12-060, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 99-04-117, filed 2/3/99, effective 3/6/99)

WAC 352-12-050 Self-registration. In those designated facilities so posted by the manager, park visitors shall register for the use of facilities, overnight parking and onshore campsites, and pay the appropriate moorage, campsite fees or unattended vehicle overnight parking permit fee, on a self-registration basis, in accordance with all posted instructions. Failure to so register and pay required fees may result in a surcharge for failure to pay said fees and/or in eviction from moorage and campsite space, in addition to any other penalty prescribed by law for violation of commission rules and regulations. Except as provided in WAC 352-12-060, any violation of this section is an infraction under chapter 7.84 RCW.

WSR 04-01-072

PERMANENT RULES

SECRETARY OF STATE

[Filed December 12, 2003, 4:57 p.m.]

Date of Adoption: December 3, 2003.

Purpose: Establish uniform procedures and practices on signatures that do not match on absentee ballots.

Statutory Authority for Adoption: RCW 29.04.080.

Adopted under notice filed as WSR 03-18-022 on August 25, 2003.

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 1, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 12, 2003

Steve Excell

Assistant Secretary of State

NEW SECTION

WAC 434-240-245 Procedure for signatures that don't match. If the signature on the return envelope of an absentee ballot is not the same as the signature of the voter on the registration file pursuant to RCW 29.36.310 and WAC 434-240-240, the auditor shall either:

(1) Send the voter a voter registration form and a notice asking for the voter to update their signature for the voter registration file by filling out a new registration form and forwarding it to the auditor; or

(2) Contact the voter directly and inform them that the signature on their return envelope does not match and that the voter may update their signature by filling out a new voter registration form.

If the signature is not the same because the name is different, the auditor shall send the voter a voter registration form and notice directing the voter to complete the form, including the appropriate steps to change their name on the voter registration files or complete a name change pursuant to RCW 29.10.051.

WSR 04-01-076

PERMANENT RULES

BOARD OF ACCOUNTANCY

[Filed December 15, 2003, 12:13 p.m.]

Date of Adoption: December 12, 2003.

Purpose: To increase the initial, renewal and reinstatement fee charged to CPA applicants, CPAs, and CPA firms to cover the fiscal costs associated with the implementation of the revisions to chapter 18.04 RCW passed through the 2003 legislative session (SHB 1211); to increase the fees charged to take the newly computerized uniform certified public accountant (CPA) examination; to reduce the fee the agency charges to provide copies of public records.

Citation of Existing Rules Affected by this Order: Amending WAC 4-25-530 Fees.

Statutory Authority for Adoption: RCW 18.04.065, [18.04.]105(3), [18.04.]195(7), [18.04.]205(4), [18.04.]215(8), [18.04.]350 (2)(a), and 42.17.260(8).

Adopted under notice filed as WSR 03-22-067 on November 4, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 12, 2003

Dana M. McInturff, CPA, CFE

Executive Director

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AMENDATORY SECTION (Amending WSR 02-22-083, filed 11/5/02, effective 12/31/02)

WAC 4-25-530 Fees. The board shall charge the following fees:

~~((1))~~ **CPA examination applications:**

(a) First time	
(b) Reexamination, four sections	\$259
(c) Reexamination, two sections	\$182
(d) Reexamination, one section	\$154
(e) Administration of examination for out-of-state applicants	\$110
(2) Initial individual license, practice privilege, individual license through reciprocity, or registration as a resident nonlicensee firm owner	\$300
(3) Renewal of license, certificate, practice privilege, or registration as a resident nonlicensee firm owner	\$200
(4) CPA firm license and renewal fee (sole proprietorships with no employees are exempt)	\$200
(5) Amendment to firm license	\$25
(6) Copies of records, per page exceeding fifty pages	\$0.50
(7) Printed listing of CPA exam candidates	\$75
(8) Computer diskette listing of licensees, certificateholders, grants of practice privilege, and registered resident nonlicensee firm owners and CPA exam candidates	\$75
(9) Applications for reinstatement of license, practice privilege, certificate, or registration as a resident nonlicensee owner	\$450
(10) Replacement CPA wall document	\$50
(11) Quality assurance review program fee (includes monitoring reviews for up to two years)	\$400
(12) Late fee	\$100
(13) Dishonored check fee (including, but not limited to, insufficient funds or closed accounts)	\$35
(14) Application for certificateholder to convert to a license	\$0))
(1) Initial application for individual license, practice privilege, individual license through reciprocity, CPA firm license (sole proprietorships with no employees are exempt from the fee), or registration as a resident nonlicensee firm owner	\$330

(2) Renewal of individual license, certificate, practice privilege, CPA firm license (sole proprietorships with no employees are exempt from the fee), or registration as a resident nonlicensee firm owner	\$230
(3) Application for certificateholder to convert to a license	\$0
(4) Application for reinstatement of license, practice privilege, certificate, or registration as a resident nonlicensee owner	\$480
(5) Quality assurance review program fee (includes monitoring reviews for up to two years)	\$400
(6) Late fee	\$100
(7) Amendment to firm license	\$25
(8) Copies of records, per page exceeding fifty pages	\$0.15
(9) Printed listing of CPA exam candidates	\$75
(10) Computer diskette listing of licensees, certificateholders, grants of practice privilege, and registered resident nonlicensee firm owners; computer diskette of CPA exam candidates; or computer diskette of firms	\$75
(11) Replacement CPA wall document	\$50
(12) Dishonored check fee (including, but not limited to, insufficient funds or closed accounts)	\$35
(13) CPA examination. Exam fees are comprised of section fees plus administrative fees. The total fee is contingent upon which section(s) is/are being applied for and the number of sections being applied for at the same time. The total fee is the section fee(s) for each section(s) applied for added to the administrative fee for the number of section(s) applied for.	
(a) Section fees:	
(i) Auditing and attestation	\$134.50
(ii) Financial accounting and reporting	\$126.00
(iii) Regulation	\$109.00
(iv) Business environment and concepts	\$100.50

(b) <u>Administrative fees:</u>	<u>1/1/04 -</u>	<u>After</u>
	<u>12/31/06</u>	<u>1/1/07</u>
(i) <u>First-time candidate -</u>		
Four sections	\$124.50	\$132.95
(ii) <u>First-time candidate -</u>		
Three sections	\$111.00	\$119.10
(iii) <u>First-time candidate -</u>		
Two sections	\$97.00	\$104.70
(iv) <u>First-time candidate -</u>		
One section	\$83.00	\$90.30
(v) <u>Reexam candidate -</u>		
Four sections	\$122.50	\$130.75
(vi) <u>Reexam candidate -</u>		
Three sections	\$104.00	\$111.40
(vii) <u>Reexam candidate -</u>		
Two sections	\$85.00	\$91.50
(viii) <u>Reexam candidate -</u>		
One section	\$66.00	\$71.60

Note: The board may waive late filing fees for good cause.

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 9, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-17-023, filed 8/9/02, effective 9/9/02)

WAC 388-530-1300 General reimbursement methodology. (1) The medical assistance administration's (MAA) total reimbursement for a prescription drug must not exceed the lowest of:

- (a) Estimated acquisition cost (EAC) plus a dispensing fee;
- (b) Maximum allowable cost (MAC) plus a dispensing fee;
- (c) Federal Upper Limit (FUL) plus a dispensing fee;
- (d) Actual acquisition cost (AAC) plus a dispensing fee for drugs purchased under section 340 B of the Public Health Service (PHS) Act and dispensed to medical assistance clients;
- (e) Automated maximum allowable cost (AMAC) plus a dispensing fee;
- (f) Certified average wholesale price (CAWP) plus a dispensing fee; or
- (g) The provider's usual and customary charge to the non-Medicaid population.

(2) MAA selects the sources for pricing information used to set EAC and MAC. These sources may include pharmaceutical wholesalers.

(3) MAA may solicit assistance from pharmacy providers, pharmacy benefit managers (PBM), other government agencies, actuaries, and/or other consultants when establishing EAC and/or MAC.

(4) MAA reimburses a pharmacy for the least costly dosage form of a drug within the same route of administration, unless the prescriber has designated a medically necessary specific dosage form.

(5) If the pharmacy provider offers a discount, rebate, promotion or other incentive which directly relates to the reduction of the price of a prescription to the individual non-Medicaid customer, the provider must similarly reduce its charge to MAA for the prescription.

~~((5))~~ (6) If a pharmacy gives a product free to the general public, the pharmacy must not submit a claim to MAA when giving the free product to a medical assistance client.

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WSR 04-01-089
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)

[Filed December 16, 2003, 9:43 a.m.]

Date of Adoption: December 9, 2003.

Purpose: This amendment is a change recommended by the DSHS payment review program steering committee. The new language will help control pharmacy costs.

Citation of Existing Rules Affected by this Order: Amending WAC 388-530-1300.

Statutory Authority for Adoption: RCW 74.08.090 and 74.09.520.

Adopted under notice filed as WSR 03-20-075 on September 29, 2003.

Changes Other than Editing from Proposed to Adopted Version: As a result of comments received, the words "medically necessary" were inserted into the following text: WAC 388-530-1300(4) "MAA reimburses a pharmacy for the least costly dosage form of a drug within the same route of administration, unless the prescriber has designated a medically necessary specific dosage form."

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.

WSR 04-01-090

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed December 16, 2003, 9:44 a.m.]

Date of Adoption: December 4, 2003.

Purpose: Amending WAC 388-71-0465 Are there waiting lists for home and community program (HCP) services?, to:

- Create a waiting list in accordance with caseload limits, as determined by legislative funding; and
- Determine rank and priority of waiting list for nursing home residents and clients living in the community.

Citation of Existing Rules Affected by this Order: Amending WAC 388-71-0465.

Statutory Authority for Adoption: RCW 74.39.041.

Other Authority: ESSB 5404 (section 206(9), chapter 25, Laws of 2003 1st sp.s.).

Adopted under notice filed as WSR 03-20-104 on September 30, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 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 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 4, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 03-13-052, filed 6/12/03, effective 7/13/03)

WAC 388-71-0465 Are there waiting lists for HCP services? For:

(1) COPES waiver services, the department will create a waiting list ~~((may be created if:~~

~~(a) The caseload or expenditures exceed the legislative funding, or~~

~~(b) The federal Centers for Medicare and Medicaid Services (CMS) or the legislature imposes))~~ in accordance with caseload limits determined by legislative funding. Wait listed clients will gain access in the following manner:

(a) Nursing home residents wanting COPES waiver services will be ranked first on the wait list by date of application for services; and

(b) After nursing home residents are ranked, clients living in the community with a higher level of need as determined by the department's comprehensive assessment will be ranked higher on the wait list over clients with a lower level of need; and

(c) As between two or more clients in the community with equal need levels, clients with earlier applications for services will have priority over later applications for services.

(2) MPC, there is no waiting list. Note: Instead of waiting lists, the department may be required to revise HCP rules to reduce caseload size, hours, rates, or payments in order to stay within the legislative appropriation.

(3) For Medically Needy Residential waiver, the department will create a waiting list in accordance with caseload limits determined by legislative funding. Wait listed clients will ~~((be ranked))~~ gain access in the following manner:

(a) Nursing home residents wanting MN waiver services will be ranked first on the wait list by date of application for services; and

(b) After nursing home residents are ranked, clients living in the community with a higher level of need as determined by the ~~((comprehensive))~~ department's comprehensive assessment will be ranked higher on the wait list over clients with lower level of need; and

(c) As between two or more clients in the community with equal need levels, clients with earlier applications for services will have priority over later applications for services.

WSR 04-01-091

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health and Rehabilitative Services Administration)

[Filed December 16, 2003, 9:45 a.m.]

Date of Adoption: December 12, 2003.

Purpose: The Mental Health Division is adopting new WAC 388-865-0465 to be consistent with rules being developed for residential treatment facilities by the Department of Health.

Statutory Authority for Adoption: RCW 71.05.560.

Other Authority: Chapter 71.05 RCW.

Adopted under notice filed as WSR 03-22-090 on November 5, 2003.

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 1, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 12, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Effective Date of Rule: Thirty-one days after filing.

December 15, 2003

Susan Yeager
for Will Roehl, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 00-81, filed 5/24/00, effective 6/24/00)

WAC 220-55-180 Point-of-sale transaction fee. The point-of-sale transaction fee shall be used to operate an automated recreational licensing system. This fee shall be applied to all automated licensing system purchases of recreational (~~hunting and fishing licenses and if authorized by the commission pursuant to RCW 77.32.450(2), automated license system fees paid for second animals~~) documents. The transaction fee shall be ten percent of the value of the (~~license~~) document transaction, excluding any applicable dealer fees except that for the period July 1, 2000, through June 30, 2006, the transaction fee shall be nine and one-half percent of the value of the (~~license~~) document transaction, excluding any applicable dealer fee.

NEW SECTION

WAC 388-865-0465 Adult residential treatment facility certification—Additional standards. In order to be certified to provide services at an adult residential treatment facility, the licensed mental health agency must assure that all general minimum standards for community support are met, and in addition:

(1) Be licensed as a mental health adult residential treatment facility by the department of health under chapter 246-377 WAC; and

(2) Be certified to provide services to a consumer on a less restrictive alternative court order consistent with WAC 388-865-0466.

WSR 04-01-095

PERMANENT RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 03-311—Filed December 16, 2003, 1:13 p.m.]

Date of Adoption: December 15, 2003.

Purpose: Transaction fee rules. Applies transaction fee of 9.5% to all documents issued through WILD as per chapter 389, Laws of 2003 and RCW 77.32.050.

Citation of Existing Rules Affected by this Order: Amending WAC 220-55-180.

Statutory Authority for Adoption: RCW 77.12.047.

Other Authority: Chapter 389, Laws of 2003.

Adopted under notice filed as WSR 03-18-038 on August 26, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

WSR 04-01-096

PERMANENT RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 03-312—Filed December 16, 2003, 1:16 p.m.]

Date of Adoption: December 6, 2003.

Purpose: Amend invasive species rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-12-090 and 232-12-016.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-21-173 on October 22, 2003.

Changes Other than Editing from Proposed to Adopted Version:

WAC 220-12-090

(b) Reptiles: (iii) In the family Trionychidae: Strike "species" and insert "members of the genus Apalone."

(c) Crustaceans: (iv) Family Parastacidae: After all genera insert "except *Engaeus* and except the species *Chernax quadricarinatus*, *Chernax papuanus*, and *Chernax tenuimanus*."

WAC 232-12-016

(3)(a)(i), strike "with the exception of marine and estuarine."

(3)(b) List of infested waters:

Adams County: After Herman insert "and Hutchison" and add an "s" to lake.

Clark County: After Lacamas lakes insert "Klineline Pond,."

King County: After Killarney insert "Lucerne," after Meridian insert "Neilson (Holm)," after Otter insert "(Spring)," after Sawyer insert "Shadow,."

Kitsap County: After Buck insert "Horseshoe," after Square insert "Tahuya,."

Kittitas County: Change spelling to "Mattoon."

Lewis County: After Chehalis insert "and Cowlitz" add "n "s" to rivers and add "and the Interstate Avenue Slough."

Mason County: After Mason strike "and" insert a "comma" and after Spencer insert "and Trails End (Prickett)."

Pend Oreille County: After Fan insert "Horseshoe," after Nile strike "Parker," and insert "and" after Sacheen strike "Skookum and Sullivan."

Pierce County: After Harts strike "Kapowsin,."

Snohomish County: After Snohomish County strike "Blackman," after Goodwin strike "Martha," and insert "Meadow," after Nina strike "Riley", after Silver insert "Stevens,."

Whatcom County: After Whatcom County strike "Silver," after Terrell insert "and" after Whatcom strike "and Wisner."

Yakima County: After Yakima County insert "Buena," after Dog insert "and Freeway (Rotary)" and strike "Griffin, Morgan and Wenas."

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 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 15, 2003

Susan Yeager

for Will Roehl, Chair

Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 02-223, filed 9/5/02, effective 10/6/02)

WAC 220-12-090 Classification—Nonnative aquatic animal species. (1) Prohibited aquatic animal species. The following species are classified as prohibited aquatic animal species:

(a) Amphibians:

(i) (Family Pipidae: African clawed frog, *Xenopus laevis*;

(ii) Family Ranidae: Bull frog, *Rana catesbeiana*;

(b)) In the family Hylidae: Cricket frog, in the genus *Hyla* species in the group *Arborea* including: *Hyla annectans*, *Hyla arborea*, *Hyla chinensis*, *Hyla hallowellii*, *Hyla immaculata*, *Hyla japonica*, *Hyla meridionalis*, *Hyla sanchiangensis*, *Hyla simplex*, *Hyla suweonensis*, *Hyla tsinlingensis*, *Hyla ussuriensis*, and *Hyla zhaopingensis*.

(ii) In the family Pelobatidae, spadefoots, all species of the genus *Pelobates* including *P. cultripes*, *P. fuscus*, *P. syri-*

acus, and *P. varaldii*. All species of the genus *Scaphiopus* including: *S. couchii*, *S. holbrookii*, and *S. hurterii*. All species of the genus *Spea* including: *S. hurterii*, *S. bombifrons*, *S. hammondii*, and *S. multiplicata* with the exception of the native species: *Spea intermontana* the great basin spadefoot.

(iii) In the family Pipidae: African clawed frog, all members of the genera *Silurana*, and *Xenopus*.

(iv) In the family Ranidae:

(A) Bull frog, *Rana catesbeiana*.

(B) Holarctic brown frogs and Palearctic green frogs of the genus *Rana*, including the following: *Rana arvalis* group (*R. arvalis*, *R. chaochiaoensis*, *R. chevronta*); *Rana chensinensis* group (*R. altaica*, *R. chensinensis*, *R. dybowskii*, *R. kukunoris*, *R. kunyuensis*, *R. ornativentris*, *R. pirica*); *Rana graeca* group (*R. graeca*, *R. italica*); *Rana japonica* group (*R. amurensis*, *R. aragonensis*, *R. japonica*, *R. omeimontis*, *R. zhenhaiensis*); the subgenus *Rugosa* (*Rana rugosa*, *Rana meljanovi*, *Rana tientaiensis*); *Rana tagoi* group (*R. sakuraii*, *R. tagoi*); *Rana temporaria* group (*R. asiatica*, *R. dalmatina*, *R. honorate*, *R. huanrenensis*, *R. iberica*, *R. latastei*, *R. macrocnemis*, *R. okinavana*, *R. pyrenaica*, *R. tsushimensis*, *R. zhengi*); and in the *Rana Pelophylax* section, the subgenus *Pelophylax* (*R. bedriagae*, *R. bergeri*, *R. cerigensis*, *R. chosenica*, *R. cretensis*, *R. demarchii*, *R. epirotica*, *R. fukienensis*, *R. grafti*, *R. hubeiensis*, *R. lateralis*, *R. lessonae*, *R. nigrolineata*, *R. nigromaculata*, *R. perezi*, *R. plancyi*, *R. porosa*, *R. ridibunda*, *R. saharica*, *R. shqiperica*, *R. shuchinae*, *R. terentievi*, *R. tenggerensis*); and the *Rana ridibunda-Rana lessonae* hybridogenetic complex species *R. esculenta* and *R. hispanica*.

(v) In the family Ambystomatidae: Mole salamanders. In the genus *Ambystomata*: *A. californiense*, *A. laterale*, *A. opacum*, *A. rosaceum*, *A. tigrinum*, except for the native species *A. tigrinum mavortium* Western tiger salamander, and *A. tigrinum melanostictum* Tiger salamander.

(vi) In the family Amphiumidae one, two, and three toed salamanders or congo eels: All members of the genus *Amphiuma*.

(vii) In the family Cryptobranchidae: Giant salamanders and hellbenders, all members of the genera *Andrias* and *Cryptobranchus*.

(viii) In the family Dicamptodontidae, American giant salamanders, all members of the genus *Dicamptodon*, except for the native species: *Dicamptodon tenebrosus*, Pacific giant salamander, and *Dicamptodon copei*, Cope's giant salamander.

(ix) In the family Hynobiidae: Mountain salamanders, all members of the genera *Batrachuperus*, *Hynobius*, *Liua*, *Onychodactylus*, *Pachyhynobius*, *Pseudohynobius*, *Ranodon*, and *Salamandrella*.

(x) In the family Plethodontidae, subfamily Desmognathinae: All members of the genus *Desmognathus*, dusky salamander.

(xi) In the family Plethodontidae, subfamily Plethodontinae: All members of the genera *Aneides* (climbing salamanders); *Batrachoseps* (slender salamanders); *Eurycea* (American brook salamanders); *Gyrinophilus* (cave salamanders); *Hemidactylium* (four-toed salamanders); *Hydrodromantes* (web-toed salamanders); *Plethodon* (woodland and

slimy salamanders); *Pseudotriton* (mud or red salamanders), and *Speleomantes* (European salamanders).

(xii) In the family Proteidae, mudpuppies, all members of the genus *Necturus* and *Proteus*.

(xiii) In the family Salamandridae: Newts, all members of the genera *Chioglossa*; *Eichinotriton* (mountain newts); *Euproctus* (European mt. salamander); *Neurergus* (Kurdistan newts); *Notophthalmus* (red-spotted newts); *Pachytriton* (Chinese newts); *Paramesotriton* (warty newts); *Salamandrina* (speckled salamander); *Taricha* except for the native species *Taricha granulosa granulosa* the Northern rough-skinned newt, and *Triturus* (alpine newts).

(xiv) In the family Sirenidae, sirens, all species of the genera *Pseudobranchius* and *Siren*.

(b) Reptiles:

(i) In the family Chelydridae, snapping turtles, all species.

(ii) In the family Emydidae:

(A) Chinese pond turtles, all members of the genus *Chinemys*.

(B) Pond turtles, all members of the genus *Clemmys*.

(C) European pond turtle, *Emys orbicularis*.

(D) Asian pond turtle, all members of the genus *Mauremys*.

(iii) In the family Trionychidae, American soft shell turtles, all members of the genus *Apalone*.

(c) Crustaceans:

(i) Family Cercopagidae:

(A) Fish hook water flea, *Cercopagis pengoi*.

(B) Spiny water flea, *Bythotrephes cederstroemi*.

(ii) Family Grapsidae: Mitten crabs: All members of the genus *Erochier*.

(iii) Family Cambaridae: Crayfish: All genera.

~~(A) Red swamp crawfish, *Procambarus clarkii*.~~

~~(B) Rusty crawfish, *Oreonectes rusticus*.~~

(iv) Family Parastacidae: Crayfish: All genera except *Engaeos*, and except the species *Cherax quadricarinatus*, *Cherax papuanus*, and *Cherax tenuimanus*.

(v) Family Portunidae: European green crab, *Carcinus maenas*.

~~((e))~~ (vi) Family Spheromatidae: Burrowing isopod, *Sphaeroma quoyanum*.

(d) Fish:

(i) Family Amiidae: Bowfin, grinnel, or mudfish, *Amia calva*.

(ii) Family Channidae: China fish, snakeheads: All members of the genus *Channa*.

(iii) Family Characidae: Piranha or caribe: All members of the genera *Pygocentrus*, ~~((Rooseveltiella))~~ *Rooseveltiella*, and *Serrasalmus*.

(iv) Family Clariidae: Walking catfish: All members of the family.

(v) Family Cyprinidae:

(A) Fathead minnow, *Pimephales promelas*.

(B) ~~((Grass))~~ Carp, Bighead, *Hypophthalmichthys nobilis*.

(C) Carp, Black, *Mylopharyngodon piceus*.

(D) Carp, Grass (in the diploid form), *Ctenopharyngodon idella*.

~~((E))~~ (E) Carp, Silver, *Hypophthalmichthys molitrix*.

(F) Ide, silver orfe or golden orfe, *Leuciscus idus*.

~~((D))~~ (G) Rudd, *Scardinius erythrophthalmus*.

(vi) Family Gobiidae: Round goby, *Neogobius melanostomus*.

(vii) Family Esocidae: Northern pike, *Esox lucius*.

(viii) Family ~~((Lepisosteidae))~~ *Lepisosteidae*: Gar-pikes: All members of the family.

~~((H))~~ (e) Mammals:

Family Myocastoridae: Nutria, *Myocastor coypu*.

~~((I))~~ (f) Molluscs:

(i) Family Dreissenidae: Zebra mussels: All members of the genus *Dreissena* and all species known as quagga.

(ii) Family Gastropoda: New Zealand mud snail, *Potamopyrgus antipodarum*.

(2) Regulated aquatic animal species. The following species are classified as regulated aquatic animal species:

(a) Crustaceans:

All nonnative crustaceans classified as shellfish.

(b) Fish:

(i) All nonnative fish classified as food fish and game fish.

(ii) Family Cichlidae: Tilapia: All members of the genera *Tilapia*, *Oreochromis*, and *Sartheradon*.

(iii) Family Clupeidae: Alewife, *Alosa pseudoharengus*.

(iv) Family Cyprinidae:

(A) Common carp, koi, *Cyprinus carpio*.

(B) Goldfish, *Carassius auratus*.

(C) Tench, *Tinca tinca*.

(D) Grass carp (in the triploid form), *Ctenopharyngodon idella*.

(v) Family Poeciliidae: Mosquito fish, *Gambusia affinis*.

(c) Molluscs:

(i) All nonnative molluscs classified as shellfish.

(ii) Family Psammobiidae: Mahogany clam or purple varnish clam, *Nuttalia obscurata*.

(3) Unregulated aquatic animal species. The following species are classified as unregulated aquatic animal species: None.

AMENDATORY SECTION (Amending Order 02-223, filed 9/5/02, effective 10/6/02)

WAC 232-12-016 Nonnative aquatic species. The following provisions apply to nonnative aquatic species except nonnative species in ballast water, which are provided for in chapter 220-77 WAC. The definitions of invasive species, prohibited aquatic animal species, regulated aquatic animal species, unregulated aquatic animal species, unlisted aquatic animal species and aquatic plant species as used in this section are the same as in RCW 77.08.010.

(1) Request for designation of unlisted aquatic animal species prior to release. Unlisted nonnative aquatic animal species must be reviewed and designated for classification by the commission as either regulated aquatic animal species or unregulated aquatic animal species prior to approval for release into state waters. A request for classification of an unlisted nonnative aquatic animal species shall be treated as a petition to amend WAC 220-12-090, and made on the OFM-01 form. Upon receipt of a petition, the department shall initially classify the species as a prohibited species until the

review is complete. In addition to the OFM-01 form, a person requesting classification must provide the following information in order to present a complete request for designation for classification:

(a) Common and scientific name, reason for release, source of the animals proposed for release, and number of animals proposed for release.

(b) Native range of the species, assessment of potential positive and negative impacts of the release, citation of available scientific literature on release of the species in other non-native locales, known potential for displacement of native species, hybridization with or predation upon native species, and disease or parasite transmission.

(c) Estimate of technical and economic feasibility of eradicating or controlling spread of the species once it is introduced into state waters.

(2) Provisions applying to prohibited aquatic animal species.

(a) Zebra mussels: It is unlawful to import live aquatic organisms, including plants, for release into state waters from any state or Canadian province east of the Continental Divide without each importation being accompanied by a zebra mussel-free certificate issued by the department and signed by the supplier of the aquatic organisms. The original receiver in the state of Washington of the shipment of aquatic organisms is required to retain the zebra mussel-free certificate for two years. Secondary receivers, while in possession of live aquatic organisms, are required to retain invoices or other records showing who was the original receiver.

(b) Scientific research or display: The director may authorize, by prior written permit, a person to possess prohibited aquatic animal species for scientific research or display, provided:

(i) Specimens are confined to a secure facility, defined as an enclosure that will prevent the escape or release of prohibited aquatic animal species into a natural watercourse, and specimens are inaccessible to wildlife or other animals that could transport prohibited aquatic animal species.

(ii) Specimens are not transferred to any other facility without written approval by the director or designee.

(iii) All zebra mussels are incinerated or chemically preserved at the conclusion of the project, and the enclosure, holding waters and all equipment are disinfected. All other prohibited aquatic animal species must be killed at the conclusion of the project and either chemically preserved or disposed of in a landfill.

(iv) The permittee provides an annual report to the department, no later than January 31 of the following year, on a form provided by the department, describing the number, size and location of prohibited aquatic animal species enclosures and general nature of the research.

(c) Monitoring and control programs: The director may authorize persons working within the scope and supervision of a department-sponsored monitoring and control program to capture, possess and destroy prohibited aquatic animal species, provided:

(i) The persons have completed a mandatory training program and are certified by the department;

(ii) The persons have a permit authorized by the director or designee in possession;

(iii) All prohibited aquatic animal species are disposed of in accordance with the monitoring and control program; and

(iv) Participants submit a report to the department within thirty days of any monitoring or control activity in accordance with the specifications outlined in the monitoring and control program.

(d) Capture of prohibited species in state waters. Prohibited aquatic animal species that are captured in state waters and not immediately returned to the water from which they were captured must be killed before removing the prohibited aquatic animal species from within the riparian perimeter of the body of water.

(e) It is lawful to possess dead vertebrate prohibited aquatic animal species taken from state waters, and it is lawful to possess chemically preserved nonvertebrate prohibited aquatic animal species from any source. No permit is required for possession under this subsection.

(f) Prohibited aquatic animals held in commercial and personal possession prior to classification. A person who possessed a prohibited aquatic animal species prior to the time the species was classified as prohibited may continue to hold the animal or animals for the life of the animals, provided:

(i) The person must maintain proof of possession prior to the classification.

(ii) The animals may not be transferred to another owner within the state.

(iii) The person must comply with all provisions of this section.

(iv) The animals must be prevented from reproducing, or if prevention is impracticable, the progeny must be destroyed.

(3) Infested waters.

(a) The following bodies of waters are infested with invasive aquatic plants or prohibited aquatic animal species. In these waters:

(i) It is unlawful to use aquatic animals from these waters for bait in the infested waters or any other waters.

(ii) All aquatic vegetation must be removed from lines, nets, motors, and all other equipment when the equipment is removed from the infested waters.

(iii) It is unlawful to transport water from these bodies of water, and bait containers, live wells, and bilges must be emptied before leaving the riparian perimeter of the body of water, except:

(A) Water may be transported in emergencies, such as a fire emergency.

(B) Water may be withdrawn and used under a water appropriation or public waters work permit issued by the department of ecology.

(b) List of infested waters:

Adams County: Herman and Hutchison lakes.

Chelan County: Chelan, Cortez, Domke, Fish, Roses and Wapato lakes.

Clallam County: Sutherland Lake.

Clark County: Battleground, and Lacamas lakes, Kline-line Pond, Caterpillar Slough, ((Lake)) Columbia River adjacent to Ridgefield National Wildlife Refuge.

Columbia, Franklin and Walla Walla counties: Herbert G. West Lake, Snake River.

Cowlitz County: Kress and Silver lakes, Soho and Willow Grove sloughs.

Ferry County: Twin Lake.

Franklin County: Kahlotus and Sacajawea lakes, Scooteny Reservoir, Snake River.

Grant County: Babcock Ridge, Banks, Billy Clapp, Burke, Caliche, Canal, Corral, Corral Southwest, Moses, Priest Rapids, Quincy, Stan Coffin (~~(and)~~), Warden, and Windmill lakes, unnamed potholes at Dodson Frenchman and Frenchman Hills Nos. 1 through 4, Evergreen and Potholes reservoirs, Rocky Ford Creek and Winchester Wasteway.

Grays Harbor County: Duck and Failor lakes, Grays Harbor.

Island County: Crockett and Lone lakes.

Jefferson County: Crocker and Leland lakes.

King County: Alice, Angle, Bass, Desire, Fenwick, Geneva, Green, Killarney, Lucerne, Meridian, Nielson (Holm), Otter (Spring), Phantom, Pine, Pipe, Sammamish, Sawyer, Shadow, Shady, Spring, Steel, (~~(and)~~) Twelve, Union, Washington, and Wilderness lakes.

Kitsap County: Buck, Horseshoe, Long, Mission, Square, Tahuya, and Wye lakes.

Kittitas County: Lavendar and (~~(Matton)~~) Mattoon lakes.

Klickitat County: Celilo, Horsethief, and Spearfish lakes, Columbia River.

Lewis County: Carlisle, Mayfield (~~(and)~~), Plummer, and Riffe lakes, Swofford Pond, Chehalis and Cowlitz rivers and the Interstate Avenue Slough.

Mason County: Isabella, Island, Limerick, Mason (~~(and)~~), Spencer, and Trails End (Prickett) lakes.

(~~(Okanagon)~~) Okanogan County: Conconully, Green, Osoyoos, Palmer, Pearrygin, and Whitestone lakes, Okanogan River.

Pacific County: Black (~~(and)~~), Island, Loomis, and O'Neil lakes, Willapa Bay.

Pend Oreille County: Davis, Diamond, Fan, Horseshoe, Mashall, (~~(and Sacheel)~~) Nile, and Sacheen lakes, Little Spokane and Pend Oreille rivers.

Pierce County: Bay, Clear, Harts, (~~(Kapowsin)~~) Hidden, Ohop, Rapjohn, Spanaway, (~~(Tanwax)~~) Tapps, and Whitman lakes.

San Juan County: Sportsman Lake.

Skagit County: Beaver, Big, Campbell, Clear, Erie, Heart, McMurray, and Sixteen lakes.

Skamania County: Coldwater and Drano lakes, Columbia River.

Snohomish County: Goodwin, Meadow, Nina, Roesiger (~~(and)~~), Shoecraft, Silver, Stevens, and Swartz lakes.

Spokane County: Eloika, Liberty, Long, Newman, and Silver lakes.

Stevens County: Black, Deep, Gillette, Heritage, Loon, McDowell, Sherry, Thomas, and Waitts lakes, Long Lake Reservoir.

Thurston County: Capitol, Hicks, Long, (~~(and)~~) Munn, Scott, and Ski lakes, Black and Chehalis rivers.

Wahkiakum County: Columbia River and Brooks Slough.

Walla Walla County: Snake River.

Whatcom County: (~~(Silver)~~) Terrell and Whatcom lakes.

Whitman County: Bryan and Lower Granite lakes, Snake River.

Yakima County: (~~(Myron)~~) Buena, Byron, Dog, and Freeway (Rotary) lakes, unnamed ponds at 12N - 19E - 20, Yakima River.

(4) Aquaculture provisions. It is unlawful to fail to comply with the following provisions regarding aquaculture and waters containing prohibited aquatic animal species or invasive aquatic plant species.

(a) When a natural body of water is designated by rule as infested, ongoing aquaculture operations in that body of water are restricted from transferring product, equipment or associated materials until such time as the operator of the aquaculture operation submits to the department a plan to prevent the spread of invasive aquatic plants and prohibited aquatic animal species, and has received approval from the department of such plan.

(b) Artificial water basins found to be infested with prohibited aquatic animal species are required to have the water sterilized before continuing aquaculture operations, and any private sector cultured products in such waters must be killed before sale or transfer.

(c) By permit from the department, water from bodies of water infested with invasive aquatic plants may be used in artificial water basins for aquaculture, provided that the water is treated to eliminate invasive aquatic plants prior to use.

(5) Violations of this section involving invasive aquatic animal species is punishable under RCW (~~(77.15... (section 4, chapter 281, Laws of 2002))~~) 77.15.253.

(6) Violations of this section involving invasive aquatic plants is punishable under RCW 77.15.290.

WSR 04-01-099

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed December 16, 2003, 2:41 p.m.]

Date of Adoption: December 10, 2003.

Purpose: Redesign of the patient requiring regulation (PRR) rule in order to improve client safety and reduce unnecessary expense.

Citation of Existing Rules Affected by this Order: Amending WAC 388-501-0135.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.055.

Other Authority: 42 C.F.R. Subpart B 431.51, 431.54 (e) and (3), and 456.1.

Adopted under notice filed as WSR 03-20-073 on September 29, 2003.

Changes Other than Editing from Proposed to Adopted Version: The following changes were made in the rule as proposed (additions indicated by underlined text, deletions indicated by ~~strikethrough text~~):

PERMANENT

WAC 388-501-0135 (first sentence):

"Patient ~~requiring regulation review and restriction~~ (PRR) is a medical assistance administration (MAA) health and safety program for clients needing help in the appropriate use of medical services."

WAC 388-501-0135 (6)(a):

"The department will send a written notice to the client or ~~his or her~~ the client's authorized representative that:...."

WAC 388-501-0135 (6)(a)(ii):

"Directs the client to respond to the department within twenty calendar days after receiving the written notice: ~~and:~~"

WAC 388-501-0135 (6)(a)(ii)(A):

"To provide information on the selected provider(s); ~~of....~~"

WAC 388-501-0135 (8)(b):

"A client who requests a fair hearing within twenty calendar days from the date ~~they~~ the client receives notice under subsection (6)(a) of this section, will not be assigned to the PRR program until a fair hearing decision is made or if the client appeals, until a final order is issued."

WAC 388-501-0135 (8)(c):

"A client who requests a fair hearing after twenty calendar days from the date ~~he or she~~ the client receives notice under subsection (6)(a) of this section, and who has already been assigned a provider or providers, will remain in PRR until a fair hearing decision is made and a final administrative order is issued."

WAC 388-501-0135 (10)(a):

"The client moves to a residence outside the provider's geographic area; ~~or....~~"

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 10, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-02-076, filed 12/29/00, effective 1/29/01)

WAC 388-501-0135 Patient ((~~requiring regulation~~) review and restriction (PRR)). ((~~(+)~~) Patient ((~~requiring regulation~~) review and restriction (PRR)) is a medical assistance administration (MAA) health and safety program for clients needing help in the appropriate use of medical ser-

~~vices. ((A client in)) PRR is ((restricted to one primary care provider (PCP) and one pharmacy. Enrollment in the PRR program is for twenty-four months.~~

~~(2) Any client of the department's medical programs is reviewed for assignment to PRR if:~~

~~(a) The client has:~~

~~(i) Made repeated and documented efforts to seek medically unnecessary health services; and~~

~~(ii) Been counseled at least once by a health care provider or managed care plan representative about the appropriate use of health care services; or~~

~~(b) Any three of the following conditions have been met or exceeded in a ninety-day period. The client:~~

~~(i) Received services from four different physicians; or~~

~~(ii) Had prescriptions filled by four different pharmacies;~~

~~or~~

~~(iii) Received ten prescriptions; or~~

~~(iv) Had prescriptions filled by four different prescribers; or~~

~~(v) Used two emergency room (ER) visits.~~

~~(3) If subsections (2)(a) or (b) of this section apply, then the client's use of medical services is reviewed by the department. The review considers the client's diagnoses, history of services provided, or other medical information supplied by the health care provider or managed care plan. The review is done by a nurse consultant, physician, or other qualified medical staff according to established medical review guidelines.~~

~~(4) If the medical review finds that the client uses inappropriate or medically unnecessary services the client receives written notice which:~~

~~(a) Asks the client to select a primary care provider and one pharmacy; and~~

~~(b) Notifies the client of their right to request a fair hearing within ninety days (see subsection (6) of this section); and~~

~~(c) Requires the client to respond within twenty days by:~~

~~(i) Selecting a primary care provider and pharmacy; or~~

~~(ii) Submitting additional medical information, which justifies the client's use of medical services; or~~

~~(iii) Writing or calling the PRR representative, who is identified in the PRR notice, requesting assistance; or~~

~~(iv) Requesting a fair hearing (see subsection (6) of this section).~~

~~(5) A client who does not respond to the notice within twenty days is assigned to the PRR program. The department assigns the client to a PCP and pharmacy. The client may change the assigned PCP and pharmacy once within the initial sixty days. The assigned providers will be:~~

~~(a) Located in the client's local geographic area; and~~

~~(b) Reasonably accessible to the client.~~

~~(6) A client has ninety days to request a fair hearing. A client who requests a fair hearing within twenty days from the date they receive notice under subsection (4) of this section will not be assigned to the PRR program until a fair hearing decision is made. A client who requests a fair hearing after twenty days may have been assigned a PCP and pharmacist. An assigned client will remain in PRR until a fair hearing decision is made.~~

~~(7) When a PRR client chooses or the department assigns a PCP and pharmacy, the PCP and pharmacy requirements are:~~

(a) A PCP supervises and coordinates medical care for the client. The PCP makes referrals for specialist care and provides continuity of care. A PCP must be:

(i) A physician who meets the criteria under WAC 388-502-0020 and 388-502-0030; or

(ii) An advanced registered nurse practitioner (ARNP) who meets criteria under WAC 388-502-0020 and 388-502-0030; or

(iii) A licensed physician assistant, practicing with a sponsoring supervising physician.

(b) A single pharmacy fills all prescriptions for the client. For fee for service clients the pharmacy must be contracted with MAA.

(c) For clients enrolled in a managed care plan, the pharmacy and PCP must be contracted with the client's managed care plan.

(8) The PRR client's medical assistance identification card (MAID) will be marked in the "restricted" column.

(9) A client in PRR cannot change their PCP or pharmacy for twelve months unless the:

(a) Client changes to a residence outside the provider's geographic area; or

(b) PCP or pharmacy moves out of the client's geographical area; or

(c) PCP or pharmacy refuses to continue as the client's provider; or

(d) Client was assigned providers. The client may change the assigned providers once within sixty days of the initial assignment.

(10) A PRR client enrolled in a managed care plan must select a PCP and pharmacy from those identified as available within their plan. In addition to the reasons given in subsection (9) of this section, the client may change a provider if the:

(a) Chosen or assigned PCP or pharmacy no longer participates with their plan. The client may:

(i) Select a new PCP from the list of available PCPs provided by the plan; or

(ii) Transfer enrollment of all family members to the new department contracted plan which the established PCP has joined.

(b) Client chooses a new plan during the managed care program's open enrollment period, which occurs during the twenty-four month PRR enrollment period as defined in subsection (1) of this section.

(11) After twenty-four months, a PRR client's use of services is reviewed. A client is removed from PRR if:

(a) The billing records show the care received was reasonable and appropriate; or

(b) The PCP reports the services requested and received were reasonable and appropriate.

(12) If the client is not removed from PRR under subsection (11) of this section, the client continues to be in PRR for an additional twelve months. After that twelve period, the client is reviewed again according to subsection (11)(a) and (b) of this section.

(13) Under the PRR program, MAA or the client's managed care plan will pay for only:

(a) Those services authorized by the PCP, the PCP-referred specialist, or the pharmacist; or

(b) Emergencies services; or

(c) Family planning services; or

(d) Women's health care services. A client enrolled with a managed care plan must self-refer to providers within the plan's network.

The client may be responsible for payment of services not covered by the PRR program)) authorized under federal Medicaid law by 42 USC 1396n (a)(2) and 42 CFR 431.54. A client is assigned to the PRR program based upon a determination by MAA of overuse or inappropriate use of medical services.

(1) Definitions—The following definitions apply to this section only:

"Assigned provider" - A medical provider assigned by MAA staff in the PRR program to be the primary provider and coordinator of services for a client in the PRR program. A PRR client may have an assigned medical provider; an assigned pharmacy and an assigned hospital and may be restricted to these provider(s).

"At-risk" means a medical history that includes evidence of life-threatening or potentially life-threatening events or conditions which required medical intervention.

"Inappropriate use" - means use of medical services which are not adapted to or appropriate for a patient's medical needs.

"Medically unnecessary" - means services that are nonessential, redundant, and/or not necessary for a patient's medical care.

"Overuse" - means the excessive use of medical services well beyond the patient's medically necessary care.

(2) Clients selected for review—Clients are selected for PRR review by:

(a) An "exception report" produced by the Medicaid Management Information System; or

(b) Direct referral from medical providers, social service agencies or other concerned parties.

(3) Initial review criteria—Any client of the department's medical programs may be considered for assignment to PRR if conditions in either (a) or (b) of this subsection apply:

(a) Any two or more of the following conditions have been met in a period of ninety calendar days in the previous twelve months. The client:

(i) Received services from four or more different physicians;

(ii) Had prescriptions filled by four or more different pharmacies;

(iii) Received ten or more prescriptions;

(iv) Had prescriptions written by four or more different prescribers; or

(v) Received similar services from two or more providers in the same day.

(b) Any one of the following conditions applies: The client has:

(i) Made two or more emergency department visits in a ninety-day period;

(ii) A medical history indicating at-risk utilization patterns; or

(iii) Made repeated and documented efforts to seek medically unnecessary services and been counseled at least once

by a health care provider or managed care representative about the appropriate use of health care services.

(4) Request for clinical review—If either subsection (2)(a) or (b) of this section applies, PRR program staff may review the client's medical and billing history for overuse or inappropriate use of medical services and on a case-by-case basis decide to:

(a) Close the file;

(b) Send the client a letter of concern with information on specific findings and notice of potential placement in the PRR program; or

(c) Request a clinical review of the records.

(5) Clinical review—A nurse consultant, physician, or other qualified clinical staff at MAA may review the client's medical records to determine if there is a history of overuse or inappropriate or medically unnecessary use of services. The reviewer relies on established medical guidelines and may on a case-by-case basis decide to:

(a) Take no action and close the PRR file; or

(b) Proceed with any or all of the following:

(i) Continue to monitor the client's utilization pattern for thirty to sixty days;

(ii) Refer the client for education on appropriate use of services;

(iii) Refer the client to other support services or agencies; or

(iv) Assign the client to the PRR program.

(6) Client restriction—When the clinical review determines that the client has obtained inappropriate or medically unnecessary services, by established medical guidelines, the client will be restricted:

(a) The department will send a written notice to the client or the client's authorized representative that:

(i) Asks the client to select a primary care provider (PCP) and/or a pharmacy and/or a hospital. (See WAC 388-546-5000 through 388-546-5400 for limitations on non-emergency transportation services.)

(ii) Directs the client to respond to the department within twenty calendar days after receiving the written notice:

(A) To provide information on the selected provider(s);

(B) To submit additional medical information, justifying the client's use of medical services; or

(C) To request assistance from PRR program staff.

(iii) Informs the client of fair hearing rights (see subsection (8) of this section); and

(iv) Informs the client that, if a response is not received within twenty calendar days, the client will be restricted to provider(s) assigned by the PRR program.

(b) After twenty calendar days, the PRR program may restrict the client to the specific provider(s) either chosen by the client or assigned by the program.

(7) Assigned providers—Assigned providers will be:

(a) Located in the client's local geographic area; and/or

(b) Reasonably accessible to the client.

(8) Fair hearing rights

(a) A client has ninety calendar days following the date of the department's notice in which to request a fair hearing.

(b) A client who requests a fair hearing within twenty calendar days from the date the client receives notice under subsection (6)(a) of this section, will not be assigned to the

PRR program until a fair hearing decision is made or if the client appeals, until a final order is issued.

(c) A client who requests a fair hearing after twenty calendar days from the date the client receives notice under subsection (6)(a) of this section, and who has already been assigned a provider or providers, will remain in PRR until a fair hearing decision is made and a final administrative order is issued. (The client will remain in PRR if the fair hearing decision is adverse to the client.)

(9) Provider selection and role—For fee for service clients the providers must be contracted with MAA.

(a) The selected primary care provider (PCP) must be either:

(i) A physician who meets the criteria under WAC 388-502-0020 and 388-502-0030;

(ii) An advanced registered nurse practitioner (ARNP) who meets criteria under WAC 388-502-0020 and 388-502-0030; or

(iii) A licensed physician assistant, practicing with a sponsoring supervising physician.

(b) The PCP supervises and coordinates medical care for the client on restriction. The PCP provides continuity of care and refers to specialists when necessary.

(c) A single pharmacy fills all prescriptions for the client.

(d) A single hospital provides all nonemergent and out-patient hospital care for the client.

(10) Provider changes—A client in PRR cannot change the assigned providers for twelve months after the assignments are made, unless:

(a) The client moves to a residence outside the provider's geographic area;

(b) The provider moves out of the client's geographical area;

(c) The provider refuses to continue to serve the client; or

(d) The client did not select the provider. The client may change a department-assigned provider once within sixty calendar days of the initial assignment.

(11) Managed care clients on PRR—A client in PRR enrolled in an MAA managed care plan must select a primary care provider (PCP) and/or a pharmacy and/or a hospital from those identified as available within the plan. In addition to the reasons given in subsection (9) of this section, the client may change a provider if the chosen or assigned PCP or pharmacy no longer participates with the plan. In such a situation, the client may:

(a) Select a new PCP from the list of available PCPs provided by the plan; or

(b) Transfer enrollment of all family members to the new department-contracted plan that the established PCP has joined.

(12) Lifting or continuing restrictions After twenty-four months of assignment to the PRR program, a PRR client's use of services is reviewed.

(a) A client is removed from PRR after the twenty-four-month review if:

(i) Clinical and billing documentation show the client's care was reasonable and appropriate; and/or

(ii) The PCP reports the services requested and received were reasonable and appropriate.

(b) If the client is not removed from PRR after the twenty-four-month review, the client remains in PRR for an additional twelve months. After that twelve-month period, the client is reviewed again pursuant to this subsection.

(13) Client financial responsibility—So long as the requirements of WAC 388-502-0160 are followed, a client who is restricted under the PRR program may be billed for services and held financially responsible for:

(a) Services that MAA and/or the client's health plan determine are not medically necessary; and:

(b) Nonemergent services obtained from providers or facilities other than those assigned under the PRR program.

WSR 04-01-100

PERMANENT RULES

GRAYS HARBOR COLLEGE

[Filed December 16, 2003, 4:02 p.m.]

Date of Adoption: December 1, 2003.

Purpose: The student code identifies the rights, responsibilities and potential consequences for inappropriate action for students attending Grays Harbor College.

Citation of Existing Rules Affected by this Order: Amending WAC 132B-120-010 through 132B-120-220.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 03-19-063 on September 11, 2003.

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 14, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 14, 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 14, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 8, 2003

Arlene Torgerson

Vice President

for Student Services

AMENDATORY SECTION (Amending WSR 98-09-012, filed 4/6/98, effective 5/7/98)

WAC 132B-120-010 Definitions. As used in this document the following words and phrases shall mean:

(1) "Board" shall mean the board of trustees of Community College District No. 2, state of Washington.

(2) "College" shall mean Grays Harbor College or any additional community college hereafter established within Community College District No. 2, state of Washington.

(3) "Liquor" shall mean the definition of liquor as contained within RCW 66.04.010 as now law or hereafter amended.

(4) "Controlled substances" shall mean the definition of controlled substances as defined in RCW 69.50.101 as now law or hereafter amended.

(5) "College facilities" shall mean and include any or all real property owned, rented, leased, controlled or operated by the college and shall include all buildings and appurtenances affixed thereon or attached thereto. College facilities extend to affiliated websites, distance learning classroom environments and agencies or institutions that have educational agreements with Grays Harbor College.

(6) "President" shall mean the chief executive officer of the college appointed by the board of trustees.

(7) "Vice-president" shall mean the vice-president for student services or in his/her absence, the vice-president for instruction.

(8) "Faculty" shall mean any person employed on a full or part-time basis as a teacher, instructor, counselor, coach or librarian for the college or an affiliated institution.

~~((8))~~ (9) "Student" shall mean and include any person who is enrolled ~~((at))~~ in courses through the college or is in the process of applying for admission to the college.

~~((9))~~ (10) "Employee" shall mean any classified, faculty, administrator, exempt, student worker or volunteer person of the college or an affiliated institution.

~~((10))~~ (11) "College community" shall mean all employees and students of the college.

~~((11))~~ (12) "Disciplinary action" shall mean any of the sanctions listed in WAC 132B-120-130.

~~((12))~~ (13) "Sexual harassment" shall mean unwelcome verbal or physical conduct of a sexual nature, unwelcome or unsolicited sexual advances or requests for sexual favors when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's academic standing or employment;

(b) Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or

(c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or educational environment.

Examples of behaviors that may constitute harassment include but are not limited to: Repeated, offensive and unwelcome insults and/or jokes; pressure for dates or sex, if unwelcome or repeated; repeated, unwelcome comments about an individual's body or clothing; persistent, unwelcome flirtation, advances and/or propositions of a sexual nature; deliberate and unwelcome touching, such as patting, hugging, pinching or repeated brushing against a person's body.

~~((13))~~ (14) "Hazing" shall mean any method of initiation into a student organization or association or any pastime or amusement engaged in with respect to such an organiza-

tion that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending any institution of higher education or postsecondary institution. Hazing does not include customary athletic events or other similar contests or competitions.

~~((14))~~ (15) "Trespass" shall be defined in accordance with chapter 9A.52 RCW.

~~((15))~~ (16) "Assembly" shall mean any 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.

~~((16))~~ (17) "RCW" shall mean the Revised Code of Washington.

AMENDATORY SECTION (Amending WSR 98-09-012, filed 4/6/98, effective 5/7/98)

WAC 132B-120-030 Jurisdiction. All rules herein adopted concerning student conduct and discipline shall apply to every student whenever said student is engaged in or present at any college-related activity whether occurring on or off of college facilities. The college may carry out disciplinary proceedings prior to, simultaneous with, or following civil or criminal proceedings in a court. The college is not a policing agent for students when they are not in college facilities 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 the college community.

AMENDATORY SECTION (Amending WSR 98-09-012, filed 4/6/98, effective 5/7/98)

WAC 132B-120-040 Prohibited conduct. Disciplinary action may be taken for a violation of any provision of this student code or for a violation of other college rules and regulations which may from time to time be properly enacted or for specific prohibited conduct including but not limited to the following:

(1) Smoking and use of tobacco products anywhere other than designated smoking areas.

(2) Using, possessing, consuming, or being under the influence of, or ~~((selling))~~ distributing any liquor as defined in RCW 66.04.010, ~~((in violation of law or in a manner which disrupts a college activity))~~ when present at or engaged in any college sponsored activity with the exception of sanctioned events approved by the president or designee and in compliance with state law.

(3) Using, possessing, ~~((selling))~~ distributing or being under the influence of any narcotic drug or controlled substance as defined in RCW 69.50.101 in a college facility or while participating in a college-related program.

(4) Engaging in lewd, indecent, or obscene behavior.

(5) Where the student presents an imminent danger to college property or to himself/herself or to other students or persons in college facilities on or off campus, or to the education process of the college.

(6) Interference by force or violence with, or intimidation by threat of force or violence, of another student, employee or visitor who is in the peaceful discharge or con-

duct of his/her duties or studies (RCW 28B.10.570 through 28B.10.572).

(7) Disorderly or abusive behavior either physical or verbal which interferes with the rights of others or ~~((which))~~ that obstructs or disrupts teaching, learning, research, services, activities or administrative functions.

(8) Conducting or participating in an assembly which violates the guidelines of assembly as defined in Section II E.

(9) All forms of student academic dishonesty, including cheating, falsification, plagiarism or facilitating, aiding and abetting academic dishonesty.

(a) This section shall not be construed as preventing an instructor from taking immediate disciplinary action as provided herein where the instructor is required to act upon such breach of academic dishonesty in order to preserve order and prevent disruptive conduct in the classroom. ((This section shall also not be construed as preventing an instructor from adjusting the student's grade on a particular project, paper, test, or class grade for academic dishonesty.))

(b) This section shall also not be construed as preventing an instructor from adjusting the student's grade on a particular project, paper, test, or class grade for academic dishonesty.

(10) Forgery of or unauthorized alteration of or access to any college document, record, funds or instrument of identification, including electronic hardware, software and records.

(11) Providing false information to the college or the intentional making of false statements and/or filing of false charges against the college and/or members of the college community.

(12) Theft from college premises and/or property; theft of property of a member of the college community on college premises; or possession of property stolen from college premises and/or a member of the college community while on college premises.

(13) Causing or attempting to cause physical damage to property owned, controlled or operated by the college or to property owned, controlled or operated by another person while said property is located on college facilities.

(14) Failure to comply with the direction of college employees acting in the legitimate performance of their duties.

(15) Refusal to provide positive identification and evidence of student enrollment to any college employee in the lawful discharge of said employee's duties.

(16) Possession, transportation or storage of any firearm(s), explosives, dangerous chemicals or other weapons, devices or substances which can be used to inflict bodily harm or to damage real or personal property. This does not apply to commissioned police officers as prescribed by law.

(17) 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.

(18) ~~((Violating any of the computer use policies in effect on campus.))~~ Computer violations which include, but are not limited to:

(a) Gaining access, without authorization, to a computer system or network, or electronic data owned, used by, or affiliated with Grays Harbor College;

(b) Unauthorized use of another individual's account, identification or password;

(c) Use of computer facilities to interfere with the work of another student, faculty member, college employee or computer network operations;

(d) Use of computer facilities to send or solicit obscene, abusive, bothersome or harassing messages;

(e) Use of college e-mail accounts to intentionally disseminate viruses, destructive, malicious or invasive programs;

(f) Use of college computers or systems for other than educational purposes;

(g) Use of college computer equipment to participate in illegal or unauthorized activities;

(h) Violating any of the computer use policies in effect on campus.

(19) Sexual harassment as defined in Section IB12 of another student or employee.

(20) Any repeated intentional conduct directed at another student or employee that has the purpose or effect of creating a hostile, intimidating or disruptive learning or working environment. (This may include intentional, repeated, unwelcome attempts to contact a student or employee.)

(21) Hazing in any form as described in RCW 28B.10-900.

(22) The breach of any generally recognized and published code of ethics or standards of professional practice that governs the conduct of a particular trade, skill, craft or profession for which the student is taking courses or is pursuing as their educational goal.

(23) Malicious harassment that 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.

(24) Unauthorized use of college equipment, facilities or supplies. Use of college equipment, facilities, supplies, or computer systems for personal gain without proper authority.

(25) Violation of federal, state or local law in college facilities or at college-sponsored or supervised activities.

(26) Violation of other published college policies, rules or regulations.

AMENDATORY SECTION (Amending WSR 98-09-012, filed 4/6/98, effective 5/7/98)

WAC 132B-120-065 Student rights. The following rights are endorsed by the college for 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 rights of free inquiry, expression and peaceful 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 have the right to a learning environment which is free from unlawful discrimination and sexual harassment.

(d) Students are protected from academic evaluation which is arbitrary, prejudiced or capricious, and are responsible for meeting the standards of academic performance established by each of their instructors.

(2) Nondiscrimination. Students have the right not to be discriminated against on the basis of age, color, creed, disability, gender, marital status, national origin or ancestry, race, religion, sexual orientation, or veteran status.

(3) Due process. Students have the right of due process. No disciplinary action may be imposed without notice to the accused of the nature of the charges. A student accused of violating the code of conduct is entitled to procedural due process as set forth in the code.

(4) Campus 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 college procedures.

(5) Right to assembly. Students shall have the right of assembly upon college facilities that are generally available to the public provided such assemblies:

(a) Are conducted in an orderly manner;

(b) Do not unreasonably interfere with vehicular or pedestrian traffic;

(c) Do not unreasonably interfere with classes, scheduled meetings or ceremonies or regular functions of the college;

(d) Do not cause destruction or damage to college property;

(e) Are in compliance with procedures established in Administrative Procedure 516.03.

(6) Distribution of materials. Handbills, leaflets, newspapers and similarly related materials may be distributed free of charge by any student or students, or by members of recognized student organizations, or by college employees on or in college facilities at locations specifically designated by the vice-president for student services; and are in compliance with procedures established in Administrative Procedure 516.03 provided such distribution does not interfere with the ingress or egress of persons or interfere with the free flow of vehicular or pedestrian traffic.

Such handbills, leaflets, newspaper and related matter must bear identification as to the publishing agency and distributing organization or individual.

All nonstudents shall register with the vice-president for student services prior to the distribution of any handbill, leaflet, newspaper or related matter. Such distribution must not interfere with the free flow of vehicular or pedestrian traffic.

Any person or persons who violate any provisions of this rule relating to the distribution of materials will be subject to disciplinary action.

(7) Commercial activities. College facilities will not be used for commercial solicitation, advertising or promotional activities except when such activities clearly serve educational objectives, including but not limited to display of books of interest to the academic community or the display or demonstration of technical or research equipment, and when such commercial activities relate to educational objectives and are conducted under the sponsorship or at the request of

the college, or the office of the associated students of the college; provided that such solicitation does not interfere with or operate to the detriment of the conduct of college affairs or the free flow of vehicular or pedestrian traffic.

(8) Fund-raising. Students and student organizations have the right to engage in fund-raising activities subject to the approval of the vice-president for student services.

(9) Grievances. Students have the right to express and resolve misunderstandings, complaints and grievances according to the stated grievance procedures.

AMENDATORY SECTION (Amending WSR 98-09-012, filed 4/6/98, effective 5/7/98)

WAC 132B-120-080 Classroom conduct. ~~((Instructors have the authority to take whatever summary actions may be necessary 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.~~

~~(1) Any student who substantially disrupts any college class by engaging in conduct that renders it difficult or impossible to maintain the decorum of the faculty member's class shall be subject to disciplinary action.~~

~~(2) The instructor of each course offered by the college shall be authorized to take such steps as may be necessary to preserve order and to maintain the effective cooperation of the class in fulfilling the objectives of the course; provided a student shall have the right to appeal such disciplinary action to the vice-president for student services.) 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.~~

A faculty member may remove a student for the single class session in which disruptive behavior occurs. The instructor will report any such exclusion from the class to the vice-president for student services or designee who may initiate further conduct proceedings as provided in this procedure.

The vice-president or designee may impose a disciplinary probation that restricts the student from the classroom until the student agrees to comply with the specific conditions outlined for classroom conduct or until an investigation is complete. The student may appeal the disciplinary sanction according to appeal procedures.

AMENDATORY SECTION (Amending WSR 98-09-012, filed 4/6/98, effective 5/7/98)

WAC 132B-120-085 Groups and organizations. ~~((1))~~ Recognized student groups and organizations may be charged with violations of this code. Such a group or organization and its officers may be held collectively or individually responsible when violations of this code by those associated with the group or organization have received the tacit or overt consent or encouragement of the organization, its leaders, officers or spokespersons.

~~((2))~~ Sanctions for group or organization misconduct may include revocation of the use of college facilities for a specified period of time or denial of recognition or funds as well as other appropriate sanctions permitted under this code.

Sanctions of groups or organizations are subject to the appeal process upon request.

AMENDATORY SECTION (Amending WSR 98-09-012, filed 4/6/98, effective 5/7/98)

WAC 132B-120-120 Disciplinary process. (1) ~~((Any infractions of college rules and regulations may be referred by any student or employee to the vice-president for student services or in his/her absence the vice-president for instruction or designee. Sexual harassment complaints or concerns may be directed to the vice-president for student services or the equity resource director. The vice-president for student services or, in his/her absence, the vice-president for instruction of the college is responsible for initiating the disciplinary proceedings for infractions of rules and regulations as outlined in the procedures. The vice-president for student services or, in his/her absence, the vice-president for instruction, may delegate this responsibility to members of their staff and they may also establish committees or other hearing bodies to advise or act for them in disciplinary matters. That official shall then follow the appropriate procedures for any disciplinary action which is deemed necessary relative to the alleged misconduct.~~

~~(2))~~ **Judicial authority.** The vice-president for student services, designee, or in his/her absence, the vice-president for instruction of the college is responsible for initiating disciplinary proceedings for infractions of rules and regulations as outlined in the procedures. The vice-president for student services, or in his/her absence, the vice-president for instruction, may delegate this responsibility to members of their staff and they may also establish committees or other hearing bodies to advise or act for them in disciplinary matters.

(2) Initiating the process. Any infractions of college rules and regulations may be referred by any student or employee to the vice-president for student services, designee or in his/her absence the vice-president for instruction. Sexual harassment complaints or concerns may be directed to the vice-president for student services or human resources office.

(3) Disciplinary process (except summary suspension).

(a) The vice-president for student services and/or the vice-president for instruction or his/her designated representative will initiate disciplinary proceedings.

(b) Any student accused of violating any provision of the rules of conduct shall be called for an initial meeting and in order that any informality in disciplinary proceedings not mislead the student as to the seriousness of the matter under consideration, will be informed of what provision(s) of the rules of conduct he/she is charged with violating, and what appears to be the range of penalties, if any, which might result from disciplinary proceedings.

~~((3))~~ (c) After considering the evidence in a case and interviewing the student or students involved, the vice-president for student services or, in his/her absence, the vice-president for instruction or designee may take any of the following actions:

~~((a))~~ (i) Terminate the proceeding, exonerating the student or students.

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~~((b))~~ (ii) Dismiss the case after providing whatever counseling and advice may be appropriate.

~~((e))~~ (iii) Impose verbal warning or reprimand not subject to student's right of appeal.

(iv) Impose additional disciplinary sanctions ~~((directly))~~, subject to the student's right of appeal as described in this procedure. The student shall be notified in writing of the action taken ~~((except that disciplinary warnings may be given verbally))~~, the reason for the decision and information about the appeals process.

~~((d))~~ (v) Refer the matter to the student ~~((faculty disciplinary))~~ conduct committee for appropriate action. The student shall be notified in writing that the matter has been referred to the committee.

~~((4))~~ (d) If the student fails to appear at the scheduled meeting without prior notification or evidence of extenuating circumstances, the vice-president may impose any sanctions authorized by this code.

(e) The written decision of the vice-president shall become final unless appealed.

(f) If a referral or an appeal is made to the student ~~((faculty disciplinary))~~ conduct committee, the committee shall hold a hearing, reach conclusions and may impose sanctions.

AMENDATORY SECTION (Amending WSR 98-09-012, filed 4/6/98, effective 5/7/98)

WAC 132B-120-130 Sanctions. ~~((4))~~ Sanctions for violations of college regulations or conduct may be imposed independent of any action taken by civil authorities. In the case of minors, misconduct may be referred to parents or legal guardians.

~~((2))~~ More than one sanction may be recommended. Sanctions may include, but are not limited to:

~~((a))~~ (1) Disciplinary warning. Constitutes oral notice of violation of college rules and regulations.

~~((b))~~ (2) Reprimand. Formal action after censuring a student for violation of college rules or regulations for failure to satisfy the college's expectations regarding conduct. Reprimands are made in writing to the student by the disciplinary official. A reprimand indicates to the student that continuation or repetition of the specific conduct involved or other misconduct will result in one or more serious disciplinary actions described below.

~~((e))~~ (3) Disciplinary probation. Formal action placing conditions upon the student's continued attendance. Notice will be made in writing, specifying the period of probation and the conditions of the probation. Disciplinary probation warns the student that any further misconduct will automatically raise the question of dismissal from the college. Disciplinary probation may be for a specified term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

~~((d))~~ (4) Restitution. Compensation for loss, damage, or injury to the appropriate party in the form of service, money, or material replacement.

~~((e))~~ (5) Discretionary sanctions. These may include but are not limited to: Work assignments, service to college or community, class/workshop attendance or other discre-

tionary assignments such as educational interventions intended as learning experiences.

~~((f))~~ (6) Loss of privileges. Loss of specific college privileges for a specified period of time. These may include but are not limited to student activities, athletic events, drama or music performances, or club participation.

~~((g))~~ (7) No contact. Restriction from entering specific college areas and/or all forms of contact with certain person(s).

~~((h))~~ Summary suspension. ~~Temporary dismissal from the college for a period of time during which an investigation and/or formal disciplinary procedures are pending. Summary suspension is predicated upon a reasonable belief that the student presents an imminent danger to college property, to other students, to employees of the college or is of significant disruption to the educational process.~~

~~(i)~~ During the period of summary suspension, the student may enter the college premises only to meet with the vice-president for student services or a designee; to deliver a written appeal; to attend a hearing; or otherwise with special permission from the vice-president for student services.

~~(ii)~~ At the end of the summary suspension period, the student shall be reinstated to prior status subject to any other disciplinary sanctions that may have been imposed.

~~(i)~~ Suspension. ~~Temporary dismissal from the college and termination of student status.~~

~~(j)~~ Expulsion. ~~Permanent termination of student status from the college.~~

~~(3)~~ Refund of fees for the quarter in which disciplinary action is taken shall be in accord with the college's refund policy. Fees paid in advance for subsequent quarters will be refunded.

~~(4)~~ A student suspended on the basis of conduct which disrupted the orderly operation of the campus or any facility of the district, may be denied access to all or any part of the campus or other facility. ~~(8)~~ Summary suspension:

~~(a)~~ Temporary dismissal from the college for a period of time during which an investigation and/or formal disciplinary procedures are pending. Summary suspension is predicated upon a reasonable belief that the student presents an imminent danger to college property, to other students, to employees of the college or is of significant disruption to the educational process.

~~(b)~~ During the period of summary suspension, the student may enter the college premises only to meet with the vice-president for student services or a designee; to deliver a written appeal; to attend a hearing; or otherwise with special permission from the vice-president for student services.

~~(c)~~ At the end of the summary suspension period, the student shall be reinstated to prior status subject to any other disciplinary sanctions that may have been imposed. (See WAC 132B-120-130.)

~~(9)~~ Suspension. ~~Temporary dismissal from the college and termination of student status. A student suspended on the basis of conduct, which disrupted the orderly operation of the campus or any facility of the district, may be denied access to all or any part of college facilities.~~

~~(10)~~ Deferred suspension. ~~Notice of suspension from the college contingent on meeting condition(s) specified. Not meeting the contingency shall immediately invoke the sus-~~

pension for the period of time and under the conditions originally imposed.

(1) Expulsion. Permanent termination of student status from college.

Refund of fees for the quarter in which disciplinary action is taken shall be in accord with the college's refund policy. Fees paid in advance for subsequent quarters will be refunded.

AMENDATORY SECTION (Amending WSR 98-09-012, filed 4/6/98, effective 5/7/98)

WAC 132B-120-135 Summary suspension procedures. (1) If the vice-president for student services deems summary suspension appropriate, she/he shall give the student oral or written notice of the reasons for summary suspension, duration of the summary suspension, and of any possible additional disciplinary or corrective action that may be taken. If oral notice is given, written notice shall follow within two calendar days. In addition, the vice-president for student services shall set a date for informal hearing of the summary suspension as soon as practicable.

(2) The presiding officer for the informal hearing shall be an administrator designated by the president other than the administrator who initially imposed the summary suspension (normally, the vice-president for student services) and will be accompanied by the president of the associated students of Grays Harbor College or designee. The student shall be given the opportunity to present written and/or oral evidence. The issue before the presiding officer shall be whether reasonable cause exists to support and to continue the summary suspension.

(3) The presiding officer shall issue a written decision within two days of the informal hearing.

(4) The student may request a de novo review of the informal hearing decision before the student ~~((faculty disciplinary))~~ **conduct** committee. Either party may request the review to be consolidated with any other disciplinary proceeding arising from the same matter.

(5) Nothing herein shall prevent faculty members from taking summary action as may be reasonably necessary to maintain order in the classroom and/or prevent substantial disruption to the educational process. Such summary action in the form of removal from the classroom may not exceed ~~((two))~~ **one** day(s) per episode. Any such summary action may be appealed to the vice-president for student services for an informal hearing.

AMENDATORY SECTION (Amending WSR 98-09-012, filed 4/6/98, effective 5/7/98)

WAC 132B-120-170 Student ~~((faculty disciplinary))~~ **conduct committee.** ~~((+))~~ The student ~~((faculty disciplinary))~~ **conduct** committee, convened for that purpose, will hear, de novo, and make recommendations on all disciplinary cases referred to it by the appropriate authority or ~~((appeal))~~ appealed to it by student(s). The committee will be composed of the following persons:

~~((a))~~ (1) A member appointed by the president of the college who shall serve as chair;

~~((b))~~ (2) Two members of the faculty, appointed by the president of the faculty association;

~~((e))~~ (3) Two representatives from the student council, appointed by the student body president.

~~((2))~~ None of the above-named persons shall sit on any case in which he/she has a complaint or witness, in which he/she has a direct or personal interest, or in which he/she has acted previously in an advisory or official capacity. Decisions in this regard, including the selection of alternates, shall be made by the disciplinary committee as a whole.

In hearings before the committee, an assistant attorney general may be requested to assist the committee.

AMENDATORY SECTION (Amending WSR 98-09-012, filed 4/6/98, effective 5/7/98)

WAC 132B-120-180 Student ~~((faculty disciplinary))~~ **conduct committee procedures.** ~~((+))~~ The student has a right to a fair and impartial hearing before the committee on any charge of misconduct resulting in disciplinary action other than warning or reprimand.

~~((2))~~ The committee chair shall establish general rules of procedures for conducting hearings. ~~((A majority of the committee shall set the time, place and available seating capacity for a hearing.))~~ All proceedings of the committee will be conducted with reasonable dispatch and terminated as soon as fairness to all parties involved permits.

~~((3))~~ (1) The committee shall issue written notice of the date, time and place of the hearing, and the charges against the student consistent with RCW 34.05.434. This notice of hearing shall be provided no later than seven days prior to the date of the hearing. The notice may be amended at any time prior to the hearing, but if such amendment is prejudicial to the student's case, the hearing shall be rescheduled to a later date if so requested in writing by the student.

~~((4))~~ (2) The student may be represented by counsel and/or accompanied by an advisor of his/her choice, who is not, however, an employee of the college. If the student elects to choose and pay a duly licensed attorney admitted to practice in the state of Washington as counsel, notice thereof must be tendered by the student to the vice-president for student services at least five calendar days prior to the hearing.

~~((5))~~ (3) The student or his/her representative shall be entitled to hear and examine the evidence against him/her and be informed of the identity of its sources; the student shall be entitled to present evidence in his/her own behalf and to question witnesses testifying against him/her as to factual matters. The committee shall request the administration to provide the student a list of witnesses who will appear, and a description of any documentary or other physical evidence that will be presented at the hearing. The student shall have all authority which is possessed by the college to obtain information or to request the presence of witnesses or the production of other evidence relevant to the issues at the hearing.

~~((6))~~ (4) Only those matters presented at the hearing, in the presence of the student involved, will be considered in determining whether the student is guilty of the misconduct charged but the student's past record of conduct may be taken into account in formulating the committee's recommendation ~~((for disciplinary action)).~~

~~((7))~~ (5) Hearings conducted by the committee ~~((may))~~ will be held in closed session ~~((at the discretion of the committee))~~, the only exception being when the student involved invites particular persons or requests an open hearing. If at any time during the conduct of the hearing, invited guests are disruptive of the proceedings, the chair of the committee may exclude such persons from the hearing room.

(6) The vice-president of student services or designee shall make the first presentation and present witnesses. The student may then make a presentation and present witnesses. Either side may offer a rebuttal.

(7) The chairperson may receive sworn written statements in lieu of oral testimony at the hearing. The chairperson shall admit matters into evidence that reasonable persons would accept as having value in the conduct of their affairs. Unduly repetitive or irrelevant evidence may be excluded.

(8) Failure on the part of the student(s) to appear or cooperate in the proceedings may result in default in accordance with RCW 34.05.440. However, it may not preclude the committee from making its findings of fact, reaching conclusions and imposing sanctions. Failure of the student to cooperate may be taken into consideration by the committee in recommending penalties.

(9) The committee may decide to uphold or modify sanctions in accordance with WAC 132B-120-130.

(10) An adequate summary of the proceedings will be kept. At a minimum, such summary would include a tape recording of testimony. ~~((Such record will be available for inspection and copying in the office of student services during regular business hours. The student will be provided with a copy of the findings of fact and with the conclusions of the committee.~~

~~((11))~~ During the hearing, such record will be available to the student conduct committee, the student and student's attorney and any other college official designated by the chairperson for inspection and copying in the office of the chairperson during regular business hours. Following the conclusion of the conduct proceeding, access to records of the case and hearing file will be kept in the office of the vice-president for student services and limited to those designated by the college president.

(11) The student will be provided with a copy of the findings of fact and with the conclusions of the committee.

(12) Appeal of the committee's decision. The student will also be advised of his/her right to present within seven calendar days, a written statement of appeal to the president of the college before action is taken on the decision of the committee. In the case of a student under eighteen years of age, written notice of any action involving dismissal or disciplinary probation may be sent to the parents or guardian of the student.

~~((12))~~ (13) If the student concludes that the action of the disciplinary committee is inappropriate, the student may appeal the matter to the president of the college. The president of the college or his/her designated representative, after reviewing the case, including the report of the committee and any statements filed by the student, shall either indicate his/her approval of the conclusions of the committee by sustaining its decision, shall give directions as to what other disciplinary action shall be taken by modifying its decision or

shall nullify previous sanctions imposed by reversing its decision. The president shall then notify the official who initiated the proceedings, the student and the committee chair. The decision of the president is final.

AMENDATORY SECTION (Amending WSR 98-09-012, filed 4/6/98, effective 5/7/98)

WAC 132B-120-190 Appeals. Any disciplinary action other than warning or reprimand may be appealed. All appeals must be made in writing and addressed to the vice-president for student services within seven calendar days of the college's giving ~~((of the))~~ notice of the disciplinary action.

~~((1))~~ Disciplinary action by any college employee may be appealed to, and shall be reviewed by, the vice-president for student services, or in his/her absence, the vice-president for instruction or designee.

~~((2))~~ Disciplinary action may be appealed to, and shall be reviewed by, the student ~~((faculty disciplinary))~~ conduct committee.

~~((3))~~ Disciplinary action by the student ~~((faculty disciplinary))~~ conduct committee may be appealed to and shall be reviewed by the college president or his/her designee.

AMENDATORY SECTION (Amending WSR 98-09-012, filed 4/6/98, effective 5/7/98)

WAC 132B-120-200 Reporting, recording and maintaining records. ~~((Records of all disciplinary cases shall be kept by the office of the vice-president for student services.))~~ The office of the vice-president for student services shall keep records of all disciplinary cases. Except in proceedings where the student is exonerated, all documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved; insofar as possible, for not more than six years. No other records of proceedings wherein the student is exonerated, other than the fact of exoneration, shall be maintained in the student's file or other college repository after the date of the student's graduation or not more than six years.

AMENDATORY SECTION (Amending WSR 98-09-012, filed 4/6/98, effective 5/7/98)

WAC 132B-120-220 Student grievance procedure. The purpose of these procedures is to provide guidelines which enable a student to express and resolve misunderstandings, complaints, or grievances in a fair and equitable manner. Students have the right to receive clear information and fair application of college policies, standards, rules and requirements and are responsible for complying with them in their relationships with college personnel. This grievance procedure emphasizes an informal resolution which promotes constructive dialogue and understanding.

(1) Student complaints. A complaint is any expression of dissatisfaction with the performance of a college employee, policy or procedure. Students who have a complaint shall use the following procedure:

Step 1. If the complaint is about the action of a college employee, the college employee and student shall make a good faith effort to resolve the grievance on a one-to-one

basis. If the complaint is about a policy or procedure, it should be discussed with the employee most closely responsible for the policy or procedure. Both parties should openly discuss the concern, attempt to understand the other's perspective, explore alternatives and attempt to arrive at a satisfactory resolution.

Step 2. If the student determines that the complaint cannot be resolved to his/her satisfaction with the employee concerned, he/she should contact one of the following people:

(a) The vice-president for instruction for complaints regarding an instructional employee, policy or procedure; or

(b) The vice-president for student services regarding any other employee, policy or procedure.

The student may be referred to other appropriate personnel for resolution.

Step 3. The vice-president will discuss with the student his/her concerns including options available to resolve the concern. The student may be requested to indicate in writing the nature of the grievance specifying as accurately as possible all details. Following discussion and the gathering of any further information (~~as needed~~), the vice-president, within twenty working days, will issue a decision to resolve the complaint and report his/her findings to all involved parties. If an investigation requires more time, the deadline may be extended to a mutually agreed future date.

Step 4. If the meeting with the vice-president does not resolve the complaint to the student's satisfaction, he/she may appeal to the president of the college. The president may amend, modify, reverse or accept the recommendation of the vice-president. The decision of the president shall be final.

(2) Records. The vice-president shall keep all written statements or transcripts associated with the complaint as part of the files. The files will be destroyed after six years from the initiation of the complaint.

(3) Time limits on filing a complaint. The student must file a complaint within one academic quarter of the event which caused the grievance to be filed. The vice-president may suspend this rule under exceptional circumstances such as extended illness, or leave of a party to the complaint. No complaints will be considered after two academic quarters of the occurrence of the source of the grievance. When either party to the complaint is no longer present at the college and does not expect to return, the vice-president will give the absent party reasonable opportunity to reply to the complaint before making a decision.

(4) Grievances excluded. The student grievance procedure described in this section is not intended to cover complaints of discrimination or sexual harassment. The college has separate, specific procedures for such complaints. See the vice-president for student services (~~or the equity resource director~~) for information on those specific procedures.

A student may not use the provisions of these sections as the basis for filing a grievance based on the outcome of summary or other disciplinary proceedings described in earlier sections of this student rights and responsibilities code or for resolution of specific categories of student complaints where other procedures are required.

Federal and state laws, rules and regulations, in addition to policies, regulations and procedures adopted by the state

board for community college education or the board of trustees of Community College District No. 2 shall not be grievable matters.

WSR 04-01-104

PERMANENT RULES

BUILDING CODE COUNCIL

[Filed December 17, 2003, 10:14 a.m., effective July 1, 2004]

Date of Adoption: November 21, 2003.

Purpose: To repeal chapter 51-42 WAC and adopt chapter 51-52 WAC. Chapter 51-52 WAC adopts and amends the International Mechanical Code, 2003 Edition, published by the International Code Council.

Citation of Existing Rules Affected by this Order: Repealing chapter 51-42 WAC.

Statutory Authority for Adoption: RCW 19.27.031 and 19.27.074.

Adopted under notice filed as WSR 03-18-078 on August 29, 2003.

Changes Other than Editing from Proposed to Adopted Version: Section 504.6.3 is not adopted. Section 1002.2 is not amended; the model code language for that section is adopted. WAC 51-52-21404, Section 404.4, and WAC 51-52-22006, Section 6.1.5, are not amended; the model code language for those sections is adopted.

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 15, Amended 0, Repealed 50.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 15, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 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 15, Amended 0, Repealed 50.

Effective Date of Rule: July 1, 2004.

November 21, 2003

Tim Nogler

for Stan Price

Council Chair

Chapter 51-52 WAC

STATE BUILDING CODE ADOPTION AND AMENDMENT OF THE 2003 EDITION OF THE INTERNATIONAL MECHANICAL CODE

NEW SECTION

WAC 51-52-001 Authority. These rules are adopted under the authority of chapter 19.27 RCW.

NEW SECTION

WAC 51-52-002 Purpose. The purpose of these rules is to implement the provisions of chapter 19.27 RCW, which provides that the state building code council shall maintain the State Building Code in a status which is consistent with the purpose as set forth in RCW 19.27.020. In maintaining the codes the council shall regularly review updated versions of the codes adopted under the act, and other pertinent information, and shall amend the codes as deemed appropriate by the council.

NEW SECTION

WAC 51-52-003 International Mechanical Code. The 2003 edition of the *International Mechanical Code* published by the International Code Conference is hereby adopted by reference with the exceptions noted in this chapter of the Washington Administrative Code (WAC).

NEW SECTION

WAC 51-52-004 Conflict between International Mechanical Code and State Energy Code chapter 51-11 WAC. In the case of conflict between the duct sealing or insulation requirements of Section 603 or Section 604 of this code and the duct sealing or insulation requirements of chapter 51-11 WAC, the Washington State Energy Code, or where applicable, a local jurisdiction's energy code, the provisions of such energy codes shall govern.

NEW SECTION

WAC 51-52-005 Conflict between International Mechanical Code and State Ventilation and Indoor Air Quality Code chapter 51-13 WAC. In the case of conflict between the Group R ventilation requirements of this code and the Group R ventilation requirements of chapter 51-13 WAC, the Washington State Ventilation and Indoor Air Quality Code, the provisions of the Ventilation and Indoor Air Quality Code shall govern.

NEW SECTION

WAC 51-52-007 Exceptions. The exceptions and amendments to the International Mechanical Code contained in the provisions of chapter 19.27 RCW shall apply in case of conflict with any of the provisions of these rules.

The provisions of this code do not apply to temporary growing structures used solely for the commercial production of horticultural plants including ornamental plants, flowers, vegetables, and fruits. "Temporary growing structure" means a structure that has the sides and roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention. A temporary growing structure is not considered a building for purposes of this code.

Codes referenced which are not adopted through RCW 19.27.031 or chapter 19.27A RCW shall not apply unless specifically adopted by the authority having jurisdiction.

NEW SECTION

WAC 51-52-008 Implementation. The International Mechanical Code adopted by chapter 51-52 WAC shall become effective in all counties and cities of this state on July 1, 2004.

NEW SECTION**WAC 51-52-0101 Section 101—General.**

101.2 Scope. This code shall regulate the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This code shall also regulate those mechanical systems, system components, equipment and appliances specifically addressed herein. The installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall be regulated by the *International Fuel Gas Code*.

- EXCEPTIONS:**
1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the *International Residential Code*.
 2. Mechanical systems in existing buildings undergoing repair, alterations, or additions, and change of occupancy shall be permitted to comply with the *International Existing Building Code*.
 3. The standards for liquefied petroleum gas installations shall be the 2001 Edition of NFPA 58 (Liquefied Petroleum Gas Code) and the 2002 Edition of ANSI Z223.1/NFPA 54 (National Fuel Gas Code).

101.5 Other authorities. In addition to the International Mechanical Code, provisions of chapter 480-93 WAC regarding gas pipeline safety may also apply to single meter installations serving more than one building. The provisions of chapter 480-93 WAC are enforced by the Washington utilities and transportation commission.

NEW SECTION**WAC 51-52-0202 Section 202—General definitions.**

UNUSUALLY TIGHT CONSTRUCTION. Construction meeting the following requirements:

1. Walls exposed to the outside atmosphere having a continuous water vapor retarder with a rating of 1 perm (57 ng/s·m²·Pa) or less with openings gasketed or sealed; and
2. Openable windows and doors meeting the air leakage requirements of the *International Energy Conservation Code*, Section 502.1.4; and
3. Caulking or sealants are applied to areas such as joints around window and door frames, between sole plates and floors, between wall-ceiling joints, between wall panels, at penetrations for plumbing, electrical and gas lines, and at other openings; or
4. Buildings built in compliance with the 1986 or later editions of the Washington State Energy Code, chapter 51-11 WAC, Northwest Energy Code, or Super Good Cents weatherization standards or equivalent.

NEW SECTION**WAC 51-52-0601 Section 601—General.**

601.2 Air movement in egress elements. Exit access corridors shall not serve as supply, return, exhaust, relief or ventilation air ducts.

- EXCEPTIONS:**
1. Use of a corridor as a source of makeup air for exhaust systems in rooms that open directly onto such corridors, including toilet rooms, bathrooms, dressing rooms, smoking lounges and janitor closets, shall be permitted provided that each such corridor is directly supplied with outdoor air at a rate greater than the rate of makeup air taken from the corridor.
 2. Where located within a dwelling unit, the use of corridors for conveying return air shall not be prohibited.
 3. Where located within tenant spaces of one thousand square feet (93 m²) or less in area, utilization of corridors for conveying return air is permitted.
 4. Where such air is part of an engineered smoke control system.
 5. Corridors conforming to the International Building Code in Group I occupancies.
 6. Corridors serving residential occupancies shall be permitted to be supplied without specific mechanical exhaust subject to the following:
 - 6.1 The supply air is one hundred percent outside air; and
 - 6.2 The units served by the corridor have conforming ventilation independent of the air supplied to the corridor; and
 - 6.3 For other than high-rise buildings, the supply fan will automatically shut off upon activation of corridor smoke detectors which shall be spaced at no more than thirty feet (9,144 mm) on center along the corridor; or
 - 6.4 For high-rise buildings, corridor smoke detector activation will close required smoke/fire dampers at the supply inlet to the corridor at the floor receiving the alarm.

601.3 Contamination prevention. Exhaust ducts under positive pressure, chimneys, and vents shall not extend into or pass through ducts or plenums.

- EXCEPTION:** Exhaust ducts conveying environmental air shall be permitted to pass through a duct or plenum provided that:
1. The duct is maintained under sufficient negative pressure to prevent leakage of the exhaust air to the surrounding duct or plenum; or
 2. If maintained under a positive pressure with respect to the surrounding duct or plenum, the exhaust duct will be sealed to prevent leakage; or
 3. The surrounding air stream is an exhaust air stream not intended for recirculation to the building and cross-contamination of the two air streams will not create a hazardous condition.

NEW SECTION

WAC 51-52-1000 Chapter 10—Boilers, water heaters and pressure vessels.

SECTIONS 1003 THROUGH 1011, are not adopted.

Boilers and Unfired Pressure Vessels are regulated by chapter 70.79 RCW and chapter 296-104 WAC.

NEW SECTION

WAC 51-52-21000 International Fuel Gas Code.

NEW SECTION

WAC 51-52-21404 Section 404—Piping system installation.

404.8 Protection against corrosion. Metallic pipe or tubing exposed to corrosive action, such as soil condition or moisture, shall be protected in an approved manner, and cathodically protected in accordance with NACE RP-01-69. Zinc coatings (galvanizing) shall not be deemed adequate protection for gas piping underground. Ferrous metal exposed in exterior locations shall be protected from corrosion in a manner satisfactory to the code official. Where dissimilar metals are joined underground, an insulation coupling or fitting shall be used. Piping shall not be laid in contact with cinders.

NEW SECTION

WAC 51-52-22000 National Fuel Gas Code.

NEW SECTION

WAC 51-52-22006 Chapter 6—Gas piping installation.

6.1.3 Protection Against Corrosion. Metallic gas piping in contact with earth or other material that could corrode the piping shall be protected against corrosion in an approved manner, and cathodically protected in accordance with NACE RP-01-69. When dissimilar metals are joined underground, an insulating coupling or fitting shall be used. Piping shall not be laid in contact with cinders. Uncoated threaded or socket welded joints shall not be used in piping in contact with soil or where internal or external crevice corrosion is known to occur.

WSR 04-01-105

PERMANENT RULES

BUILDING CODE COUNCIL

[Filed December 17, 2003, 10:15 a.m., effective July 1, 2004]

Date of Adoption: November 21, 2003.

Purpose: To repeal chapters 51-44 and 51-45 WAC and adopt chapter 51-54 WAC. Chapter 51-54 WAC adopts and amends the International Fire Code, 2003 Edition, published by the International Code Council.

Citation of Existing Rules Affected by this Order: Repealing chapters 51-44 and 51-45 WAC.

Statutory Authority for Adoption: RCW 19.27.031 and 19.27.074.

Adopted under notice filed as WSR 03-18-079 on August 29, 2003.

Changes Other than Editing from Proposed to Adopted Version: Section 907.10.1 was not amended; the model code language for that section is adopted. A definition of portable school classroom was added to Section 902.1 for consistency with the IBC. Subsection titles were added under Section 909.6.3, Sections 007 and 3301.1 were edited.

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 14, Amended 0, Repealed 28.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 2, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 12, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 14, Amended 0, Repealed 28.

Effective Date of Rule: July 1, 2004.

November 21, 2003

Tim Nogler
for Stan Price
Council Chair

Chapter 51-54 WAC

STATE BUILDING CODE ADOPTION AND AMENDMENT OF THE 2003 EDITION OF THE INTERNATIONAL FIRE CODE

NEW SECTION

WAC 51-54-001 Authority. These rules are adopted under the authority of chapter 19.27 RCW.

NEW SECTION

WAC 51-54-002 Purpose. The purpose of these rules is to implement the provisions of chapter 19.27 RCW, which provides that the State Building Code council shall maintain the State Building Code in a status which is consistent with the purpose as set forth in RCW 19.27.020. In maintaining the codes the council shall regularly review updated versions of the codes adopted under the act, and other pertinent information, and shall amend the codes as deemed appropriate by the council.

NEW SECTION

WAC 51-54-003 International Fire Code. The 2003 edition of the International Fire Code, published by the International Code Council is hereby adopted by reference with the following additions, deletions, and exceptions.

NEW SECTION

WAC 51-54-007 Exceptions. The exceptions and amendments to the International Fire Code contained in the provisions of chapter 19.27 RCW shall apply in case of conflict with any of the provisions of these rules.

Codes referenced which are not adopted through RCW 19.27.031 or chapter 19.27A RCW shall not apply unless specifically adopted by the authority having jurisdiction.

The provisions of this code do not apply to temporary growing structures used solely for the commercial production

of horticultural plants including ornamental plants, flowers, vegetables, and fruits. "Temporary growing structure" means a structure that has the sides and roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention. A temporary growing structure is not considered a building for purposes of this code.

The provisions of this code do not apply to the construction, alteration, or repair of temporary worker housing except as provided by rule adopted under chapter 70.114A RCW or chapter 37, Laws of 1998 (SB 6168). "Temporary worker housing" means a place, area, or piece of land where sleeping places or housing sites are provided by an employer for his or her employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees, for temporary, seasonal occupancy, and includes "labor camps" under RCW 70.54.110.

The manufacture, storage, handling, sale and use of fireworks shall be governed by chapter 70.77 RCW and by chapter 212-17 WAC and local ordinances consistent with chapter 212-17 WAC.

NEW SECTION

WAC 51-54-008 Implementation. The International Fire Code adopted by chapter 51-54 WAC shall become effective in all counties and cities of this state on July 1, 2004.

NEW SECTION

WAC 51-54-0100 Chapter 1—Administration.

105.6.17 Flammable or combustible liquids. An operational permit is required:

1. To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the off-site transportation in pipelines regulated by the department of transportation (DOT) nor does it apply to piping systems.

2. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:

2.1 The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the code official, would cause an unsafe condition.

2.2 The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.

3. To store, handle or use Class II or Class III-A liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.

4. To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.

5. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries

and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.

6. To place temporarily out-of-service (for more than 90 days) an underground, protected above-ground or above-ground flammable or combustible liquid tank.

7. To change the type of contents stored in a flammable or combustible liquid tank to a material which poses a greater hazard than that for which the tank was designed and constructed.

8. To manufacture, process, blend or refine flammable or combustible liquids.

9. To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.

10. To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.

11. To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of marine craft and special equipment at commercial, industrial, governmental or manufacturing establishments.

NEW SECTION

WAC 51-54-0200 Chapter 2—Definitions.

SECTION 202 GENERAL DEFINITIONS.

ADULT FAMILY HOME means a dwelling in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

CHILD DAY CARE, shall, for the purposes of these regulations, mean the care of children during any period of a 24-hour day.

ELECTRICAL CODE is the National Electrical Code, promulgated by the National Fire Protection Association, as adopted in chapter 296-46 WAC, or the locally adopted Electrical Code.

FAMILY CHILD DAY CARE HOME is a child day care facility, licensed by the state, located in the dwelling of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home.

EDUCATIONAL GROUP E. Educational Group E Occupancy includes, among others, the use of a building or structure, or a portion thereof, by six or more persons at any one time for educational purposes through the 12th grade. Religious educational rooms and religious auditoriums, which are accessory to churches in accordance with Section 302.2 of the IBC and have occupant loads of less than 100, shall be classified as Group A-3 Occupancies.

Day Care. The use of a building or structure, or portion thereof, for educational, supervision or personal care services for more than five children older than 2 1/2 years of age, shall be classified as a Group E Occupancy.

EXCEPTION: Family child day care homes licensed by the Washington state department of social and health services for the care of twelve or fewer children shall be classified as Group R3.

INSTITUTIONAL GROUP I. Institutional Group I Occupancy includes, among others, the use of a building or structure, or a portion thereof, in which people, cared for or living in a supervised environment and having physical limitations because of health or age, are harbored for medical treatment or other care or treatment, or in which people are detained for penal or correctional purposes or in which the liberty of the occupants is restricted. Institutional occupancies shall be classified as Group I-1, I-2, I-3 or I-4.

Group I-1. This occupancy shall include buildings, structures or parts thereof housing more than 16 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment that provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following:

- Residential board and care facilities
- Assisted living facilities
- Halfway houses
- Group homes
- Congregate care facilities
- Social rehabilitation facilities
- Alcohol and drug centers
- Convalescent facilities

A facility such as the above with five or fewer persons and adult family homes licensed by the Washington state department of social and health services shall be classified as a Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2. A facility such as above, housing at least six and not more than 16 persons, shall be classified as Group R-4.

A facility such as the above providing licensed care to clients in one of the categories listed in Section 313.1 regulated by either the Washington department of health or the department of social and health services shall be classified as Licensed Care Group LC.

Group I-2. This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing or custodial care on a 24-hour basis of more than five persons who are not capable of self-preservation. This group shall include, but not be limited to, the following:

- Hospitals
- Nursing homes (both intermediate-care facilities and skilled nursing facilities)
- Mental hospitals
- Detoxification facilities

A facility such as the above with five or fewer persons shall be classified as Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2.

A facility such as the above providing licensed care to clients in one of the categories listed in Section 313.1 regulated by either the Washington department of health or the department of social and health services shall be classified as Licensed Care Group LC.

Group I-3. (Remains as printed in the IFC.)

Group I-4. Day care facilities. This group shall include buildings and structures occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood marriage, or adoption, and in a place other than the home of the person cared for. A facility such as the above with five or fewer persons shall be classified as Group R-3 or shall comply with the *International Residential Code*. Places of worship during religious functions are not included.

Adult care facility. A facility that provides accommodations for less than 24 hours for more than five unrelated adults and provides supervision and personal care services shall be classified as Group I-4.

EXCEPTION: Where the occupants are capable of responding to an emergency situation without physical assistance from the staff, the facility shall be classified as Group A-3.

Child care facility. A facility that provides supervision and personal care on a less than 24-hour basis for more than five children 2 1/2 years of age or less shall be classified as Group I-4.

EXCEPTIONS: 1. A child day care facility that provides care for more than five but no more than 100 children 2 1/2 years or less of age, when the rooms where such children are cared for are located on the level of exit discharge and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.
2. Family child day care homes licensed by the Washington state department of social and health services for the care of 12 or fewer children shall be classified as Group R3.

RESIDENTIAL GROUP R. Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or Licensed Care Group LC. Residential occupancies shall include the following:

R-1 Residential occupancies where the occupants are primarily transient in nature, including:

- Boarding houses (transient)
- Hotels (transient)
- Motels (transient)

R-2 Residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including:

- Apartment houses
- Boarding houses (not transient)
- Convents
- Dormitories
- Fraternities and sororities
- Monasteries
- Vacation timeshare properties
- Hotels (nontransient)
- Motels (nontransient)

R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2, R-4 or I and where buildings do not contain more than two dwelling units as applicable in Section 101.2, including adult family homes and family child day care homes for the care of 12 or fewer children, licensed by the Washington state department of social and health services, or adult and child care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours. Adult family homes and family child day care homes, or adult and child

care facilities that are within a single-family home are permitted to comply with the *International Residential Code* in accordance with Section 101.2.

Foster family care homes licensed by the Washington state department of social and health services shall be permitted, as an accessory use to a dwelling, for six or fewer children including those of the resident family.

R-4 Residential occupancies shall include buildings arranged for occupancy as residential care/assisted living facilities including more than five but not more than 16 occupants, excluding staff.

EXCEPTION: Adult family homes, family child day care homes and foster family care homes shall be classified as Group R-3.

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3 except as otherwise provided for in this code or shall comply with the *International Residential Code* in accordance with Section 101.2.

LICENSED CARE GROUP LC. Licensed Care Group LC includes the use of a building, structure, or portion thereof, for the business of providing licensed care to clients in one of the following categories regulated by either the Washington department of health or the department of social and health services:

1. Adult residential rehabilitation facility.
2. Alcoholism intensive inpatient treatment service.
3. Alcoholism detoxification service.
4. Alcoholism long-term treatment service.
5. Alcoholism recovery house service.
6. Boarding home.
7. Group care facility.
8. Group care facility for severely and multiple handicapped children.
9. Residential treatment facility for psychiatrically impaired children and youth.

EXCEPTION: Where the care provided at an alcoholism detoxification service is acute care similar to that provided in a hospital, the facility shall be classified as a Group I-2 Occupancy.

NEW SECTION

WAC 51-54-0300 Chapter 3—General precautions against fire.

307.2.1 Authorization. Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed. See also chapter 173-425 WAC.

307.3.2 Recreational fires. Recreational fires shall not be conducted within 25 feet of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition. See also chapter 173-425 WAC.

308.3.4 Aisles and exits. Candles shall be prohibited in areas where occupants stand, or in an aisle or exit.

EXCEPTION: Candles used in religious ceremonies. See RCW 19.27.031(3).

308.3.5 Religious ceremonies. Participants in religious ceremonies shall not be precluded from carrying hand-held candles.

308.3.7 Group A Occupancies. Open-flame devices shall not be used in a Group A Occupancy.

EXCEPTIONS: 1. Open-flame devices are allowed to be used in the following situations:

1.1 Where necessary for ceremonial or religious purposes in accordance with Section 308.5.

1.2 On stages and platforms as a necessary part of a performance in accordance with Section 308.6, provided approved precautions are taken to prevent ignition of a combustible material or injury to occupants.

1.3 Where candles on tables are securely supported on substantial noncombustible bases and the candle flames are protected provided approved precautions are taken to prevent ignition of a combustible material or injury to occupants.

2. Heat-producing equipment complying with Chapter 6 and the International Mechanical Code.

3. Gas lights are allowed to be used provided adequate precautions satisfactory to the fire code official are taken to prevent ignition of combustible materials.

NEW SECTION

WAC 51-54-0500 Chapter 5—Fire service features.

SECTION 503 FIRE APPARATUS ACCESS ROADS.

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with locally adopted street, road, and access standards.

503.1.1 Buildings and facilities, is not adopted.

503.1.2 Additional access, is not adopted.

503.1.3 High-piled storage, is not adopted.

503.2 Specifications. This section is not adopted.

503.3 Marking. This section is not adopted.

503.4 Obstruction of fire apparatus access roads. This section is not adopted.

NEW SECTION

WAC 51-54-0900 Chapter 9—Fire protection systems.

902.1 Definitions.

PORTABLE SCHOOL CLASSROOM. A structure, transportable in one or more sections, which requires a chassis to be transported, and is designed to be used as an educational space with or without a permanent foundation. The structure shall be trailerable and capable of being demounted and relocated to other locations as needs arise.

903.2.1.2 Group A-2. An automatic sprinkler system shall be provided for Group A-2 Occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet (464.5 m²).

2. The fire area has an occupant load of 100 or more.

3. The fire area is located on a floor other than the level of exit discharge.

903.2.2 Group E. An automatic sprinkler system shall be provided for Group E Occupancies as follows:

1. Throughout all Group E fire areas greater than 20,000 square feet (1858 m²) in area.

2. Throughout every portion of educational buildings below the level of exit discharge.

EXCEPTION: An automatic sprinkler system is not required in any fire area or area below the level of exit discharge where every classroom throughout the building has at least one exterior exit door at ground level.

3. Throughout all newly constructed Group E Occupancies having an occupant load of 50 or more for more than 12 hours per week or four hours in any one day. A minimum water supply meeting the requirements of NFPA 13 shall be required. The fire code official may reduce fire flow requirements for buildings protected by an approved automatic sprinkler system.

For the purpose of this section, additions exceeding 60 percent of the value of such building or structure, or alterations and repairs to any portion of a building or structure within a twelve-month period that exceeds 100 percent of the value of such building or structure shall be considered new construction. In the case of additions, fire walls shall define separate buildings.

EXCEPTIONS: 1. Portable school classrooms, provided aggregate area of clusters of portable school classrooms does not exceed 5,000 square feet (465 m²); and clusters of portable school classrooms shall be separated as required in Chapter 5 of the building code.
2. Group E Day Care.

When not required by other provisions of this chapter, a fire-extinguishing system installed in accordance with NFPA 13 may be used for increases and substitutions allowed in Section 504.2, 506.3, and Table 601 of the building code.

903.2.10.3 Buildings over 75 feet in height. An automatic sprinkler system shall be installed throughout buildings with a floor level having an occupant load of 30 or more that is located 75 feet (22 860 mm) or more above the lowest level of fire department vehicle access.

EXCEPTIONS: 1. Airport control towers.
2. Open parking structures.
3. Occupancies in Group F-2.

909.6.3 Elevator shaft pressurization. Where elevator shaft pressurization is required to comply with Exception 5 of Section 707.14.1, the pressurization system shall comply with the following.

909.6.3.1 Standards and testing. Elevator shafts shall be pressurized to not less than 0.10 inch water column relative to atmospheric pressure. Elevator pressurization shall be measured with the 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.

909.6.3.2 Activation. The elevator shaft pressurization system 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 fire chief. If the building has a fire alarm panel, detectors shall be connected to, with power supplied by, the fire alarm panel.

909.6.3.3 Separation. 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.

909.6.3.4 Location of intakes. Elevator shaft pressurization air intakes shall be located in accordance with Section 909.10.3. Such intakes shall be provided with smoke detectors which upon detection of smoke, shall deactivate the pressurization fan supplied by that air intake.

909.6.3.5 Power system. The power source for the fire alarm system and the elevator shaft pressurization system shall be in accordance with Section 909.11.

909.6.3.6 Hoistway venting. Hoistway venting required by IBC Section 3004 need not be provided for pressurized elevator shafts.

909.6.3.7 Machine rooms. Elevator machine rooms required to be pressurized by IBC Section 3006.3 need not be pressurized where separated from the hoistway shaft by construction in accordance with IBC Section 707.

909.6.3.8 Special inspection. Special inspection shall be required in accordance with Section 909.18.8.3 and IBC Section 1704.

NEW SECTION

WAC 51-54-1000 Chapter 10—Means of egress.

1008.1.2 Door swing. Egress doors shall be side-hinged swinging.

- Exceptions:
1. Private garages, office areas, factory and storage areas with an occupant load of 10 or less.
 2. Group I-3 Occupancies used as a place of detention.
 3. Doors within or serving a single dwelling unit in Groups R-2 and R-3 as applicable in Section 101.2.
 4. In other than Group H Occupancies, revolving doors complying with Section 1008.1.3.1.
 5. In other than Group H Occupancies, horizontal sliding doors complying with Section 1008.1.3.3 are permitted in a means of egress.
 6. Power-operated doors in accordance with Section 1008.1.3.1.

Doors shall swing in the direction of egress travel where serving an occupant load of 50 or more persons or a Group H Occupancy.

The opening force for interior side-swinging doors without closers shall not exceed a 5-pound force. For other side-swinging, sliding, and folding doors, the door latch shall release when subjected to a 15-pound force. The door shall be set in motion when subjected to a 30-pound force. The door shall swing to a full-open position when subjected to a 15-pound force. Forces shall be applied to the latch side. Within an accessible route, at exterior doors where environmental conditions require a closing pressure greater than 8.5

pounds, power-operated doors shall be used within the accessible route of travel.

1009.13 Stairs or ladders within an individual dwelling unit used to gain access to areas of 200 square feet (18.6 m²) or less, and not containing the primary bathroom or kitchen, are exempt from the requirements of Section 1009.

1010.8 Handrails. Ramps with a rise greater than 6 inches (152 mm) shall have handrails on both sides complying with Section 1009.11. At least one handrail shall extend in the direction of ramp run not less than 12 inches (305 mm) horizontally beyond the top and bottom of the ramp runs.

1024.11 Assembly aisle walking surfaces. Aisles with a slope not exceeding one unit vertical in eight units horizontal (12.5-percent slope) shall consist of a ramp having a slip-resistant walking surface. Aisles with a slope exceeding one unit vertical in eight units horizontal (12.5-percent slope) shall consist of a series of risers and treads that extends across the full width of aisles and complies with Sections 1024.11.1 through 1024.11.3.

EXCEPTION: When provided with fixed seating, aisles in Group A-1 Occupancies shall be permitted to have a slope not steeper than one unit vertical in five units horizontal (20-percent slope).

1024.13 Handrails. Ramped aisles having a slope exceeding one unit vertical in 15 units horizontal (6.7-percent slope) and aisle stairs shall be provided with handrails located either at the side or within the aisle width.

EXCEPTIONS: 1. Handrails are not required for ramped aisles having a gradient no greater than one unit vertical in five units horizontal (20-percent slope) and seating on both sides.
2. Handrails are not required if, at the side of the aisle, there is a guard that complies with the graspability requirements of handrails.

NEW SECTION

WAC 51-54-3000 Chapter 30—Compressed gasses.

3006.1 General. Compressed gases at hospitals and similar facilities intended for inhalation or sedation including, but not limited to, analgesia systems for dentistry, podiatry, veterinary and similar uses shall comply with this section in addition to other requirements of this chapter.

EXCEPTION: All distribution piping, supply manifolds, connections, regulators, valves, alarms, sensors and associated equipment shall be in accordance with the Plumbing Code.

3006.4 Medical gas systems. This section is not adopted.

NEW SECTION

WAC 51-54-3300 Chapter 33—Explosives and fireworks.

3301.1 Scope. The provisions of this chapter shall govern the possession, manufacture, storage, handling, sale and use of explosives, explosive materials, and small arms ammunition. The manufacture, storage, handling, sale and use of fireworks shall be governed by chapter 70.77 RCW, and by chapter 212-12 WAC and local ordinances consistent with chapter 212-17 WAC.

- Exceptions:
1. The Armed Forces of the United States, Coast Guard or National Guard.
 2. Explosives in forms prescribed by the official United States Pharmacopoeia.
 3. The possession, storage and use of small arms ammunition when packaged in accordance with DOT packaging requirements.
 4. The possession, storage and use of not more than 1 pound (0.454 kg) of commercially manufactured sporting black powder, 20 pounds (9 kg) of smokeless powder and 10,000 small arms primers for hand loading of small arms ammunition for personal consumption.
 5. The use of explosive materials by federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities.
 6. Special industrial explosive devices in which the aggregate contain less than 50 pounds (23 kg) of explosive materials.
 7. The possession, storage and use of blank industrial-power load cartridges when packaged in accordance with DOT packaging regulations.
 8. Transportation in accordance with DOT 49 CFR Parts 100-178.
 9. Items preempted by federal regulations.

3301.1.1 Explosive material standard. In addition to the requirements of this chapter, NFPA 495 shall govern the manufacture, transportation, storage, sale, handling and use of explosive materials. See also chapter 70.74 RCW and chapter 296-52 WAC.

NEW SECTION

WAC 51-54-3400 Chapter 34—Flammable and combustible liquids.

3402.1 Definitions.

MOTOR VEHICLE. For the purposes of this chapter, the term motor vehicle includes, but is not limited to, a vehicle, machine, tractor, trailer, or semi-trailer, or any combination thereof, propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property. The term "motor vehicle" also includes freight containers or cargo tanks used, or intended for use, in connection with motor vehicles. For reference, see 49 CFR Pt. 171.8 (October 1994).

3404.2.7.10.1 Leaking tank disposition. Leaking tanks shall be handled in accordance with WAC 173-360-325.

3404.2.7.11 Tank lining. Steel tanks are allowed to be lined only for the purpose of protecting the interior from corrosion or providing compatibility with a material to be stored. Only those liquids tested for compatibility with the lining material are allowed to be stored in lined tanks. Lining of leaking underground storage tanks shall be done in accordance with the provisions of WAC 173-360-325.

3404.2.8.7 Arrangement. Tanks shall be listed for above-ground use, and each tank shall be in its own vault.

EXCEPTION: Below-grade vaults may contain a maximum of three tanks.

Compartmentalized tanks shall be allowed and shall be considered as a single tank. Adjacent vaults shall be allowed to share a common wall. The common wall shall be liquid and vapor tight and shall be designed to withstand the load

imposed when the vault on either side of the wall is filled with water.

3404.2.11 Underground tanks. Underground storage of flammable and combustible liquids in tanks shall comply with Section 3404.2 and Sections 3404.2.11.1 through 3404.2.11.5.2. Corrosion protection shall comply with WAC 173-360-305.

3405.4.1 Unit with a capacity of 60 gallons or less. Solvent distillation units used to recycle Class I, II or III-A liquids having a distillation chamber capacity of 60 gallons or less shall be listed, labeled and installed in accordance with Section 3405.4 and UL 2208.

EXCEPTIONS:

1. Solvent distillation units installed in dry-cleaning plants in accordance with Chapter 12.
2. Solvent distillation units used in continuous through-put industrial processes where the source of heat is remotely supplied using steam, hot water, oil or other heat transfer fluids, the temperature of which is below the autoignition point of the solvent.
3. Approved research, testing and experimental processes.

3406.5.4 Dispensing from tank vehicles and tank cars. Class I, II or III liquids shall be transferred from a tank vehicle or tank car only into an approved atmospheric tank or approved portable tank, except as provided in Sections 3406.5.4.1 through 3406.5.4.5.

3406.5.4.1 Marine craft and special equipment. Liquids intended for use as motor fuels are allowed to be transferred from tank vehicles into the fuel tanks of marine craft and special equipment when approved by the fire code official, and when:

1. The tank vehicle's specific function is that of supplying fuel to fuel tanks.
2. The operation is not performed where the public has access or where there is unusual exposure to life and property.
3. The dispensing line does not exceed 50 feet in length.
4. The dispensing nozzle is approved.
5. Each premises is issued a separate permit in accordance with Section 105.6.17.

3406.5.4.5 Commercial, industrial, governmental or manufacturing. Dispensing of Class II and III motor vehicle fuel from tank vehicles into the fuel tanks of motor vehicles located at commercial, industrial, governmental or manufacturing establishments is allowed where permitted, provided such dispensing operations are conducted in accordance with the following: (Those sections not noted here remain unchanged.)

6. Mobile fueling shall not take place within 15 feet of streets, alleys, public ways, buildings, property lines, combustible storage or storm drains.

EXCEPTIONS:

1. The distance to storm drains can be eliminated if an approved storm drain cover or an approved equivalent that will prevent any fuel from reaching the drain is in place prior to fueling or home being placed within 15 feet of the drain. When placement of a storm drain cover will cause the accumulation of excessive water or difficulty in safely conducting the fueling, it shall not be used and the fueling shall not take place within 15 feet of a drain.
2. The distance to storm drains can be eliminated for drains that direct intake to approved oil-water separators.

12. Fuel delivery vehicles shall be equipped with clean-up supplies in accordance with the department of ecology's *Stormwater Management Manual for Western Washington*, Volume IV - Source Control BMP (Publication No. 99-14). Such supplies shall be readily available for employment by the operator at all times.

17. Fuel dispensing is prohibited within 25 feet of any source of ignition.

25. Operators shall place a drip pan or absorbent, in good condition, under each fuel fill opening prior to and during all dispensing operations. Drip pans shall be liquid-tight. The pan or absorbent shall have a capacity of at least 3 gallons. Spills retained in the drip pan or absorbent pillow need not be reported. Operators, when fueling, shall have on their persons an absorbent pad capable of capturing diesel foam overfills. Except during fueling, the nozzle shall face upwards and an absorbent pad shall be kept under the nozzle to prevent drips. Contaminated absorbent pads shall be disposed of regularly in accordance with local, state and federal requirements.

26. All persons and parties with an interest in the property (i.e., property owner, lessor, real estate company, property manager as well as operators of the property) must give consent in writing to allow the mobile fueling to occur on the property. Managers, lessees, renters and other persons cannot solely give permission. Each person or party must indicate that they are under the risk of spills.

WSR 04-01-106

PERMANENT RULES

BUILDING CODE COUNCIL

[Filed December 17, 2003, 10:18 a.m., effective July 1, 2004]

Date of Adoption: November 21, 2003.

Purpose: To amend the Washington State Energy Code (chapter 51-11 WAC) to update standards and codes referenced within the document.

Citation of Existing Rules Affected by this Order: Amending chapter 51-11 WAC, Sections 101, 105, 108, 201, 402, 502, 503, 504, 505, 601, 625, 701, 900, 1001, 1004, 1005, 1007, 1009, 1143, 1150, 1313, 1332, 1412, 1415, 1532, and 99902.

Statutory Authority for Adoption: RCW 19.27A.020, 19.27A.045.

Adopted under notice filed as WSR 03-18-073 on August 29, 2003.

Changes Other than Editing from Proposed to Adopted Version: The adopted version contains only those changes to update code references and standards. The bulk of proposed rules were not adopted.

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 2, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 24, 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 26, Repealed 0.

Effective Date of Rule: July 1, 2004.

November 21, 2003

Tim Nogler
for Stan Price
Council Chair

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-0101 Section 101. Scope and general requirements.

101.1 Title: Chapters 1 through 10 of this Code shall be known as the "Washington State Residential Energy Code" and may be cited as such; and will be referred to herein as "this Code."

101.2 Purpose and Intent: The purpose of this Code is to provide minimum standards for new or altered buildings and structures or portions thereof to achieve efficient use and conservation of energy.

The purpose of this Code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this Code.

It is intended that these provisions provide flexibility to permit the use of innovative approaches and techniques to achieve efficient use and conservation of energy. These provisions are structured to permit compliance with the intent of this Code by any one of the following three paths of design:

1. A systems analysis approach for the entire building and its energy-using sub-systems which may utilize renewable energy sources, Chapter 4.
2. A component performance approach for various building elements and mechanical systems and components, Chapter 5.
3. A prescriptive requirements approach, Chapter 6.

Compliance with any one of these approaches meets the intent of this Code. This Code is not intended to abridge any safety or health requirements required under any other applicable codes or ordinances.

The provisions of this Code do not consider the efficiency of various energy forms as they are delivered to the building envelope. A determination of delivered energy efficiencies in conjunction with this Code will provide the most efficient use of available energy in new building construction.

101.3 Scope: This Code sets forth minimum requirements for the design of new buildings and structures that provide facilities or shelter for residential occupancies by regu-

lating their exterior envelopes and the selection of their HVAC, service water heating systems and equipment for efficient use and conservation of energy.

Buildings shall be designed to comply with the requirements of either Chapter 4, 5, or 6 of this Code.

101.3.1 Exempt Buildings: Buildings and structures or portions thereof meeting any of the following criteria shall be exempt from the building envelope requirements of sections 502 and 602, but shall comply with all other requirements for building mechanical systems, and service water heating.

101.3.1.1: Buildings and structures or portions thereof whose peak design rate of energy usage is less than three and four tenths (3.4) Btu/h per square foot or one point zero (1.0) watt per square foot of floor area for space conditioning requirements.

101.3.1.2: Buildings and structures or portions thereof which are neither heated according to the definition of heated space in Chapter 2, nor cooled by a nonrenewable energy source, provided that the nonrenewable energy use for space conditioning complies with requirements of section 101.3.1.1.

101.3.1.3: Greenhouses isolated from any conditioned space and not intended for occupancy.

101.3.1.4: The provisions of this code do not apply to the construction, alteration, or repair of temporary worker housing except as provided by rule adopted under chapter 70.114A RCW or chapter 37, Laws of 1998 (SB 6168). "Temporary worker housing" means a place, area, or piece of land where sleeping places or housing sites are provided by an employer for his or her employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees, for temporary, seasonal occupancy, and includes "labor camps" under RCW 70.54.110.

101.3.2 Application to Existing Buildings: Additions, historic buildings, changes of occupancy or use, and alterations or repairs shall comply with the requirements in the subsections below.

EXCEPTION: The building official may approve designs of alterations or repairs which do not fully conform with all of the requirements of this Code where in the opinion of the building official full compliance is physically impossible and/or economically impractical and:

1. The alteration or repair improves the energy efficiency of the building; or
2. The alteration or repair is energy efficient and is necessary for the health, safety, and welfare of the general public.

In no case, shall building envelope requirements or mechanical system requirements be less than those requirements in effect at the time of the initial construction of the building.

101.3.2.1 Additions to Existing Buildings: Additions to existing buildings or structures may be made to such buildings or structures without making the entire building or structure comply, provided that the new additions shall conform to the provisions of this Code.

EXCEPTION: New additions which do not fully comply with the requirements of this Code and which have a floor area which is less than seven hundred fifty square feet shall be approved provided that improvements are made to the existing occupancy to compensate for any deficiencies in the new addition. Compliance shall be demonstrated by either systems analysis or component performance calculations. The nonconforming addition and upgraded, existing occupancy shall have an energy budget or Target UA which is less than or equal to the unimproved existing building (minus any elements which are no longer part of the building envelope once the addition is added), with the addition designed to comply with this Code.

101.3.2.2 Historic Buildings: The building official may modify the specific requirements of this Code for historic buildings and require in lieu thereof alternate requirements which will result in a reasonable degree of energy efficiency. This modification may be allowed for those buildings which have been specifically designated as historically significant by the state or local governing body, or listed in The National Register of Historic Places or which have been determined to be eligible for listing.

101.3.2.3 Change of Occupancy or Use:

Any Other than Group R Occupancy which is converted to Group R Occupancy shall be brought into full compliance with this Code.

101.3.2.4 Alterations and Repairs: All alterations and repairs to buildings or portions thereof originally constructed subject to the requirements of this Code shall conform to the provisions of this Code without exception. For all other existing buildings, initial tenant alterations shall comply with the new construction requirements of this Code. Other alterations and repairs may be made to existing buildings and moved buildings without making the entire building comply with all of the requirements of this Code for new buildings, provided the following requirements are met:

101.3.2.5 Building Envelope: The result of the alterations or repairs both:

1. Improves the energy efficiency of the building, and
2. Complies with the overall average thermal transmittance values of the elements of the exterior building envelope in Table 5-1 of Chapter 5 or the nominal R-values and glazing requirements of the reference case in Tables 6-1 ((~~to~~ 6-6)) and 6-2.

EXCEPTIONS: 1. Untested storm windows may be installed over existing glazing for an assumed U-factor of 0.90, however, where glass and sash are being replaced in Group R Occupancy, glazing shall comply with the appropriate reference case in Table 6-1 (~~through Table 6-6~~) and 6-2.

2. Where the structural elements of the altered portions of roof/ceiling, wall or floor are not being replaced, these elements shall be deemed to comply with this Code if all existing framing cavities which are exposed during construction are filled to the full depth with batt insulation or insulation having an equivalent nominal R-value while, for roof/ceilings, maintaining the required space for ventilation. Existing walls and floors without framing cavities need not be insulated. Existing roofs shall be insulated to the requirements of this Code if

- a. The roof is uninsulated or insulation is removed to the level of the sheathing, or

b. All insulation in the roof/ceiling was previously installed exterior to the sheathing or nonexistent.

101.3.2.6 **Building Mechanical Systems:** Those parts of systems which are altered or replaced shall comply with section 503 of this Code.

101.3.2.7 **Service Water Heating:** Those parts of systems which are altered or replaced shall comply with section 504.

101.3.2.8 **Lighting:** Alterations shall comply with section 1132.3.

EXCEPTION: Group R-3 and R-4 Occupancy and the dwelling unit portions of Group R-1 and R-2 Occupancy.

101.3.3 **Mixed Occupancy:** When a building houses more than one occupancy, each portion of the building shall conform to the requirements for the occupancy housed therein. Where approved by the building official, where minor accessory uses do not occupy more than ten percent of the area of any floor of a building, the major use may be considered the building occupancy.

101.4 **Amendments by Local Government:** Except as provided in RCW 19.27A.020(7), this Code shall be the maximum and minimum energy code for Group R Occupancy in each town, city and county, no later than July 1, 1991.

AMENDATORY SECTION (Amending WSR 95-01-126, filed 12/21/94, effective 6/30/95)

WAC 51-11-0105 Inspections and enforcement.

105.1 **General:** All construction or work for which a permit is required shall be subject to inspection by the building official and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the building official.

105.2 **Approvals Required:** No work shall be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the approval of the building official.

105.2.1 **Required Inspections:** The building official, upon notification, shall make the following inspection in addition to those inspections required in section ~~((108.5))~~ 109.3 of the ~~((Washington State Uniform))~~ International Building Code:

1. **Wall insulation inspection:** To be made after all wall insulation and air vapor retarder sheet or film materials are in place, but before any wall covering is placed.

105.3 **Reinspection:** The building official may require a structure to be reinspected.

AMENDATORY SECTION (Amending WSR 02-24-076, filed 12/4/02, effective 5/1/03)

WAC 51-11-0108 Conflicts with other codes. In addition to the requirements of this Code, all occupancies shall conform to the provisions included in the State Building Code (chapter 19.27 RCW) ~~((and Uniform Building Code~~

~~and Standards Adoption and Amendment rules (chapter 51-30 WAC))).~~ In case of conflicts among codes enumerated in RCW 19.27.031 (1), (2), (3), and (4) and this Code, the first named code shall govern over the following. Provided, in the case of conflict between the duct insulation requirements of this Code and the duct sealing and insulation requirements of ~~((Table 6-D))~~ Section 603 and 604 of the State Mechanical Code (chapter ~~((51-32))~~ 51-52 WAC), the duct insulation requirements of this Code, or where applicable, a local jurisdiction's energy code shall govern.

Where, in any specific case, different sections of this Code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Wherever in this Code reference is made to the appendix, the provisions in the appendix shall not apply unless specifically adopted.

AMENDATORY SECTION (Amending WSR 02-24-076, filed 12/4/02, effective 5/1/03)

WAC 51-11-0201 Scope. The following definitions shall apply to chapters 1 through 20.

201.1 **Application of Terms:** For the purposes of this Code, certain abbreviations, terms, phrases, words and their derivatives, shall be as set forth in this chapter. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. In the event there is a question about the definition of a term, the definitions for terms in the codes enumerated in RCW 19.27.031 and the edition of Webster's dictionary referenced therein shall be considered as the sources for providing ordinarily accepted meanings.

Addition: See the Washington State Building Code.

Advanced framed ceiling: Advanced framing assumes full and even depth of insulation extending to the outside edge of exterior walls. (See Standard Framing and Section 1007.2 of this Code.)

Advanced framed walls: Studs framed on twenty-four inch centers with double top plate and single bottom plate. Corners use two studs or other means of fully insulating corners, and one stud is used to support each header. Headers consist of double 2X material with R-10 insulation between the header and exterior sheathing. Interior partition wall/exterior wall intersections are fully insulated in the exterior wall. (See Standard Framing and Section 1005.2 of this Code.)

AFUE. Annual fuel utilization efficiency: Unlike steady state conditions, this rating is based on average usage including on and off cycling as set out in the standardized Department of Energy Test Procedures.

Air conditioning, comfort: The process of treating air to control simultaneously its temperature, humidity, cleanliness and distribution to meet requirements of the conditioned space.

ARI: Air-Conditioning and Refrigeration Institute.

ASHRAE: American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc.

ASTM: American Society for Testing and Materials

Automatic: Self-acting, operating by its own mechanism when actuated by some impersonal influence, as for example, a change in current strength, pressure, temperature or mechanical configuration. (See *Manual*.)

Below grade walls: Walls or the portion of walls which are entirely below the finish grade or which extend two feet or less above the finish grade.

Boiler capacity: The rate of heat output in Btu/h measured at the boiler outlet, at the design inlet and outlet conditions and rated fuel/energy input.

Building envelope: For Group R Occupancy, the elements of a building which enclose conditioned spaces through which thermal energy may be transferred to or from the exterior or to or from spaces exempted by the provisions of Section 101.3.1. For other than Group R Occupancy, the elements of a building which enclose conditioned spaces through which thermal energy may be transferred to or from the exterior, or to or from unconditioned spaces, or to or from semi-heated spaces, or to or from spaces exempted by the provisions of Section 1301.

Building, existing: See the Washington State Building Code.

Building official: The official authorized to act in behalf of a jurisdiction code enforcement agency or its authorized representative.

Building project: A building or group of buildings, including on-site energy conversion or electric-generating facilities, which utilize a single submittal for a construction permit or are within the boundary of a contiguous area under one ownership.

Conditioned floor area: (See Gross conditioned floor area.)

Conditioned space: A cooled space, heated space (fully heated), heated space (semi-heated) or indirectly conditioned space.

Cooled space: An enclosed space within a building that is cooled by a cooling system whose sensible capacity

a. exceeds 5 Btu/(h · ft²), or

b. is capable of maintaining space dry bulb temperature of 90°F or less at design cooling conditions.

COP - Coefficient of performance: The ratio of the rate of net heat output (heating mode) or heat removal (cooling mode) to the rate of total on-site energy input to the heat pump, expressed in consistent units and under designated rating conditions. (See Net Heat Output, Net Heat Removal, Total On-Site Energy Input.)

Daylighted zone:

a. Under overhead glazing: the area under overhead glazing whose horizontal dimension, in each direction, is equal to the overhead glazing dimension in that direction plus either the floor to ceiling height or the dimension to a ceiling height opaque partition, or one-half the distance to adjacent overhead or vertical glazing, whichever is least.

b. At vertical glazing: the area adjacent to vertical glazing which receives daylighting from the glazing. For purposes of this definition and unless more detailed daylighting analysis is provided, the daylighting zone depth is assumed to extend into the space a distance of 15 feet or to the nearest ceiling height opaque partition, whichever is less. The daylighting zone width is assumed to be the width of the window

plus either two feet on each side (the distance to an opaque partition) or one-half the distance to adjacent overhead or vertical glazing, whichever is least.

Daylight sensing control (DS): A device that automatically regulates the power input to electric lighting near the glazing to maintain the desired workplace illumination, thus taking advantage of direct or indirect sunlight.

Deadband: The temperature range in which no heating or cooling is used.

Design cooling conditions: The cooling outdoor design temperature from the 0.5% column for summer from the Puget Sound Chapter of ASHRAE publication "Recommended Outdoor Design Temperatures, Washington State, ASHRAE."

Design heating conditions: The heating outdoor design temperature from the 0.6% column for winter from the Puget Sound Chapter of ASHRAE publication "Recommended Outdoor Design Temperatures, Washington State, ASHRAE."

Door: All operable opening areas, which are not glazing, in the building envelope including swinging and roll-up doors, fire doors, smoke vents and access hatches.

Door area: Total area of door measured using the rough opening and including the door and frame.

Dwelling unit: See the Washington State Building Code.

EER. Energy efficiency ratio: The ratio of net equipment cooling capacity in Btu/h to total rate of electric input in watts under designated operating conditions.

Economizer, air: A ducting arrangement and automatic control system that allows a cooling supply fan system to supply outside air to reduce or eliminate the need for mechanical refrigeration during mild or cold weather.

Economizer, water: A system by which the supply air of a cooling system is cooled directly, indirectly or both, by evaporation of water or by other appropriate fluid in order to reduce or eliminate the need for mechanical refrigeration.

Efficiency, HVAC system: The ratio of useful energy (at the point of use) to the energy input for a designated time period, expressed in percent.

Emissivity: The ability to absorb infrared radiation. A low emissivity implies a higher reflectance of infrared radiation.

Energy: The capacity for doing work; taking a number of forms which may be transformed from one into another, such as thermal (heat), mechanical (work), electrical and chemical; in customary units, measured in kilowatt-hours (kWh) or British thermal units (Btu). (See *New energy*.)

Energy, recovered: (See *Recovered energy*.)

Exterior envelope: (See *Building envelope*.)

Facade area: Vertical projected area including nonhorizontal roof area, overhangs, cornices, etc. measured in elevation in a vertical plane parallel to the plane of the building face.

Floor over unconditioned space: A floor which separates a conditioned space from an unconditioned space which is buffered from exterior ambient conditions including vented crawl spaces and unconditioned basements or other similar spaces, or exposed to exterior ambient conditions including

open parking garages and enclosed garages which are mechanically ventilated.

F-Factor: The perimeter heat loss factor expressed in Btu/hr • ft • °F.

F-Value: (See F-Factor.)

Garden window: A multisided glazing product that projects beyond the plane of the wall.

Glazed wall system: A category of site assembled fenestration products used in the NFRC 100 and NFRC 200 rating procedures that include curtainwalls.

Glazing: All areas, including the frames, in the shell of a conditioned space that let in natural light including windows, clerestories, skylights, sliding or swinging glass doors and glass block walls.

Glazing area: Total area of the glazing measured using the rough opening, and including the glazing, sash, and frame. For doors where the daylight opening area is less than 50% of the door area, the glazing area is the daylight opening area. For all other doors, the glazing area is the door area.

Gross conditioned floor area: The horizontal projection of that portion of interior space which is contained within exterior walls and which is conditioned directly or indirectly by an energy-using system, and which has an average height of five feet or greater, measured from the exterior faces.

Gross exterior wall area: The normal projection of the building envelope wall area bounding interior space which is conditioned by an energy-using system and which separates conditioned space from: Unconditioned space, or semi-heated space, or exterior ambient conditions or earth; includes opaque wall, vertical glazing and door areas. The gross area of walls consists of all opaque wall areas, including foundation walls, between floor spandrels, peripheral edges of floors, vertical glazing areas and door areas, where such surfaces are exposed to exterior ambient conditions and enclose a conditioned space including interstitial areas between two such spaces. (See Below grade wall.)

Gross floor area: The sum of the areas of the several floors of the building, including basements, cellars, mezzanine and intermediate floored tiers and penthouses of headroom height, measured from the exterior faces of exterior walls or from the center line of walls separating buildings, but excluding: Covered walkways, open roofed-over areas, porches and similar spaces. Pipe trenches, exterior terraces or steps, chimneys, roof overhangs and similar features.

Gross roof/ceiling area: A roof/ceiling assembly shall be considered as all components of the roof/ceiling envelope through which heat flows, thus creating a building transmission heat loss or gain, where such assembly is exposed to exterior ambient conditions and encloses a conditioned space. The assembly does not include those components that are separated from a heated and/or cooled space by a vented airspace. The gross area of a roof/ceiling assembly consists of the total interior surface of such assembly, including overhead glazing.

Guest room: See the Washington State Building Code.

Heat: The form of energy that is transferred by virtue of a temperature difference.

Heat storage capacity: The physical property of materials (mass) located inside the building envelope to absorb, store, and release heat.

Heated space (Fully heated): An enclosed space within a building, including adjacent connected spaces separated by an uninsulated component (e.g., basements, utility rooms, garages, corridors), which is heated by a heating system whose output capacity is

a. Capable of maintaining a space dry-bulb temperature of 45°F or greater at design heating conditions; or

b. 8 Btu/(h • ft²) or greater in Climate Zone 1 and 12 Btu/(h • ft²) or greater in Climate Zone 2.

Heated space (Semi-heated): An enclosed space within a building, including adjacent connected spaces separated by an uninsulated component (e.g., basements, utility rooms, garages, corridors), which is heated by a heating system

a. whose output capacity is 3 Btu/(h • ft²) or greater in Climate Zone 1 and 5 Btu/(h • ft²) or greater in Climate Zone 2; and

b. is not a Heated Space (Fully Heated).

HSPF. Heating season performance factor: The total heating output (in Btu) of a heat pump during its normal annual usage period for heating divided by the total (watt hour) electric power input during the same period, as determined by test procedures consistent with the U.S. Department of Energy "Test Procedure for Central Air Conditioners, Including Heat Pumps" published in Standard RS-30. When specified in Btu per watt hour an HSPF of 6.826 is equivalent to a COP of 2.0.

Humidistat: A regulatory device, actuated by changes in humidity, used for automatic control of relative humidity.

HVAC: Heating, ventilating and air conditioning.

HVAC system components: HVAC system components provide, in one or more factory-assembled packages, means for chilling and/or heating water with controlled temperature for delivery to terminal units serving the conditioned spaces of the buildings. Types of HVAC system components include, but are not limited to, water chiller packages, reciprocating condensing units and water source (hydronic) heat pumps. (See HVAC system equipment.)

HVAC system efficiency: (See Efficiency, HVAC system.)

HVAC system equipment: HVAC system equipment provides, in one (single package) or more (split system) factory-assembled packages, means for air circulation, air cleaning, air cooling with controlled temperature and dehumidification; and optionally, either alone or in combination with a heating plant, the functions of heating and humidifying. The cooling function may be either electrically or heat operated and the refrigerant condenser may be air, water or evaporatively cooled. Where the equipment is provided in more than one package, the separate packages shall be designed by the manufacturer to be used together. The equipment may provide the heating function as a heat pump or by the use of electric elements. (The word "equipment" used without modifying adjective may, in accordance with common industry usage, apply either to HVAC system equipment or HVAC system components.)

Indirectly conditioned space: An enclosed space within a building that is not a heated or cooled space, whose area weighted heat transfer coefficient to heated or cooled spaces exceeds that to the outdoors or to unconditioned

spaces; or through which air from heated or cooled spaces is transferred at a rate exceeding three air changes per hour. Enclosed corridors between conditioned spaces shall be considered as indirectly conditioned space. (See **Heated Space**, **Cooled Space** and **Unconditioned Space**.)

Infiltration: The uncontrolled inward air leakage through cracks and interstices in any building element and around windows and doors of a building caused by the pressure effects of wind and/or the effect of differences in the indoor and outdoor air density.

Insulation baffle: A rigid material, resistant to wind driven moisture, the purpose of which is to allow air to flow freely into the attic or crawl space and to prevent insulation from blocking the ventilation of these spaces, or the loss of insulation. Example materials for this purpose are sheet metal, or wax impregnated cardboard.

Insulation position:

a. **Exterior Insulation Position:** a wall having all or nearly all of its mass exposed to the room air with the insulation on the exterior of the mass.

b. **Integral Insulation Position:** a wall having mass exposed to both room and outside air, with substantially equal amounts of mass on the inside and outside of the insulation layer.

c. **Interior Insulation Position:** a wall not meeting either of the above definitions; particularly a wall having most of its mass external to the insulation layer.

International Building Code (IBC): (See Washington State Building Code.)

International Mechanical Code (IMC): (See Washington State Building Code.)

IPLV—Integrated part-load value: A single number figure of merit based on part-load EER or COP expressing part-load efficiency for air conditioning and heat pump equipment on the basis of weighted operation at various load capacities for the equipment as specified in the Air-Conditioning and Refrigeration Institute (ARI) and Cooling Tower Institute (CTI) procedures.

Luminaire: A complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the electric power supply.

Manual: Capable of being operated by personal intervention. (See **Automatic**.)

Microcell: A wireless communication facility consisting of an antenna that is either: (a) Four (4) feet in height and with an area of not more than 580 square inches; or (b) if a tubular antenna, no more than four (4) inches in diameter and no more than six (6) feet in length; and the associated equipment cabinet that is six (6) feet or less in height and no more than 48 square feet in floor area.

NFPA: National Fire Protection Association.

NFRC: National Fenestration Rating Council.

Net heat output: The change in the total heat content of the air entering and leaving the equipment (not including supplementary heat and heat from boilers).

Net heat removal: The total difference in heat content of the air entering and leaving the equipment (without heat) or the difference in total heat content of the water or refrigerant entering and leaving the component.

New energy: Energy, other than recovered energy, utilized for the purpose of heating or cooling. (See **energy**.)

Nominal R-value: The thermal resistance of insulation as specified by the manufacturer according to recognized trade and engineering standards.

Nonrenewable energy sources: All energy sources that are not renewable energy sources including natural gas, oil, coal, wood, liquified petroleum gas, steam, and any utility-supplied electricity.

Nonresidential: All buildings and spaces in the ((Uniform)) International Building Code ((IBC)) (IBC) occupancies other than Group R.

Occupancy: See the Washington State Building Code.

Occupancy sensor: A device that detects occupants within an area, causing any combination of lighting, equipment or appliances to be turned on or shut off.

Opaque envelope areas: All exposed areas of a building envelope which enclose conditioned space, except openings for doors, glazing and building service systems.

Open blown: Loose fill insulation pneumatically installed in an unconfined attic space.

Outdoor air (outside air): Air taken from the outdoors and, therefore, not previously circulated through a building.

Overhead glazing: A glazing surface that has a slope of less than 60° from the horizontal plane.

Packaged terminal air conditioner: A factory-selected combination of heating and cooling components, assemblies or sections intended to serve a room or zone. (For the complete technical definition, see Standard ((RS-10)) RS-5.)

Permeance (perm): The ability of a material of specified thickness to transmit moisture in terms of amount of moisture transmitted per unit time for a specified area and differential pressure (grains per hour • ft² • inches of HG). Permeance may be measured using ASTM ((E-96-72)) E-96-00 or other approved dry cup method as specified in ((RS-27)) RS-1.

Personal wireless service facility: A Wireless Communication Facility (WCF), including a microcell, which is a facility for the transmission and/or reception of radio frequency signals and which may include antennas, equipment shelter or cabinet, transmission cables, a support structure to achieve the necessary elevation, and reception and/or transmission devices or antennas.

Pool cover: A vapor-retardant cover which lies on or at the surface of the pool.

Power: In connection with machines, the time rate of doing work. In connection with the transmission of energy of all types, the rate at which energy is transmitted; in customary units, it is measured in watts (W) or British Thermal Units per hour (Btu/h).

Process energy: Energy consumed in support of a manufacturing, industrial, or commercial process other than the maintenance of building comfort or amenities for building occupants.

Radiant slab floor: A slab floor assembly on grade or below, containing heated pipes, ducts, or electric heating cables that constitute a floor or portion thereof for complete or partial heating of the structure.

Readily accessible: See the Washington State Mechanical Code.

Recooling: The removal of heat by sensible cooling of the supply air (directly or indirectly) that has been previously heated above the temperature to which the air is to be supplied to the conditioned space for proper control of the temperature of that space.

Recovered energy: Energy utilized which would otherwise be wasted (i.e. not contribute to a desired end use) from an energy utilization system.

Reheat: The application of sensible heat to supply air that has been previously cooled below the temperature of the conditioned space by either mechanical refrigeration or the introduction of outdoor air to provide cooling.

Renewable energy sources: Renewable energy sources of energy (excluding minerals) are derived from: (1) incoming solar radiation, including but not limited to, natural daylighting and photosynthetic processes; (2) energy sources resulting from wind, waves and tides, lake or pond thermal differences; and (3) energy derived from the internal heat of the earth, including nocturnal thermal exchanges.

Reset: Adjustment of the set point of a control instrument to a higher or lower value automatically or manually to conserve energy.

Roof/ceiling assembly: (See Gross roof/ceiling area.)

SEER - Seasonal Energy Efficiency Ratio: The total cooling output of an air conditioner during its normal annual usage period, in Btu's, divided by the total electric energy input in watt-hours, during the same period, as determined by 10 CFR, Part 430.

Semi-heated space: Sub-category of **Heated Space**. (See **Heated Space**.)

Sequence: A consecutive series of operations.

Service systems: All energy-using systems in a building that are operated to provide services for the occupants or processes housed therein, including HVAC, service water heating, illumination, transportation, cooking or food preparation, laundering or similar functions.

Service water heating: Supply of hot water for domestic or commercial purposes other than comfort heating.

Shaded: Glazed area which is externally protected from direct solar radiation by use of devices permanently affixed to the structure or by an adjacent building, topographical feature, or vegetation.

Shading coefficient: The ratio of solar heat gain occurring through nonopaque portions of the glazing, with or without integral shading devices, to the solar heat gain occurring through an equivalent area of unshaded, 1/8 inch thick, clear, double-strength glass.

Note: Heat gains to be compared under the same conditions. See Chapter ((28)) 30 of Standard ((RS-27)) RS-1, listed in Chapter 7 of this Code.

Shall: Denotes a mandatory code requirement.

Single family: One and two family residential dwelling units with no more than two units in a single building.

Skylight: (See Overhead glazing.)

Slab-below-grade: Any portion of a slab floor in contact with the ground which is more than 24 inches below the final elevation of the nearest exterior grade.

Slab-on-grade, exterior: Any portion of a slab floor in contact with the ground which is less than or equal to twenty-

four inches below the final elevation of the nearest exterior grade.

Small business: Any business entity (including a sole proprietorship, corporation, partnership, or other legal entity) which is owned and operated independently from all other businesses, which has the purpose of making a profit, and which has fifty or fewer employees, or which has a million dollars or less per year in gross sales, of window products.

Solar energy source: Source of natural daylighting and of thermal, chemical or electrical energy derived directly from conversion of incident solar radiation.

Solar heat gain coefficient (SHGC): The ratio of the solar heat gain entering the space through the glazing product to the incident solar radiation. Solar heat gain includes directly transmitted solar heat and absorbed solar radiation which is then reradiated, conducted or convected into the space.

Split system: Any heat pump or air conditioning unit which is provided in more than one assembly requiring refrigeration piping installed in the field.

Standard framing: All framing practices not defined as "intermediate" or "advanced" shall be considered standard. (See Advanced framed ceiling, Advanced framed walls, Intermediate framed wall and Section 1005.2 of this Code.)

Substantial contact: A condition where adjacent building materials are placed in a manner that proximal surfaces are contiguous, being installed and supported as to eliminate voids between materials, without compressing or degrading the thermal performance of either product.

System: A combination of central or terminal equipment or components and/or controls, accessories, interconnecting means, and terminal devices by which energy is transformed so as to perform a specific function, such as HVAC, service water heating or illumination.

Tapering: Installation of a reduced level of ceiling insulation at the eaves, due to reduced clearance.

Thermal by-pass: An area where the envelope surrounding the conditioned space is breached, or where an ineffective application compromises the performance of a thermal or infiltration barrier, increasing the structure's energy consumption by exposing finished surfaces to ambient conditions and additional heat transfer.

Thermal conductance (C): Time rate of heat flow through a body (frequently per unit area) from one of its bounding surfaces to the other for a unit temperature difference between the two surfaces, under steady conditions (Btu/hr·ft²·°F).

Thermal resistance (R): The reciprocal of thermal conductance (hr·ft²·°F/Btu).

Thermal transmittance (U): The coefficient of heat transmission (air to air). It is the time rate of heat flow per unit area and unit temperature difference between the warm side and cold side air films (Btu/hr·ft²·°F).

Thermal transmittance, overall (U_o): The overall (average) heat transmission of a gross area of the exterior building envelope (Btu/hr·ft²·°F). The U_o-factor applies to the combined effect of the time rate of heat flows through the various parallel paths, such as glazing, doors and opaque construction areas, comprising the gross area of one or more

exterior building components, such as walls, floors or roof/ceiling.

Thermostat: An automatic control device actuated by temperature and designed to be responsive to temperature.

Total on-site energy input: The combination of all the energy inputs to all elements and accessories as included in the equipment components, including but not limited to, compressor(s), compressor sump heater(s), circulating pump(s), purge devices, fan(s), and the HVAC system component control circuit.

Transmission coefficient: The ratio of the solar heat gain through a glazing system to that of an unshaded single pane of double strength window glass under the same set of conditions.

Transverse joint: The primary connection between air distribution system fittings.

U-factor: (See thermal transmittance.)

U-Value: (See U-factor.)

~~((Uniform Building Code (UBC): (See Washington State Building Code.)~~

~~Uniform Mechanical Code (UMC): (See Washington State Mechanical Code.))~~

Uniform Plumbing Code (UPC): (See Washington State Plumbing Code.)

Unitary cooling and heating equipment: One or more factory-made assemblies which include an evaporator or cooling coil, a compressor and condenser combination, and may include a heating function as well. Where such equipment is provided in more than one assembly, the separate assemblies shall be designed to be used together.

Unitary heat pump: One or more factory-made assemblies which include an indoor conditioning coil, compressor(s) and outdoor coil or refrigerant-to-water heat exchanger, including means to provide both heating and cooling functions. When such equipment is provided in more than one assembly, the separate assemblies shall be designed to be used together.

Vapor retarder: A layer of low moisture transmissivity material (not more than 1.0 perm dry cup) placed over the warm side (in winter) of insulation, over the exterior of below grade walls, and under floors as ground cover to limit the transport of water and water vapor through exterior walls, ceilings, and floors. Vapor retarding paint, listed for this application, also meets this definition.

Vaulted ceilings: All ceilings where enclosed joist or rafter space is formed by ceilings applied directly to the underside of roof joists or rafters.

Ventilation: The process of supplying or removing air by natural or mechanical means to or from any space. Such air may or may not have been conditioned.

Ventilation air: That portion of supply air which comes from outside (outdoors) plus any recirculated air that has been treated to maintain the desired quality of air within a designated space.

Vertical glazing: A glazing surface that has a slope of 60° or greater from the horizontal plane.

Walls (exterior): Any member or group of members which defines the exterior boundaries or courts of a building and which have a slope of sixty degrees or greater with the horizontal plane, and separates conditioned from uncondi-

tioned space. Band joists between floors are to be considered a part of exterior walls.

Washington State Building Code: The ~~((building code as modified by the))~~ Washington State Building Code is comprised of the International Building Code; the International Residential Code; the International Mechanical Code; the International Fire Code; the Uniform Plumbing Code; the state regulations for barrier-free facilities, as designated in RCW 19.27.031; the State Energy Code; and any other codes so designated by the Washington state legislature as adopted and amended by the State Building Code Council.

~~((Washington State Mechanical Code: The mechanical code as modified by the Washington State Building Code Council.~~

~~Washington State Plumbing Code: The plumbing code as modified by the Washington State Building Code Council.))~~

Zone: A space or group of spaces within a building with heating and/or cooling requirements sufficiently similar so that comfort conditions can be maintained throughout by a single controlling device. Each dwelling unit in residential buildings shall be considered a single zone.

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-0402 Systems analysis.

402.1 Special Requirements for All Group R Occupancy:

402.1.1 Energy Budgets: Proposed buildings designed in accordance with this section shall be designed to use no more energy from nonrenewable sources for space heating, and domestic hot water heating than a standard building whose enclosure elements and energy consuming systems are designed in accordance with section 502.2 of this Code for the appropriate climate zone, and heating system type. Energy derived from renewable sources may be excluded from the total annual energy consumption attributed to the alternative building.

402.1.2 Calculation of Energy Consumption: The application for a building permit shall include documentation which demonstrates, using a calculation procedure as listed in Chapter 8, or an approved alternate, that the proposed building's annual space heating energy use does not exceed the annual space heating and water heating energy use of a standard building conforming to Chapter 5 of this Code for the appropriate climate zone. The total calculated annual energy consumption shall be shown in units of ~~((kWh/ft²/year or Btu/ft²/year)) kWh/ft²-yr or Btu/ft²-yr~~ of conditioned area.

402.1.3 Input Values: The following standardized input values shall be used in calculating annual space heating budgets:

PARAMETER	VALUE
Thermostat set point, heating	65° F
Thermostat set point, cooling	78° F
Thermostat night set back	65° F
Thermostat night set back period	0 hours
Internal gain	
R-3 and R-4 units	3000 Btu/hr
R-1 and R-2 units	1500 Btu/hr
Domestic Hot Water Heater Setpoint	120° F
Domestic Hot Water Consumption	20 gallons/person/day.
Minimum heat storage	Calculated using standard engineering practice for the actual building or as approved.
Site weather data	Typical meteorological year (TMY) or ersatz TMY data for the closest appropriate TMY site or other sites as approved.
Heating equipment efficiency	
Electric resistance heat	1.00
Heat Pumps	6.80 HSPF.
Other Fuels	0.78 AFUE.

The standard building shall be modeled with glazing area distributed equally among the four cardinal directions. Parameter values that may be varied by the building designer to model energy saving options include, but are not limited to, the following:

1. Overall thermal transmittance, U_o , of building envelope or individual building components;
2. Heat storage capacity of building;
3. Glazing orientation; area; and solar heat coefficients;
4. Heating system efficiency.

402.1.4 Solar Shading and Access: Building designs using passive solar features with eight percent or more south facing equivalent glazing to qualify shall provide to the building official a sun chart or other approved documentation depicting actual site shading for use in calculating compliance under this section. The building shall contain at least forty-five Btu/°F for each square foot of south facing glass.

402.1.5 Infiltration: Infiltration levels used shall be set at 0.35 air changes per hour for thermal calculation purposes only.

402.1.6 Heat Pumps: The heating season performance factor (HSPF) for heat pumps shall be calculated using procedures consistent with section 5.2 of the U.S. Department of Energy Test Procedure for Central Air Conditioners, includ-

ing heat pumps published in the December 27, 1979 Federal Register Vol. 44, No. 24.10 CFR 430. Climate data as specified above, the proposed buildings overall thermal performance value (Btu/°F) and the standardized input assumptions specified above shall be used to model the heat pumps HSPF.

402.2 Energy Analysis: Compliance with this chapter will require an analysis of the annual energy usage, hereinafter called an annual energy analysis.

EXCEPTIONS: Chapters 5, and 6 of this Code establish criteria for different energy-consuming and enclosure elements of the building which, will eliminate the requirement for an annual systems energy analysis while meeting the intent of this Code.

A building designed in accordance with this chapter will be deemed as complying with this Code if the calculated annual energy consumption is not greater than a similar building (defined as a "standard design") whose enclosure elements and energy-consuming systems are designed in accordance with Chapter 5.

For an alternate building design to be considered similar to a "standard design," it shall utilize the same energy source(s) for the same functions and have equal floor area and the same ratio of envelope area to floor area, environmental requirements, occupancy, climate data and usage operational schedule.

402.3 Design: The standard design, conforming to the criteria of Chapter 5 and the proposed alternative design shall be designed on a common basis as specified herein:

The comparison shall be expressed as kBtu or kWh input per square foot of conditioned floor area per year at the building site.

402.4 Analysis Procedure: The analysis of the annual energy usage of the standard and the proposed alternative building and system design shall meet the following criteria:

a. The building heating/cooling load calculation procedure used for annual energy consumption analysis shall be detailed to permit the evaluation of effect of factors specified in section 402.5.

b. The calculation procedure used to simulate the operation of the building and its service systems through a full-year operating period shall be detailed to permit the evaluation of the effect of system design, climatic factors, operational characteristics, and mechanical equipment on annual energy usage. Manufacturer's data or comparable field test data shall be used when available in the simulation of systems and equipment. The calculation procedure shall be based upon eight thousand seven hundred sixty hours of operation of the building and its service systems.

402.5 Calculation Procedure: The calculation procedure shall cover the following items:

a. Design requirements—Environmental requirements as required in Chapter 3.

b. Climatic data—Coincident hourly data for temperatures, solar radiation, wind and humidity of typical days in the year representing seasonal variation.

c. Building data—Orientation, size, shape, mass, air, moisture and heat transfer characteristics.

d. Operational characteristics—Temperature, humidity, ventilation, illumination, control mode for occupied and unoccupied hours.

e. Mechanical equipment—Design capacity, part load profile.

f. Building loads—Internal heat generation, lighting, equipment, number of people during occupied and unoccupied periods.

EXCEPTION: Group R Occupancy shall comply with calculation procedures in Chapter 8, or an approved alternate.

402.6 Documentation: Proposed alternative designs, submitted as requests for exception to the standard design criteria, shall be accompanied by an energy analysis comparison report. The report shall provide technical detail on the two building and system designs and on the data used in and resulting from the comparative analysis to verify that both the analysis and the designs meet the criteria of Chapter 4 of this Code.

AMENDATORY SECTION (Amending WSR 02-01-112, filed 12/18/01, effective 7/1/02)

WAC 51-11-0502 Building envelope requirements.

502.1 General:

502.1.1: The stated U- or F-factor of any component assembly, listed in Table 5-1 or 5-2, such as roof/ceiling, opaque wall or opaque floor may be increased and the U-factor for other components decreased, provided that the total heat gain or loss for the entire building envelope does not exceed the total resulting from compliance to the U-factors specified in this Section.

The U-factors for typical construction assemblies are included in Chapter 10. These values shall be used for all calculations. Where proposed construction assemblies are not represented in Chapter 10, values shall be calculated in accordance with Chapters ~~((21-29))~~ 23-30 in Standard RS-1 listed in Chapter 7, using the framing factors listed in Chapter 10 where applicable.

For envelope assemblies containing metal framing, the U-factor shall be determined by one of the following methods:

1. Results of laboratory or field measurements.
2. Standard ~~((RS-25))~~ RS-1, listed in Chapter 7, where the metal framing is bonded on one or both sides to a metal skin or covering.
3. The zone method as provided in Chapter ~~((24))~~ 25 of Standard RS-1, listed in Chapter 7.
4. Results of parallel path correction factors effective framing/cavity R-values as provided in Table 10-5A - EFFECTIVE R-VALUES FOR METAL FRAMING AND CAVITY ONLY for metal stud walls and roof/ceilings.

502.1.2: For consideration of thermal mass effects, see section 402.4.

502.1.3: When return air ceiling plenums are employed, the roof/ceiling assembly shall:

a. For thermal transmittance purposes, not include the ceiling proper nor the plenum space as part of the assembly; and

b. For gross area purposes, be based upon the interior face of the upper plenum surface.

502.1.4 Insulation:

502.1.4.1 General: All insulating materials shall comply with sections ~~((2602 and/or 707))~~ 2603 and/or 719 of the ~~((Uniform))~~ International Building Code. Substantial contact of the insulation with the surface being insulated is required. All insulation materials shall be installed according to the manufacturer's instructions to achieve proper densities and maintain uniform R-values and shall be installed in a manner which will permit inspection of the manufacturer's R-value identification mark. To the maximum extent possible, insulation shall extend over the full component area to the intended R-value.

Alternatively, the thickness of roof/ceiling and wall insulation that is either blown in or spray-applied shall be identified by inches of thickness, density and R-value markers installed at least one for every 300 square feet (28 m²) through the attic, ceiling and/or wall space. In attics, the markers shall be affixed to the trusses or joists and marked with the minimum initial installed thickness and minimum settled thickness with numbers a minimum 1.0 inch (25 mm) in height. Each marker shall face the attic access. The thickness of installed attic insulation shall meet or exceed the minimum initial installed thickness shown by the marker. In cathedral ceilings and walls, the markers shall be affixed to the rafter and wall frame at alternating high and low intervals and marked with the minimum installed density and R-value with numbers a minimum 1.0 inch (25 mm) in height. Each marker shall face the conditioned room area.

502.1.4.2 Insulation Materials: All insulation materials including facings such as vapor barriers or breather papers installed within floor/ceiling assemblies, roof/ceiling assemblies, walls, crawl spaces, or attics shall have a flame spread rating of less than 25 and a smoke density not to exceed 450 when tested in accordance with ~~((UBC Standard 8-1))~~ ASTM E84-01.

EXCEPTIONS:

1. Foam plastic insulation shall comply with section ~~((2602 of the Uniform))~~ 2603 of the International Building Code.
2. When such materials are installed in concealed spaces of Types III, IV and V construction, the flame spread and smoke developed limitations do not apply to facing, provided that the facing is installed in substantial contact with the unexposed surface of the ceiling, floor or wall finish.
3. Cellulose insulation shall comply with section ~~((707 of the Uniform))~~ 719 of the International Building Code.

502.1.4.3 Clearances: Where required, insulation shall be installed with clearances according to manufacturer's specifications. Insulation shall be installed so that required ventilation is unobstructed. For blown or poured loose fill

insulation, clearances shall be maintained through installation of a permanent retainer.

502.1.4.4 Access Hatches and Doors: Access doors from conditioned spaces to unconditioned spaces (e.g., attics and crawl spaces) shall be weatherstripped and insulated to a level equivalent to the insulation on the surrounding surfaces. Access shall be provided to all equipment which prevents damaging or compressing the insulation. A wood framed or equivalent baffle or retainer must be provided when loose fill insulation is installed, the purpose of which is to prevent the loose fill insulation from spilling into the living space when the attic access is opened, and to provide a permanent means of maintaining the installed R-value of the loose fill insulation.

502.1.4.5 Roof/Ceiling Insulation: Open-blown or poured loose fill insulation may be used in attic spaces where the slope of the ceiling is not more than 3 feet in 12 and there is at least 30 inches of clear distance from the top of the bottom chord of the truss or ceiling joist to the underside of the sheathing at the roof ridge. When eave vents are installed, baffling of the vent openings shall be provided so as to deflect the incoming air above the surface of the insulation. Baffles shall be, rigid material, resistant to wind driven moisture. Requirements for baffles for ceiling insulation shall meet the ((Uniform)) International Building Code section ((1505.3)) 1203.2 for minimum ventilation requirements. When feasible, the baffles shall be installed from the top of the outside of the exterior wall, extending inward, to a point 6 inches vertically above the height of noncompressed insulation, and 12 inches vertically above loose fill insulation.

502.1.4.6 Wall Insulation: Insulation installed in exterior walls shall comply with the provisions of this section. All wall insulation shall fill the entire framed cavity. Exterior wall cavities isolated during framing shall be fully insulated to the levels of the surrounding walls. All faced insulation shall be face stapled to avoid compression.

502.1.4.7 Floor Insulation: Floor insulation shall be installed in a permanent manner in substantial contact with the surface being insulated. Insulation supports shall be installed so spacing is no more than 24 inches on center. Foundation vents shall be placed so that the top of the vent is below the lower surface of the floor insulation.

EXCEPTION: Insulation may be omitted from floor areas over heated basements, heated garages or underfloor areas used as HVAC supply plenums. ((See Uniform Mechanical Code section 607 for underfloor supply plenum requirements.)) When foundation walls are insulated, the insulation shall be attached in a permanent manner. The insulation shall not block the airflow through foundation vents when installed. When foundation vents are not placed so that the top of the vent is below the lower surface of the floor insulation, a permanently attached baffle shall be installed at an angle of 30° from horizontal, to divert air flow below the lower surface of the floor insulation.

502.1.4.8 Slab-On-Grade: Slab-on-grade insulation, installed inside the foundation wall, shall extend downward from the top of the slab for a minimum distance of 24 inches or downward and then horizontally beneath the slab for a minimum combined distance of 24 inches. Insulation

installed outside the foundation shall extend downward to a minimum of 24 inches or to the frostline. Above grade insulation shall be protected.

EXCEPTION: For monolithic slabs, the insulation shall extend downward from the top of the slab to the bottom of the footing.

502.1.4.9 Radiant Slabs: The entire area of a radiant slab shall be thermally isolated from the soil, with a minimum of R-10 insulation. The insulation shall be an approved product for its intended use. If a soil gas control system is present below the radiant slab, which results in increased convective flow below the radiant slab, the radiant slab shall be thermally isolated from the sub-slab gravel layer.

502.1.4.10 Below Grade Walls: Below grade exterior wall insulation used on the exterior (cold) side of the wall shall extend from the top of the below grade wall to the top of the footing and shall be approved for below grade use. Above grade insulation shall be protected.

Insulation used on the interior (warm) side of the wall shall extend from the top of the below grade wall to the below grade floor level.

502.1.5 Glazing and Door U-factors: Glazing and door U-factors shall be determined in accordance with sections 502.1.5.1 and 502.1.5.2. All products shall be labeled with the NFRC certified or default U-factor. The labeled U-factor shall be used in all calculations to determine compliance with this Code. Sealed insulating glass shall conform to, or be in test for, ASTM E-774-81 class A.

EXCEPTIONS: 1. For glazed wall systems, assemblies with all of the following features are deemed to satisfy the vertical glazing U-factor requirement in Table 6-1 or 6-2 options with vertical glazing U-0.40 and greater:

- a. Double glazing with a minimum 1/2 inch gap width, having a low-emissivity coating with $e = 0.10$ maximum, with 90% minimum argon gas fill, and a non-aluminum spacer (as defined in footnote 1 to Table 10-6B), and
- b. Frame that is thermal break aluminum (as defined in footnote 9 to Table 10-6B), wood, aluminum clad wood, vinyl, aluminum clad vinyl, or reinforced vinyl.

The only labeling requirement for products using this exception shall be a description of the product and a label stating: "This product is deemed to satisfy the Table 6-1 or 6-2 vertical glazing U-factor requirement using the exception to Section 502.1.5 in the Washington State Energy Code."

2. For overhead glazing, assemblies with all of the following features are deemed to satisfy the overhead glazing U-factor requirement in Table 6-1 or 6-2 options except the unlimited glazing area options ((Option III in Table 6-1 and Option IV)) Options IV and V in Table 6-1 and Options V and VI in Table 6-2):

- a. Either, double glazing with a minimum 1/2 inch gap width, having a low-emissivity coating with $e = 0.20$ maximum, with 90% minimum argon gas fill, or, triple glazed plastic domes, and
- b. Frame that is thermal break aluminum (as defined in footnote 9 to Table 10-6B), wood, aluminum clad wood, vinyl, aluminum clad vinyl, or reinforced vinyl.

The only labeling requirement for products using this exception shall be a description of the product and a label stating: "This product is deemed to satisfy the Table 6-1 or 6-2 overhead glazing U-factor requirement using the exception to Section 502.1.5 in the Washington State Energy Code."

3. For solariums with a floor area which does not exceed 300 square feet, assemblies which comply with the fea-

tures listed in exception 2 are deemed to satisfy the vertical glazing and overhead glazing U-factor requirement in Table 6-1 or 6-2 options with vertical glazing U-0.40 and greater.

The only labeling requirement for products using this exception shall be a description of the product and a label stating: "This product is deemed to satisfy the Table 6-1 or 6-2 vertical glazing and overhead glazing U-factor requirements using the exception to Section 502.1.5 in the Washington State Energy Code."

502.1.5.1 Standard Procedure for Determination of Glazing U-factors: U-factors for glazing shall be determined, certified and labeled in accordance with the National Fenestration Rating Council (NFRC) Product Certification Program (PCP), as authorized by an independent certification and inspection agency licensed by the NFRC. Compliance shall be based on the Residential Model Size. Product samples used for U-factor determinations shall be production line units or representative of units as purchased by the consumer or contractor. Products that are listed in the NFRC Certified Products Directory or certified to the NFRC standard shall not use default values.

EXCEPTIONS: 1. Glazing products without NFRC ratings may be assigned default U-factors from Table 10-6A for vertical glazing and from Table 10-6E for overhead glazing.
2. Units without NFRC ratings produced by a small business may be assigned default U-factors from Table 10-6A for garden windows, from Table 10-6B for other vertical glazing, and from Table 10-6E for overhead glazing.

502.1.5.2 Standard Procedure for Determination of Door U-factors: All doors, including fire doors, shall be assigned default U-factors from Table 10-6C.

EXCEPTIONS: 1. U-factors determined, certified and labeled in accordance with the National Fenestration Rating Council (NFRC) Product Certification Program (PCP), as authorized by an independent certification and inspection agency licensed by the NFRC.
2. The default values for the opaque portions of doors shall be those listed in Table 10-6C, provided that the U-factor listed for a door with a thermal break shall only be allowed if both the door and the frame have a thermal break.
3. One unlabeled or untested exterior swinging door with the maximum area of 24 square feet may be installed for ornamental, security or architectural purposes. Products using this exception shall not be included in the U-factor calculation requirements, however glazing area shall be included in glazing area calculations.

502.1.6 Moisture Control:

502.1.6.1 Vapor Retarders: Vapor retarders shall be installed on the warm side (in winter) of insulation as specified in the following cases.

EXCEPTION: Vapor retarder installed with not more than 1/3 of the nominal R-value between it and the conditioned space.

502.1.6.2 Floors: Floors separating conditioned space from unconditioned space shall have a vapor retarder installed. The vapor retarder shall have a one perm dry cup rating or less (i.e., four mil [0.004 inch thick] polyethylene or kraft faced material).

502.1.6.3 Roof/Ceilings: Roof/ceiling assemblies where the ventilation space above the insulation is less than an average of 12 inches shall be provided with a vapor retarder. Faced batt insulation where used as a vapor retarder shall be

face stapled. Single rafter joist vaulted ceiling cavities shall be of sufficient depth to allow a minimum one inch vented air space above the insulation.

502.1.6.4: Vapor retarders shall not be required in roof/ceiling assemblies where the ventilation space above the insulation averages 12 inches or greater.

502.1.6.5: Vapor retarders shall not be required where all of the insulation is installed between the roof membrane and the structural roof deck.

502.1.6.6 Walls: Walls separating conditioned space from unconditioned space shall have a vapor retarder installed. Faced batt insulation shall be face stapled.

502.1.6.7 Ground Cover: A ground cover of six mil (0.006 inch thick) black polyethylene or approved equal shall be laid over the ground within crawl spaces. The ground cover shall be overlapped 12 inches minimum at the joints and shall extend to the foundation wall.

EXCEPTION: The ground cover may be omitted in crawl spaces if the crawl space has a concrete slab floor with a minimum thickness of 3-1/2 inches.

502.2 Thermal Criteria for Group R Occupancy:

502.2.1 UA Calculations: The proposed UA as calculated using Equations 2 and 3 shall not exceed the target UA as calculated using Equation 1. For the purpose of determining equivalent thermal performance, the glazing area for the target UA shall be calculated using values in Table 5-1. The opaque door area shall be the same in the target UA and the proposed UA.

EXCEPTION: Log and solid timber walls that have a minimum average thickness of 3.5" and with space heat type other than electric resistance, are exempt from wall target UA and proposed UA calculations.

502.2.2 Space Heat Type: The following two categories comprise all space heating types:

1. **Electric Resistance:** Space heating systems which include baseboard units, radiant units and forced air units as either the primary or secondary heating system.

EXCEPTION: Electric resistance systems for which the total electric heat capacity in each individual dwelling unit does not exceed the greater of: 1) One thousand watts (1000 w) per dwelling unit, or; 2) One watt per square foot (1 w/ft²) of the gross floor area.

2. **Other:** All gas, wood, oil and propane space heating systems, unless electric resistance is used as a secondary heating system, and all heat pump space heating systems. (See EXCEPTIONS, Electric Resistance, section 502.2.2 above.)

502.3 Reserved.

502.4 Air Leakage:

502.4.1 General: The requirements of this section shall apply to all buildings and structures, or portions thereof, and only to those locations separating outdoor ambient conditions from interior spaces that are heated or mechanically cooled.

502.4.2 Doors and Windows, General: Exterior doors and windows shall be designed to limit air leakage into or from the building envelope. Site-constructed doors and windows shall be sealed in accordance with Section 502.4.3.

502.4.3 Seals and Weatherstripping:

a. Exterior joints around windows and door frames, openings between walls and foundation, between walls and roof and wall panels; openings at penetrations of utility services through walls, floors and roofs; and all other openings in the building envelope for all occupancies and all other openings in between units in R-1 and R-2 Occupancy shall be sealed, caulked, gasketed or weatherstripped to limit air leakage. Other exterior joints and seams shall be similarly treated, or taped, or covered with moisture vapor permeable house-wrap.

b. All exterior doors or doors serving as access to an enclosed unheated area shall be weatherstripped to limit leakage around their perimeter when in a closed position.

c. Site built windows are exempt from testing but shall be made tight fitting. Fixed lights shall have glass retained by stops with sealant or caulking all around. Operating sash shall have weatherstripping working against overlapping trim and a closer/latch which will hold the sash closed. The window frame to framing crack shall be made tight with caulking, overlapping membrane or other approved technique.

d. Openings that are required to be fire resistive are exempt from this section.

502.4.4 Recessed Lighting Fixtures: When installed in the building envelope, recessed lighting fixtures shall meet one of the following requirements:

1. Type IC rated, manufactured with no penetrations between the inside of the recessed fixture and ceiling cavity and sealed or gasketed to prevent air leakage into the unconditioned space.

2. Type IC rated, installed inside a sealed box constructed from a minimum 1/2 inch thick gypsum wall board, or constructed from a preformed polymeric vapor barrier, or other air tight assembly manufactured for this purpose.

3. Type IC rated, certified under ASTM E283 to have no more than 2.0 cfm air movement from the conditioned space to the ceiling cavity. The lighting fixture shall be tested at 75 Pascals or 1.57 lbs/ft² pressure difference and have a label attached, showing compliance.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 02-24-076, filed 12/4/02, effective 5/1/03)

WAC 51-11-0503 Building mechanical systems.

503.1 General: This section covers the determination of design requirements, system and component performance, control requirements, insulating systems and duct sealing.

For all other duct construction requirements, refer to the State Mechanical Code (chapter 51-42 WAC).

503.2 Calculations of Heating and Cooling Loads, and System Sizing Limits: The design parameters specified in Chapter 3 shall apply for all computations.

503.2.1 Calculation Procedures: Heating and cooling design loads for the purpose of sizing HVAC systems are required and shall be calculated in accordance with accepted engineering practice, including infiltration and ventilation.

503.2.2 Space Heating and Space Cooling System Sizing Limits: Building mechanical systems for all buildings which provide space heating and/or space cooling shall be sized no greater than two hundred percent (200%) of the heating and cooling design loads as calculated above.

EXCEPTIONS: The following limited exemptions from the sizing limit shall be allowed; however, in all cases heating and/or cooling design load calculations shall be submitted.

1. For equipment which provides both heating and cooling in one package unit, including heat pumps with electric heating and cooling and gas-pack units with gas heating and electric cooling, compliance need only be demonstrated for either the space heating or space cooling system size.

2. Natural gas- or oil-fired space heating equipment whose total rated space heating output in any one dwelling unit is

a. 40,000 Btu/h or less is exempt from the sizing limit,
b. larger than 40,000 Btu/h may exceed the two hundred (200%) percent sizing limit provided that the installed equipment has an annual fuel utilization efficiency (AFUE) of not less than ninety (90%) percent.

3. Stand-by equipment may be installed if controls and other devices are provided which allow redundant equipment to operate only when the primary equipment is not operating.

503.3 Simultaneous Heating and Cooling: Systems and equipment that provide simultaneous heating and cooling shall comply with the requirements in, as appropriate, Section 1422 or Section 1435.

503.4 HVAC Equipment Performance Requirements: All heating equipment shall meet the requirements of the 1987 National Appliance Energy Conservation Act (NAECA) and be so labeled. Equipment shall also comply with Section 1411.

503.5 Reserved.

503.6 Balancing: The HVAC system design shall provide a means for balancing air and water systems. Balancing the system shall include, but not be limited to, dampers, temperature and pressure test connections and balancing valves.

503.7 Cooling with Outdoor Air (Economizer Cycle): Systems and equipment that provide mechanical cooling shall comply with Section 1413 and, as appropriate, Section 1423 or 1433.

503.8 Controls:

503.8.1 Temperature Control: Each system shall be provided with at least one adjustable thermostat for the regulation of temperature. Each thermostat shall be capable of being set by adjustment or selection of sensors as follows:

503.8.1.1: When used to control heating only: Fifty-five degrees to seventy-five degrees F.

503.8.1.2: When used to control cooling only: Seventy degrees to eighty-five degrees F.

503.8.1.3: When used to control both heating and cooling, it shall be capable of being set from fifty-five degrees to eighty-five degrees F and shall be capable of operating the system heating and cooling in sequence. The thermostat and/or control system shall have an adjustable deadband of not less than ten degrees F.

503.8.2 Humidity Control: If a system is equipped with a means for adding moisture to maintain specific selected relative humidities in space or zones, a humidistat shall be provided. Humidistats shall be capable of being set to prevent new energy from being used to produce space-relative humidity above thirty percent.

EXCEPTION: Special uses requiring different relative humidities may be permitted when approved by the building official.

503.8.3 Zoning for Temperature Control:

503.8.3.1 One- and Two-Family Dwellings: At least one thermostat for regulation of space temperature shall be provided for each separate system. In addition, a readily accessible manual or automatic means shall be provided to partially restrict or shut off the heating and/or cooling input to each zone or floor.

503.8.3.2 Multifamily Dwellings: For multifamily dwellings, each individual dwelling unit shall have at least one thermostat for regulation of space temperature. A readily accessible manual or automatic means shall be provided to partially restrict or shut off the heating and/or cooling input to each room. Spaces other than living units shall meet the requirements of 503.8.3.3.

503.8.3.3 Reserved.

503.8.3.4 Control Setback and Shutoff:

Residential Occupancy Groups. One- and Two-Family and Multifamily dwellings—The thermostat required in section 503.8.3.1 or section 503.8.3.2, or an alternate means such as a switch or clock, shall provide a readily accessible, manual or automatic means for reducing the energy required for heating and cooling during the periods of nonuse or reduced need, such as, but not limited to unoccupied periods and sleeping hours. Lowering thermostat set points to reduce energy consumption of heating systems shall not cause energy to be expended to reach the reduced setting.

503.8.3.5 Heat Pump Controls: Programmable thermostats are required for all heat pump systems. The cut-on temperature for the compression heating shall be higher than the cut-on temperature for the supplementary heat, and the cut-off temperature for the compression heating shall be higher than the cut-off temperature for the supplementary heat. Heat pump thermostats will be capable of providing at least two programmable setback periods per day. The automatic setback thermostat shall have the capability of limiting the use of supplemental heat during the warm-up period.

503.9 Air Handling Duct System Insulation: Ducts, plenums and enclosures installed in or on buildings shall be thermally insulated per Table 5-11.

EXCEPTIONS: Duct insulation (except where required to prevent condensation) is not required in any of the following cases:

1. When the heat gain or loss of the ducts, without insulation, will not increase the energy requirements of the building.
2. Within the HVAC equipment.
3. Exhaust air ducts.
4. Supply or return air ducts installed in unvented crawl spaces with insulated walls, basements, or cellars in one- and two-family dwellings.

503.10 Ducts.

503.10.1 Leakage Testing: High-pressure and medium-pressure ducts shall be leak tested in accordance with the 1985 Edition of the SMACNA HVAC Air Duct Leakage Test Manual with the rate of air leakage not to exceed the maximum rate specified in that standard.

503.10.2 Seams and Joints: All low-pressure supply and return duct transverse joints, and enclosed stud bays or joist cavities/space used to transport air, shall be securely fastened and sealed with welds, gaskets, mastics (adhesives), or mastic-plus-embedded-fabric systems installed in accordance with the manufacturer's installation instructions.

EXCEPTIONS:

1. Ducts or building cavities used for air distribution that are located entirely within the conditioned space of the building are exempt from this section.
2. UL 181A listed tapes used with listed rigid fibrous glass ducts may be used as the primary sealant, when installed in accordance with the listing.
3. UL 181B listed tapes used with listed flexible air ducts may be used as the primary sealant, when installed in accordance with the listing.
4. Where enclosed stud bays or joist cavities/spaces are used to transport air sealing may be accomplished using drywall, drywall tape plus joint compound.
5. Tapes installed in accordance with the manufacturer's installation instructions, providing detailed information specific to application on ducts, including approved duct materials and required duct surface cleaning.

503.10.3 Dampers: Requirements for Automatic or manual dampers are found in the Washington State Ventilation and Indoor Air Quality Code.

503.11 Pipe Insulation: All piping shall be thermally insulated in accordance with Table 5-12.

EXCEPTION: Piping installed within unitary HVAC equipment.

Cold water pipes outside the conditioned space shall be insulated in accordance with the Washington State Plumbing Code (chapter ((51-46)) 51-56 WAC).

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-0504 Service water heating.

504.1 Scope: The purpose of this section is to provide criteria for design and equipment selection that will produce energy savings when applied to service water heating.

504.2 Water Heaters, Storage Tanks and Boilers:

504.2.1 Performance Efficiency: All Storage water heaters shall meet the requirements of the 1987 National Appliance Energy Conservation Act and be so labeled. All electric water heaters in unheated spaces or on concrete floors shall be placed on an incompressible, insulated surface with a minimum thermal resistance of R-10.

For combination space and service water heaters with a principal function of providing space heat, the Combined Annual Efficiency (CAE) may be calculated by using ASHRAE Standard 124-1991. Storage water heaters used in combination space heat and water heat applications shall have either an Energy Factor (EF) or a Combined Annual Efficiency (CAE) of not less than the following:

	Energy Factor (EF)	Combined Annual Efficiency (CAE)
<50 gallon storage	0.58	0.71
50 to 70 gallon storage	0.57	0.71
>70 gallon storage	0.55	0.70

504.2.2 Insulation: Heat loss from unfired hot-water storage tanks shall be limited to a maximum of 9.6 Btu/hr/ft² of external tank surface area. The design ambient temperature shall be no higher than sixty-five degrees F.

504.2.3 Combination Service Water Heating/Space Heating Boilers: Service water heating equipment shall not be dependent on year round operation of space heating boilers.

EXCEPTIONS: 1. Systems with service/space heating boilers having a standby loss Btu/h less than:

$$(13.3 \text{ pmd} + 400)/n$$

determined by the fixture count method where:

pmd = probably maximum demand in gallons/hour as determined in accordance with Chapter ((37)) 48 of Standard RS-11.

n = fraction of year when outdoor daily mean temperature exceeds 64.9° F.

The standby loss is to be determined for a test period of twenty-four-hour duration while maintaining a boiler water temperature of ninety degrees F above an ambient of sixty degrees F and a five foot stack on appliance.

2. For systems where the use of a single heating unit will lead to energy savings, such unit shall be utilized.

504.3 Automatic Controls: Service water heating systems shall be equipped with automatic temperature controls capable of adjustment from the lowest to the highest acceptable temperature settings for the intended use. Temperature setting range shall be set to one hundred twenty degrees F or forty-nine degrees C.

504.4 Shutdown: A separate switch shall be provided to permit turning off the energy supplied to electric service water heating systems. A separate valve shall be provided to permit turning off the energy supplied to the main burner(s) of all other types of service water heater systems.

504.5 Swimming Pools:

504.5.1: All pool heaters shall be equipped with readily accessible ON/OFF switch to allow shutting off the operation of the heater without adjusting the thermostat setting. Controls shall be provided to allow the water temperature to be regulated from the maximum design temperature down to sixty-five degrees F.

504.5.2 Pool Covers: Heated swimming pools shall be equipped with a pool cover, approved by the building official.

504.6 Pump Operation: Circulating hot water systems shall be controlled so that the circulation pump(s) can be conveniently turned off, automatically or manually, when the hot water system is not in operation.

504.7 Pipe Insulation: Piping shall be thermally insulated in accordance with section 503.11.

504.8 Conservation of Hot Water:

504.8.1 Showers and Lavatories: Showers and lavatories used for other than safety reasons shall be equipped with flow control devices or specially manufactured showerheads or aerators to limit the total water flow rate as set forth in chapter ((51-26)) 51-56 WAC, as measured with both hot and cold faucets turned on to their maximum flow.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-0505 Lighting.

505.1 **Lighting Controls:** Hotel and motel guest rooms and guest suites shall have a master control device at the main room entry that controls all permanently installed luminaires and switched receptacles.

505.2 **Lighting Power:** Lighting shall comply with the Prescriptive Lighting Option in Section 1520 or the Lighting Power Allowance Option in Section 1530.

EXCEPTIONS: 1. Group R-3 and R-4 Occupancy and the dwelling unit portions of Group R-1 and R-2 Occupancy.
2. Lighting exempted by Section 1512.

AMENDATORY SECTION (Amending WSR 02-24-076, filed 12/4/02, effective 5/1/03)

WAC 51-11-0601 Scope.

601.1 General: This chapter establishes design criteria in terms of prescribed requirements for building construction.

The provisions of this chapter are applicable to all Group R Occupancies. Occupancies shall comply with all the requirements of Chapter 5 except for the modifications herein specified.

For wood frame assemblies, the building envelope requirements of this chapter may be met by installing one of the prescriptive packages in Table 6-1 or 6-2. Installed components shall meet the requirements of section 602. Compliance with nominal R-Values shall be demonstrated for the thermal resistance of the added insulation in framing cavities

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and/or insulated sheathing only and shall not include the thermal transmittance of other building materials or air films, but shall permit interruption by occasional framing members. Other than wood frame assemblies with continuous insulation uninterrupted by framing shall also be allowed to comply with nominal R-values.

For metal frame assemblies, compliance shall be demonstrated in accordance with Chapter 4 or Chapter 5 based on

the assemblies in Chapter 10. Compliance with nominal R-values is not allowed, unless the full nominal R-value of the insulation is installed either inside or outside of the framing and is uninterrupted by framing.

EXCEPTION: Group R-1 and R-2 Occupancy buildings may use a maximum area weighted average U-factor for components not exceeding those prescribed in Paths III and V in Table 6-1 or Paths IV and VI in Table 6-2.

AMENDATORY SECTION (Amending WSR 02-24-076, filed 12/4/02, effective 5/1/03)

WAC 51-11-0625 Table 6-1.

**TABLE 6-1
PRESCRIPTIVE REQUIREMENTS^{0,1} FOR GROUP R OCCUPANCY
CLIMATE ZONE 1**

Option	Glazing Area ¹⁰ : % of Floor	Glazing U-Factor		Door ⁹ U-Factor	Ceiling ²	Vaulted Ceiling ³	Wall ¹² Above Grade	Wall• int ⁴ Below Grade	Wall• ext ⁴ Below Grade	Floor ⁵	Slab ⁶ on Grade
		Vertical	Overhead ¹¹								
I.	12%	0.35	0.58	0.20	R-38	R-30	R-15	R-15	R-10	R-30	R-10
II.*	15%	0.40	0.58	0.20	R-38	R-30	R-21	R-21	R-10	R-30	R-10
III.	25% Group R-1 and R-2 Occupancy only	0.40	0.58	0.20	R-38/ U = 0.031	R-30/ U = 0.034	R-21/ U = 0.060	R-15	R-10	R-30/ U = 0.029	R-10
IV.	Unlimited Group R-3 and R-4 Occupancy only	0.40	0.58	0.20	R-38	R-30	R-21	R-21	R-10	R-30	R-10
V.	Unlimited Group R-1 and R-2 Occupancy only	0.35	0.58	0.20	R-38/ U = 0.031	R-30/ U = 0.034	R-21/ U = 0.060	R-15	R-10	R-30/ U = 0.029	R-10

* Reference Case

**TABLE 6-2
PRESCRIPTIVE REQUIREMENTS^{0,1} FOR GROUP R OCCUPANCY
CLIMATE ZONE 2**

Option	Glazing Area ¹⁰ : % of Floor	Glazing U-Factor		Door ⁹ U-Factor	Ceiling ²	Vaulted Ceiling ³	Wall ¹² Above Grade	Wall• int ⁴ Below Grade	Wall• ext ⁴ Below Grade	Floor ⁵	Slab ⁶ on Grade
		Vertical	Overhead ¹¹								
I.	10%	0.40	0.58	0.20	R-38	R-30	R-21 Int ⁷	R-21	R-12	R-30	R-10
II.*	15%	0.40	0.58	0.20	R-38	R-30	R-19 +R-5 ⁸	R-21	R-12	R-30	R-10
III.	17%	0.37	0.58	0.20	R-38	R-30	R-19 +R-5 ⁸	R-21	R-12	R-30	R-10
IV.	25% Group R-1 and R-2 Occupancy only	0.35	0.58	0.20	R-38/ U = 0.031	R-30/ U = 0.034	R-21 int ⁷ / U = 0.054	R-15	R-12	R-30/ U = 0.029	R-10/ F = 0.54
V.	Unlimited Group R-3 and R-4 Occupancy only	0.35	0.58	0.20	R-38	R-30	R-21 Int ⁷	R-21	R-12	R-30	R-10
VI.	Unlimited Group R-1 Occupancy only	0.32	0.58	0.20	R-38/ U = 0.031	R-30/ U = 0.034	R-21 int ⁷ / U = 0.054	R-15	R-12	R-30/ U = 0.029	R-10/ F = 0.54

* Reference Case

0. Nominal R-values are for wood frame assemblies only or assemblies built in accordance with Section 601.1.

1. Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 13%, it shall comply with all of the requirements of the 15% glazing option

(or higher). Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.

2. Requirement applies to all ceilings except single rafter or joist vaulted ceilings. 'Adv' denotes Advanced Framed Ceiling.

3. Requirement applicable only to single rafter or joist vaulted ceilings.

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4. Below grade walls shall be insulated either on the exterior to a minimum level of R-10, or on the interior to the same level as walls above grade. Exterior insulation installed on below grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.
5. Floors over crawl spaces or exposed to ambient air conditions.
6. Required slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.
7. Int. denotes standard framing 16 inches on center with headers insulated with a minimum of ~~((R-5))~~ R-10 insulation.
8. This wall insulation requirement denotes R-19 wall cavity insulation plus R-5 foam sheathing.
9. Doors, including all fire doors, shall be assigned default U-factors from Table 10-6C.
10. Where a maximum glazing area is listed, the total glazing area (combined vertical plus overhead) as a percent of gross conditioned floor area shall be less than or equal to that value. Overhead glazing with U-factor of U = 0.40 or less is not included in glazing area limitations.
11. Overhead glazing shall have U-factors determined in accordance with NFRC 100 or as specified in Section 502.1.5.
12. Log and solid timber walls with a minimum average thickness of 3.5" are exempt from this insulation requirement.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-0701 Scope. The following standards shall apply to Chapters 1 through 20. The standards and portions thereof, which are referred to in various parts of this Code shall be part of the Washington State Energy Code and are hereby declared to be a part of this Code.

REFERENCE STANDARD	NO.	TITLE AND SOURCE
RS-1		((Same as RS-27-)) <u>2001 ASHRAE Fundamentals Handbook.</u>
RS-2		((through)) <u>Super Good Cents Technical Reference C Builder's Field Guide.</u>
RS-3		(Reserved.)
RS-4		ASHRAE Standard 55-92 Thermal Environmental Conditions for Human Occupancy.
RS-5		((through RS-8 (Reserved-))) <u>1998 ASHRAE Refrigeration Handbook.</u>
RS-6		<u>SMACNA, Installation Standards for Residential Heating and Air Conditioning Systems, 6th Edition, 1988.</u>
RS-7		<u>SMACNA, HVAC Duct Construction Standards, Metal and Flexible, 2nd Edition, 1995.</u>
RS-8		<u>SMACNA, Fibrous Glass Duct Construction Standards, 6th Edition, 1992.</u>
RS-9		((ASHRAE/IES Standard 90.1-1989, Efficient Design of New)) <u>ASHRAE/IESNA Standard 90.1-2001, Energy Standard for Buildings Except ((New)) Low-Rise Residential Buildings.</u>

REFERENCE STANDARD	NO.	TITLE AND SOURCE
RS-10		((Standard for Packaged Terminal Air Conditioners and Heat Pumps, ARI Standard 310/380-93-)) <u>2000 ASHRAE Systems and Equipment Handbook.</u>
RS-11		1999 ASHRAE HVAC Systems and Applications Handbook.
RS-12		through ((RS-14)) <u>RS-28 (Reserved.)</u>
((RS-15))		1996 ASHRAE System and Equipment Handbook.
RS-16		<u>SMACNA, Installation Standards for Residential Heating and Air Conditioning Systems, 6th Edition, 1988.</u>
RS-17		Same as RS-18.
RS-18		<u>SMACNA, HVAC Duct Construction Standards Metal and Flexible, 2nd Edition, 1995.</u>
RS-19		<u>SMACNA, Fibrous Glass Duct Construction Standards, 6th Edition, 1992.</u>
RS-20		1998 ASHRAE Refrigeration Handbook.
RS-21		Same as Standard RS-10.
RS-22		through RS-24 (Reserved-)
RS-25		Same as RS-27.
RS-26		<u>Super Good Cents Technical Reference (Builder's Field Guide).</u>
RS-27		1997 ASHRAE Fundamentals Handbook.
RS-28		(Reserved-))
RS-29		Nonresidential Building Design by Systems Analysis.
RS-30		Title 10, Code of Federal Regulations (CFR), Part 430 (March 14, 1988).
RS-31		National Fenestration Rating Council (NFRC) Standard 100- ((1997)) <u>2001.</u>

ACCREDITED AUTHORITATIVE AGENCIES

ANSI refers to the American National Standards Institute, Inc., 11 West 42nd Street, New York, NY 10036
 Phone ~~(())~~212~~(())~~-642-4900 fax ~~(())~~212~~(())~~-398-0023,
 Internet www.ansi.org

ARI refers to the Air Conditioning and Refrigeration Institute, 4301 N. Fairfax Dr., Suite 425, Arlington, VA 22203
 Phone ~~(())~~703~~(())~~-524-8800 fax ~~(())~~703~~(())~~-528-3816,
 Internet www.ari.org

ASHRAE refers to the American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, GA 30329
 Phone ~~(())~~404~~(())~~-636-8400 fax ~~(())~~404~~(())~~-321-5478,
 Internet www.ashrae.org

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ASTM refers to the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959
 Phone ((610)832-9585) fax ((610)832-9555),
 Internet www.astm.org

2000 x 25 = 50,000

Disclaimer: All heating systems shall be designed and installed in accordance with ~~(Uniform)~~ International Building Code Section ((310-11)) 1204.

CTI refers to the Cooling Tower Institute, 530 Wells Fargo Drive, Suite 218, Houston, TX 77090
 Phone ((281)583-4087) fax ((281)537-1721),
 Internet www.cti.org

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

~~(IES)~~ IESNA refers to the Illuminating Engineering Society of North America, 120 Wall Street, Floor 17, New York, NY 10005-4001
 Phone ((212)248-5000) fax ((212)248-5017),
 Internet www.iesna.org

WAC 51-11-1001 Section 1001 General.

1001.1 Scope: The following defaults shall apply to Chapters 1 through 20. This chapter includes tables of seasonal average heat-loss coefficients for specified nominal insulation. The heat-loss coefficients may also be used for heating system sizing.

NFRC refers to the National Fenestration Rating Council, Incorporated, ~~((1300 Spring Street)) 8484 Georgia Avenue, Suite ((500)) 320, Silver Spring, Maryland 20910~~
 Phone ~~((301)589-NFRC)) 301-589-1776~~ fax ((301)589-0854),
 Internet www.nfrc.org

1001.2 Description: These coefficients were developed primarily from data and procedures from Standard ~~((RS-27)) RS-1~~, and taken specifically from Standard ~~((RS-26)) RS-2~~, listed in Chapter 7.

SMACNA refers to the Sheet Metal and Air Conditioning Contractors National Association, Inc., 4201 Lafayette Center Drive, P.O. Box 221230, Chantilly, VA 20153-1230
 Phone ((703)803-2980) fax ((703)803-3732),
 Internet www.smacna.org

Coefficients not contained in this chapter may be computed using the procedures listed in these references if the assumptions in the following sections and Standard ~~((RS-26)) RS-2~~, listed in Chapter 7, are used, along with data from the sources referenced above.

AMENDATORY SECTION (Amending WSR 02-01-112, filed 12/18/01, effective 7/1/02)

1001.3 Air Films: Default R-values used for air films shall be as follows:

WAC 51-11-0900 Section 0900—Prescriptive heating system sizing. When using the prescriptive approach in Chapter 6, if approved by the building official, design heat load calculations are not required to show compliance to this Code if the heating system installed is equal to or less than the following:

- Climate Zone 1 20 Btu/h•ft²
- Climate Zone 2 25 Btu/h•ft²

R-Value	Condition
0.17	All exterior surfaces
0.61	Interior horizontal surfaces, heat flow up
0.92	Interior horizontal surfaces, heat flow down
0.68	Interior vertical surfaces

Example: A 2000 ft² house in Zone 2, heated with gas, would not have to submit a design heat load if the proposed furnace is 50,000 Btu or less.

1001.4 Compression of Insulation: Insulation which is compressed shall be rated in accordance with Table 10-A or reduction in value may be calculated in accordance with the procedures in Standard ~~((RS-27)) RS-1~~, listed in Chapter 7.

TABLE 10-A
R-Value of Fiberglass Batts Compressed within Various Depth Cavities

		Insulation R-Value at Standard Thickness										
R-Value		38	30	22	21	19	15	13	11	8	5	3
Standard Thickness		12"	9-1/2"	6-3/4"	5-1/2"	6-1/4"	3-1/2"	3-5/8"	3-1/2"	2-1/2"	1-1/2"	3/4"
Nominal Lumber Sizes, Inches	Actual Depth of Cavity, Inches	Insulation R-Values when Installed in a Confined Cavity										
2 x 12	11-1/4	37	—	—	—	—	—	—	—	—	—	—
2 x 10	9-1/4	32	30	—	—	—	—	—	—	—	—	—
2 x 8	7-1/4	27	26	—	—	—	—	—	—	—	—	—
2 x 6	5-1/2	—	21	20	21	18	—	—	—	—	—	—
2 x 4	3-1/2	—	—	14	—	13	15	13	11	—	—	—
2 x 3	2-1/2	—	—	—	—	—	—	9.8	—	—	—	—

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Insulation R-Value at Standard Thickness												
R-Value		38	30	22	21	19	15	13	11	8	5	3
Standard Thickness		12"	9-1/2"	6-3/4"	5-1/2"	6-1/4"	3-1/2"	3-5/8"	3-1/2"	2-1/2"	1-1/2"	3/4"
Nominal Lumber Sizes, Inches	Actual Depth of Cavity, Inches	Insulation R-Values when Installed in a Confined Cavity										
2 x 2	1-1/2	—	—	—	—	—	—	6.3	6.0	5.7	5.0	—
2 x 1	3/4	—	—	—	—	—	—	—	—	—	3.2	3.0

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1004 Section 1004: Floors over unconditioned space.

1004.1 General: Tables 10-3, 10-4 and 10-4a list heat-loss coefficients for floors over unconditioned spaces in units of Btu/h•ft²•°F.

They are derived from procedures listed in ((RS-27)) RS-1, listed in Chapter 7, assuming an average outdoor temperature of 45°F, an average indoor temperature of 65°F, and a crawlspace area of 1350 ft² and 100 ft of perimeter. The crawlspace is assumed to be 2.5 feet high, with 24 inches below grade and 6 inches above grade.

1004.2 Crawlspace Description: Four configurations are considered: Vented crawlspace, unvented crawlspace, heated plenum crawlspace and exposed floor.

Vented crawlspaces: Assumed to have 3.0 air-changes per hour, with at least 1.0 ft² of net-free ventilation in the foundation for every three hundred ft² of crawlspace floor area. The crawlspace is not actively heated.

Floors over unheated areas, such as garages, may only use those values which have R-0 perimeter insulation.

Unvented crawlspaces: Assumed to have 1.5 air changes per hour, with less than 1.0 ft² of net-free ventilation in the foundation for every three hundred ft² of crawlspace floor area. The crawlspace is not actively heated. Floors over unheated basements may only use those values which have R-0 perimeter insulation.

Heated-plenum crawlspaces: Assumed to have 0.25 air-changes per hour, with no foundation vents. Heated supply air from central furnace is blown into a crawlspace and allowed to enter the living space unducted via holes cut into the floor.

Enclosed floors: Assumes no buffer space, and a covering of one-half inch of T1-11 on the exterior of the cavity exposed to the outside air or rigid insulation below a concrete floor, such as over parking garages.

1004.3 Construction Description: Floors are assumed to be either joisted floors framed on sixteen inch centers, or post and beam on four by eight foot squares. Insulation is assumed to be installed under the subflooring between the joists or beams with no space between the insulation and the subfloor. Insulation is assumed to be uncompressed. Exposed floors

also include concrete with continuous rigid insulation assumed.

Perimeter insulation is assumed to extend from the top of the rim joist to the crawlspace floor and then inward along the ground (on top of the ground cover) for at least twenty-four inches.

Floor coverings are assumed to be light carpet with rubber pad.

**TABLE 10-3
DEFAULT U-FACTORS FOR FLOORS OVER
VENTED CRAWLSPACE OR
UNHEATED BASEMENT**

Nominal R-value		U-factor	
Floor	Perimeter	Post & Beam	Joists
0	0	0.112	0.134
	11	0.100	0.116
	19	0.098	0.114
11	30	0.093	0.107
	0	0.052	0.056
	11	0.048	0.052
19	0	0.038	0.041
	11	0.036	0.038
22	0	0.034	0.037
	11	0.033	0.035
25	0	0.032	0.034
	11	0.031	0.033
30	0	0.028	0.029
	11	0.027	0.028
38	0	0.024	0.025
	11	0.024	0.024

**TABLE 10-4
DEFAULT U-FACTORS FOR FLOORS OVER
HEATED PLENUM CRAWLSPACES**

Nominal R-value Perimeter	U-factor
11	0.085
19	0.075
30	0.069

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**TABLE 10-4A
EXPOSED FLOOR**

Nominal R-value	U-factor		
	Concrete	Wood Joist	Metal Joist
R-11	0.077	0.088	0.14
R-15	0.059	0.076	0.12
R-19	0.048	0.062	0.11
R-21	0.043	0.057	0.11
R-25	0.037	0.051	0.10
R-30	0.031	0.040	0.09
R-38	0.025	0.034	0.08

Note: Crawlspace used as heated plenums have approximately 30% higher heat-loss rate than unvented crawlspaces with the same assumed ACH. Default U-values in Table 10-4 reflect this higher rate of heat loss.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1005 Section 1005: Above-grade walls.

Section 1005.1 General: Table 10-5, 10-5A and 10-5B list heat-loss coefficients for the opaque portion of above-grade wood stud frame walls, metal stud frame walls and concrete masonry walls (Btu/h•ft²•°F) respectively. They are derived from procedures listed in ((RS-27)) RS-1, listed in Chapter 7. For intermediate floor slabs which penetrate the insulated wall, use the concrete wall U-factors in Table 10-5B.

Insulation is assumed to uniformly fill the entire cavity and to be installed as per manufacturer's directions. All walls are assumed to be finished on the inside with one-half inch gypsum wallboard, and on the outside with either beveled wood siding over one-half inch plywood sheathing or with five-eighths inch T1-11 siding. Insulated sheathing (either interior or exterior) is assumed to cover the entire opaque wall surface.

1005.2 Framing Description: For wood stud frame walls, three framing types are considered, and defined as follows:

Standard: Studs framed on sixteen inch centers with double top plate and single bottom plate. Corners use three studs and each opening is framed using two studs. Headers consist of double 2X or single 4X material with an air space left between the header and the exterior sheathing. Interior partition wall/exterior wall intersections use two studs in the exterior wall.

Framing weighting factors: Studs and plates .19
Insulated cavity .77
Headers .04

Intermediate: Studs framed on sixteen inch centers with double top plate and single bottom plate. Corners use two studs or other means of fully insulating corners, and each opening is framed by two studs. Headers consist of double

2X material with R-10 insulation between the header and exterior sheathing. Interior partition wall/exterior wall intersections are fully insulated in the exterior wall.

Framing weighting factors: Studs and plates .18
Insulated cavity .78
Headers .04

Advanced: Studs framed on twenty-four inch centers with double top plate and single bottom plate. Corners use two studs or other means of fully insulating corners, and one stud is used to support each header. Headers consist of double 2X material with R-10 insulation between the header and exterior sheathing. Interior partition wall/exterior wall intersections are fully insulated in the exterior wall.

Framing weighting factors: Studs and plates .13
Insulated cavity .83
Headers .04

1005.3 Component Description: Default coefficients for four types of walls are listed: single-stud walls, metal stud walls, strap walls, and double-stud walls.

Single-Stud Wall: Assumes either 2x4 or 2x6 studs framed on sixteen or twenty-four inch centers. Headers are solid for 2x4 walls and double 2x for 2x6 walls, with either dead-air or rigid-board insulation in the remaining space.

Metal Stud Wall: Assumes metal studs spaced on 16 or 24 inch centers with insulation installed to fill wall cavities. Continuous rigid board insulation is applied without creating uninsulated voids in the wall assembly.

Strap Wall: Assumes 2x6 studs framed on sixteen or twenty-four inch centers. 2x3 or 2x4 strapping is run horizontally along the interior surface of the wall to provide additional space for insulation.

Double-Stud Wall: Assumes an exterior structural wall and a separate interior, nonstructural wall. Insulation is placed in both wall cavities and in the space between the 2 walls. Stud spacing is assumed to be on 24 inch centers for both walls.

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**TABLE 10-5
DEFAULT U-FACTORS FOR ABOVE-GRADE WALLS**

2 x 4 Single Wood Stud: R-11 Batt

NOTE:

Nominal Batt R-value:
R-11 at 3.5 inch thickness

Installed Batt R-value:
R-11 in 3.5 inch cavity

Siding Material/Framing Type				
R-value of Foam Board	Lapped Wood		T1-11	
	STD	ADV	STD	ADV
0	0.088	0.084	0.094	0.090
1	0.080	0.077	0.085	0.082
2	0.074	0.071	0.078	0.075
3	0.069	0.066	0.072	0.070
4	0.064	0.062	0.067	0.065
5	0.060	0.058	0.063	0.061
6	0.056	0.055	0.059	0.057
7	0.053	0.052	0.055	0.054
8	0.051	0.049	0.052	0.051
9	0.048	0.047	0.050	0.049
10	0.046	0.045	0.047	0.046
11	0.044	0.043	0.045	0.044
12	0.042	0.041	0.043	0.042

2 x 4 Single Wood Stud: R-13 Batt

NOTE:

Nominal Batt R-value:
R-13 at 3.63 inch thickness

Installed Batt R-value:
R-12.7 in 3.5 inch cavity

Siding Material/Framing Type				
R-value of Foam Board	Lapped Wood		T1-11	
	STD	ADV	STD	ADV
0	0.082	0.078	0.088	0.083
1	0.075	0.072	0.080	0.076
2	0.069	0.066	0.073	0.070
3	0.065	0.062	0.068	0.065
4	0.060	0.058	0.063	0.061
5	0.057	0.055	0.059	0.057
6	0.053	0.052	0.056	0.054
7	0.051	0.049	0.052	0.051
8	0.048	0.047	0.050	0.048
9	0.046	0.045	0.047	0.046
10	0.044	0.043	0.045	0.044
11	0.042	0.041	0.043	0.042
12	0.040	0.039	0.041	0.040

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2 x 4 Single Wood Stud: R-15 Batt

Siding Material/Framing Type				
	Lapped Wood		T1-11	
R-value of Foam Board	STD	ADV	STD	ADV
0	0.076	0.071	0.081	0.075
1	0.069	0.065	0.073	0.069
2	0.064	0.061	0.068	0.069
3	0.060	0.057	0.063	0.059
4	0.056	0.053	0.059	0.056
5	0.053	0.051	0.055	0.052
6	0.050	0.048	0.052	0.050
7	0.047	0.046	0.049	0.047
8	0.045	0.044	0.047	0.045
9	0.043	0.042	0.044	0.043
10	0.041	0.040	0.042	0.041
11	0.039	0.038	0.041	0.039
12	0.038	0.037	0.039	0.038

NOTE:

Nominal Batt R-value:
R-15 at 3.5 inch thickness

Installed Batt R-value:
R-15 in 3.5 inch cavity

2 x 6 Single Wood Stud: R-19 Batt

Siding Material/Framing Type						
	Lapped Wood			T1-11		
R-value of Foam Board	STD	INT	ADV	STD	INT	ADV
0	0.062	0.058	0.055	0.065	0.061	0.058
1	0.058	0.055	0.052	0.060	0.057	0.055
2	0.054	0.052	0.050	0.056	0.054	0.051
3	0.051	0.049	0.047	0.053	0.051	0.049
4	0.048	0.046	0.045	0.050	0.048	0.046
5	0.046	0.044	0.043	0.048	0.046	0.044
6	0.044	0.042	0.041	0.045	0.044	0.042
7	0.042	0.040	0.039	0.043	0.042	0.040
8	0.040	0.039	0.038	0.041	0.040	0.039
9	0.038	0.037	0.035	0.039	0.038	0.037
10	0.037	0.036	0.035	0.038	0.037	0.036
11	0.036	0.035	0.034	0.036	0.035	0.035
12	0.034	0.033	0.033	0.035	0.034	0.033

NOTE:

Nominal Batt R-value:
R-19 at 6 inch thickness

Installed Batt R-value:
R-18 in 5.5 inch cavity

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2 x 6 Single Wood Stud: R-21 Batt

Siding Material/Framing Type						
R-value of Foam Board	Lapped Wood			T1-11		
	STD	INT	ADV	STD	INT	ADV
0	0.057	0.054	0.051	0.060	0.056	0.053
1	0.054	0.051	0.048	0.056	0.053	0.050
2	0.050	0.048	0.045	0.052	0.050	0.047
3	0.048	0.045	0.043	0.049	0.047	0.045
4	0.045	0.043	0.041	0.047	0.045	0.043
5	0.043	0.041	0.040	0.044	0.042	0.041
6	0.041	0.039	0.038	0.042	0.041	0.039
7	0.039	0.038	0.036	0.040	0.039	0.037
8	0.038	0.036	0.035	0.039	0.037	0.036
9	0.036	0.035	0.034	0.037	0.036	0.035
10	0.035	0.034	0.033	0.036	0.035	0.033
11	0.033	0.033	0.032	0.034	0.033	0.032
12	0.032	0.031	0.031	0.033	0.032	0.031

NOTE:

Nominal Batt R-value:
R-21 at 5.5 inch thickness

Installed Batt R-value:
R-21 in 5.5 inch cavity

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2 x 6 Single Wood Stud: R-22 Batt

Siding Material/Framing Type						
R-value of Foam Board	Lapped Wood			T1-11		
	STD	INT	ADV	STD	INT	ADV
0	0.059	0.055	0.052	0.062	0.058	0.054
1	0.055	0.052	0.049	0.057	0.054	0.051
2	0.052	0.049	0.047	0.054	0.051	0.048
3	0.049	0.046	0.044	0.050	0.048	0.046
4	0.046	0.044	0.042	0.048	0.046	0.044
5	0.044	0.042	0.041	0.045	0.043	0.042
6	0.042	0.040	0.039	0.043	0.042	0.040
7	0.040	0.039	0.037	0.041	0.040	0.038
8	0.038	0.037	0.036	0.039	0.038	0.037
9	0.037	0.036	0.035	0.038	0.037	0.035
10	0.035	0.034	0.033	0.036	0.035	0.034
11	0.034	0.033	0.032	0.035	0.034	0.033
12	0.033	0.032	0.031	0.034	0.033	0.032

NOTE:

Nominal Batt R-value:
R-22 at 6.75 inch thickness

Installed Batt R-value:
R-20 in 5.5 inch cavity

2 x 6 Single Wood Stud: Two R-11 Batts

Siding Material/Framing Type						
	Lapped Wood			T1-11		
R-value of Foam Board	STD	INT	ADV	STD	INT	ADV
0	0.060	0.057	0.054	0.063	0.059	0.056
1	0.056	0.053	0.051	0.059	0.056	0.053
2	0.053	0.050	0.048	0.055	0.052	0.050
3	0.050	0.048	0.046	0.052	0.049	0.047
4	0.047	0.045	0.044	0.049	0.047	0.045
5	0.045	0.043	0.042	0.046	0.045	0.043
6	0.043	0.041	0.040	0.044	0.043	0.041
7	0.041	0.040	0.038	0.042	0.041	0.039
8	0.039	0.038	0.037	0.040	0.039	0.038
9	0.038	0.037	0.036	0.039	0.038	0.036
10	0.036	0.035	0.034	0.037	0.036	0.035
11	0.035	0.034	0.033	0.036	0.035	0.034
12	0.034	0.033	0.032	0.034	0.034	0.033

NOTE:
 Nominal Batt R-value:
 R-22 at 7 inch thickness

 Installed Batt R-value:
 R-18.9 in 5.5 inch cavity

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2 x 8 Single Stud: R-25 Batt

Siding Material/Framing Type						
	Lapped Wood			T1-11		
R-value of Foam Board	STD	INT	ADV	STD	INT	ADV
0	0.051	0.047	0.045	0.053	0.049	0.046
1	0.048	0.045	0.043	0.049	0.046	0.044
2	0.045	0.043	0.041	0.047	0.044	0.042
3	0.043	0.041	0.039	0.044	0.042	0.040
4	0.041	0.039	0.037	0.042	0.040	0.038
5	0.039	0.037	0.036	0.040	0.038	0.037
6	0.037	0.036	0.035	0.038	0.037	0.036
7	0.036	0.035	0.033	0.037	0.035	0.034
8	0.035	0.033	0.032	0.035	0.034	0.033
9	0.033	0.032	0.031	0.034	0.033	0.032
10	0.032	0.031	0.030	0.033	0.032	0.031
11	0.031	0.030	0.029	0.032	0.031	0.030
12	0.030	0.029	0.028	0.031	0.030	0.029

NOTE:
 Nominal Batt R-value:
 R-25 at 8 inch thickness

 Installed Batt R-value:
 R-23.6 in 7.25 inch cavity

2 x 6: Strap Wall

	Siding Material/Frame Type			
	Lapped Wood		T1-11	
	STD	ADV	STD	ADV
R-19 + R-11 Batts	0.036	0.035	0.038	0.036
R-19 + R-8 Batts	0.041	0.039	0.042	0.040

2 x 6 + 2 x 4: Double Wood Stud

Batt Configuration			Siding Material/Frame Type			
			Lapped Wood		T1-11	
Exterior	Middle	Interior	STD	ADV	STD	ADV
R-19	————	R-11	0.040	0.037	0.041	0.038
R-19	————	R-19	0.034	0.031	0.035	0.032
R-19	R-8	R-11	0.029	0.028	0.031	0.029
R-19	R-11	R-11	0.027	0.026	0.028	0.027
R-19	R-11	R-19	0.024	0.023	0.025	0.023
R-19	R-19	R-19	0.021	0.020	0.021	0.020

2 x 4 + 2 x 4: Double Wood Stud

Batt Configuration			Siding Material/Frame Type			
			Lapped Wood		T1-11	
Exterior	Middle	Interior	STD	ADV	STD	ADV
R-11	————	R-11	0.050	0.046	0.052	0.048
R-19	————	R-11	0.039	0.037	0.043	0.039
R-11	R-8	R-11	0.037	0.035	0.036	0.036
R-11	R-11	R-11	0.032	0.031	0.033	0.032
R-13	R-13	R-13	0.029	0.028	0.029	0.028
R-11	R-19	R-11	0.026	0.026	0.027	0.026

Log Walls

Average Log Diameter, Inches	U-factor	
6	0.148	
8	0.111	
10	0.089	
Average wall thickness	12	0.074
90% average log diameter	14	0.063
	16	0.056

NOTE:

R-value of wood:
R-1.25 per inch thickness

Average wall thickness
90% average log diameter

Metal Stud Walls: The nominal R-values in Table 10-5A may be used for purposes of calculating metal stud wall section U-factors in lieu of the ASHRAE zone calculation method as provided in Chapter ((24)) 25 of Standard ((RS-27)) RS-1.

Stress Skin Panel

Panel Thickness, Inches	U-factor
3 1/2	0.071
5 1/2	0.048
7 1/4	0.037
9 1/4	0.030
11 1/4	0.025

NOTE:

R-value of expanded polystyrene: R-3.85 per inch

Framing: 6%
Spline: 8%

No thermal bridging between interior and exterior splines

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TABLE 10-5A
Default U-factors for Overall Assembly Metal Stud Walls, Effective R-values for Metal Framing and Cavity Only, and
Default Metal Building U-factors

OVERALL ASSEMBLY U-FACTORS FOR METAL STUD WALLS

Metal Framing	R-Value of Continuous Foam Board Insulation	Cavity Insulation					
		R-11	R-13	R-15	R-19	R-21	R-25
16" o.c.	R-0 (none)	U-0.14	U-0.13	U-0.12	U-0.10	U-0.097	U-0.091
	R-1	U-0.12	U-0.12	U-0.11	U-0.094	U-0.089	U-0.083
	R-2	U-0.11	U-0.010	U-0.099	U-0.086	U-0.081	U-0.077
	R-3	U-0.10	U-0.095	U-0.090	U-0.079	U-0.075	U-0.071
	R-4	U-0.091	U-0.087	U-0.082	U-0.073	U-0.070	U-0.067
	R-5	U-0.083	U-0.080	U-0.076	U-0.068	U-0.065	U-0.062
	R-6	U-0.077	U-0.074	U-0.071	U-0.064	U-0.061	U-0.059
	R-7	U-0.071	U-0.069	U-0.066	U-0.060	U-0.058	U-0.055
	R-8	U-0.067	U-0.064	U-0.062	U-0.057	U-0.055	U-0.053
	R-9	U-0.062	U-0.060	U-0.058	U-0.054	U-0.052	U-0.050
R-10	U-0.059	U-0.057	U-0.055	U-0.051	U-0.049	U-0.048	

24" o.c.	R-0 (none)	U-0.13	U-0.12	U-0.11	U-0.091	U-0.085	U-0.079
	R-1	U-0.11	U-0.10	U-0.098	U-0.084	U-0.078	U-0.073
	R-2	U-0.10	U-0.091	U-0.089	U-0.077	U-0.073	U-0.068
	R-3	U-0.092	U-0.083	U-0.082	U-0.072	U-0.068	U-0.064
	R-4	U-0.084	U-0.077	U-0.076	U-0.067	U-0.063	U-0.060
	R-5	U-0.078	U-0.071	U-0.070	U-0.063	U-0.060	U-0.057
	R-6	U-0.072	U-0.067	U-0.066	U-0.059	U-0.056	U-0.054
	R-7	U-0.067	U-0.063	U-0.062	U-0.056	U-0.053	U-0.051
	R-8	U-0.063	U-0.059	U-0.058	U-0.053	U-0.051	U-0.048
	R-9	U-0.059	U-0.056	U-0.055	U-0.050	U-0.048	U-0.046
R-10	U-0.056	U-0.053	U-0.052	U-0.048	U-0.046	U-0.044	

EFFECTIVE R-VALUES FOR METAL FRAMING AND CAVITY ONLY

	Cavity		Nominal R-Value	Insulation	
	Nominal Depth, Inches	Actual Depth, Inches		Effective R-Value	
				16" O.C.	24" O.C.
Air Cavity	any	any	R-0.91 (air)	0.79	0.91
Wall	4	3-1/2	R-11	5.5	6.6
	4	3-1/2	R-13	6.0	7.2
	4	3-1/2	R-15	6.4	7.8
	6	5-1/2	R-19	7.1	8.6
	6	5-1/2	R-21	7.4	9.0
	8	7-1/4	R-25	7.8	9.6
Roof	Insulation is uncompressed		R-11	5.5	6.1
			R-19	7.0	9.1
			R-30	9.3	11.4

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DEFAULT METAL BUILDING U-FACTORS

	R-10	R-11	R-13	R-19	R-24	R-30
Faced fiber glass blanket insulation rolled over and perpendicular to structural frame. Metal covering sheets fastened to the frame, holding insulation in place.	0.133	0.127	0.114	0.091	na	na
Faced fiber glass batt insulation suspended between structural frame. Metal covering sheets fastened directly to frame.	0.131	0.123	0.107	0.079	0.065	0.057
Faced fiber glass blanket insulation rolled over and perpendicular to structural frame. Rigid insulation blocks placed over insulation to align with structural frame.	0.102	0.096	0.084	0.065	na	na
Faced fiber glass batt insulation suspended between structural frame. Rigid insulation blocks placed over insulation to align with structural frame.	0.099	0.093	0.080	0.059	0.048	0.041

Concrete Masonry Walls: The nominal R-values in Table 10-5B may be used for purposes of calculating concrete masonry wall section U-factors in lieu of the ASHRAE isothermal planes calculation method as provided in Chapter ((24)) 25 of Standard ((RS-27)) RS-1.

TABLE 10-5B
Default U-Factors for Concrete and Masonry Walls

8" CONCRETE MASONRY				
WALL DESCRIPTION	CORE TREATMENT			
	Partial Grout with UngROUTED Cores			Solid Grout
	Empty	Loose-fill insulated		
		Perlite	Vermiculite	
Exposed Block, Both Sides	0.40	0.23	0.24	0.43
R-5 Interior Insulation, Wood Furring	0.14	0.11	0.12	0.15
R-6 Interior Insulation, Wood Furring	0.14	0.11	0.11	0.14
R-10.5 Interior Insulation, Wood Furring	0.11	0.09	0.09	0.11
R-8 Interior Insulation, Metal Clips	0.11	0.09	0.09	0.11
R-6 Exterior Insulation	0.12	0.10	0.10	0.12
R-10 Exterior Insulation	0.08	0.07	0.07	0.08
R-9.5 Rigid Polystyrene Integral Insulation, Two Webbed Block	0.11	0.09	0.09	0.12

12" CONCRETE MASONRY				
WALL DESCRIPTION	CORE TREATMENT			
	Partial Grout with UngROUTED Cores			Solid Grout
	Empty	Loose-fill insulated		
		Perlite	Vermiculite	
Exposed Block, Both Sides	0.35	0.17	0.18	0.33
R-5 Interior Insulation, Wood Furring	0.14	0.10	0.10	0.13
R-6 Interior Insulation, Wood Furring	0.13	0.09	0.10	0.13
R-10.5 Interior Insulation, Wood Furring	0.11	0.08	0.08	0.10
R-8 Interior Insulation, Metal Clips	0.10	0.08	0.08	0.09
R-6 Exterior Insulation	0.11	0.09	0.09	0.11
R-10 Exterior Insulation	0.08	0.06	0.06	0.08
R-9.5 Rigid Polystyrene Integral Insulation, Two Webbed Block	0.11	0.08	0.09	0.12

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8" CLAY BRICK				
WALL DESCRIPTION	CORE TREATMENT			
	Partial Grout with UngROUTED Cores			Solid Grout
	Empty	Loose-fill insulated		
		Perlite	Vermiculite	
Exposed Block, Both Sides	0.50	0.31	0.32	0.56
R-5 Interior Insulation, Wood Furring	0.15	0.13	0.13	0.16
R-6 Interior Insulation, Wood Furring	0.15	0.12	0.12	0.15
R-10.5 Interior Insulation, Wood Furring	0.12	0.10	0.10	0.12
R-8 Interior Insulation, Metal Clips	0.11	0.10	0.10	0.11
R-6 Exterior Insulation	0.12	0.11	0.11	0.13
R-10 Exterior Insulation	0.08	0.08	0.08	0.09

6" CONCRETE POURED OR PRECAST				
WALL DESCRIPTION	CORE TREATMENT			
	Partial Grout with UngROUTED Cores			Solid Grout
	Empty	Loose-fill insulated		
		Perlite	Vermiculite	
Exposed Concrete, Both Sides	NA	NA	NA	0.61
R-5 Interior Insulation, Wood Furring	NA	NA	NA	0.16
R-6 Interior Insulation, Wood Furring	NA	NA	NA	0.15
R-10.5 Interior Insulation, Wood Furring	NA	NA	NA	0.12
R-8 Interior Insulation, Metal Clips	NA	NA	NA	0.12
R-6 Exterior Insulation	NA	NA	NA	0.13
R-10 Exterior Insulation	NA	NA	NA	0.09

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Notes for Default Table 10-5B

1. Grouted cores at 40" x 48" on center vertically and horizontally in partial grouted walls.
2. Interior insulation values include 1/2" gypsum board on the inner surface.
3. Furring and stud spacing is 16" on center. Insulation is assumed to fill furring space and is not compressed.
4. Intermediate values may be interpolated using this table. Values not contained in this table may be computed using the procedures listed in Standard ((RS-27)) RS-1.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1007 Section 1007 Ceilings.

1007.1 General: Table 10-7 lists heat-loss coefficients for the opaque portion of exterior ceilings below vented attics, vaulted ceilings, and roof decks in units of Btu/h•ft²•°F of ceiling.

They are derived from procedures listed in Standard ((RS-27)) RS-1, listed in Chapter 7. Ceiling U-factors are modified for the buffering effect of the attic, assuming an indoor temperature of 65° F and an outdoor temperature of 45°F.

Metal Framed Ceilings: The nominal R-values in Table 10-5A - EFFECTIVE R-VALUES FOR METAL FRAMING AND CAVITY ONLY may be used for purposes of calculating metal framed ceiling section U-factors in lieu of the ASHRAE zone calculation method as provided in Chapter ((24)) 25 of Standard ((RS-27)) RS-1.

1007.2 Component Description: The four types of ceilings are characterized as follows:

Ceilings Below a Vented Attic: Attic insulation is assumed to be blown-in, loose-fill fiberglass with a K-value of 2.6 hr•ft²•°F/Btu per inch. Full bag count for specified R-value is assumed in all cases. Ceiling dimensions for flat ceiling calculations are forty-five by thirty feet, with a gabled roof having a 4/12 pitch. The attic is assumed to vent naturally at the rate of three air changes per hour through soffit and ridge vents. A void fraction of 0.002 is assumed for all attics with insulation baffles. Standard-framed, unbaffled attics assume a void fraction of 0.008.

Attic framing is either standard or advanced. Standard framing assumes tapering of insulation depth around the perimeter with resultant decrease in thermal resistance. An increased R-value is assumed in the center of the ceiling due to the effect of piling leftover insulation. Advanced framing assumes full and even depth of insulation extending to the outside edge of exterior walls. Advanced framing does not change from the default value.

U-factors for flat ceilings below vented attics with standard framing may be modified with the following table:

Roof Pitch	U-Factor for Standard Framing	
	R-30	R-38
4/12	.036	.031
5/12	.035	.030

Roof Pitch	U-Factor for Standard Framing	
	R-30	R-38
6/12	.034	.029
7/12	.034	.029
8/12	.034	.028
9/12	.034	.028
10/12	.033	.028
11/12	.033	.027
12/12	.033	.027

Vented scissors truss attics assume a ceiling pitch of 2/12 with a roof pitch of either 4/12 or 5/12. Unbaffled standard framed scissors truss attics are assumed to have a void fraction of 0.016.

Vaulted Ceilings: Insulation is assumed to be fiberglass batts installed in roof joist cavities. In the vented case, at least

1.5-inches between the top of the batts and the underside of the roof sheathing is left open for ventilation in each cavity. A ventilation rate of 3.0 air changes per hour is assumed. In the unvented or dense pack case, the ceiling cavity is assumed to be fully packed with insulation, leaving no space for ventilation.

Roof Decks: Rigid insulation is applied to the top of roof decking with no space left for ventilation. Roofing materials are attached directly on top of the insulation. Framing members are often left exposed on the interior side.

Metal Truss Framing: Overall system tested values for the roof/ceiling U_o for metal framed truss assemblies from approved laboratories shall be used, when such data is acceptable to the building official.

Alternatively, the U_o for roof/ceiling assemblies using metal truss framing may be obtained from Tables 10-7A, 10-7B, 10-7C, 10-7D and 10-7E.

**TABLE 10-7
DEFAULT U-FACTORS FOR CEILINGS**

Ceilings Below Vented Attics

	Standard Frame	Advanced Frame
Flat Ceiling	Baffled	
R-19	0.049	0.047
R-30	0.036	0.032
R-38	0.031	0.026
R-49	0.027	0.020
R-60	0.025	0.017
Scissors Truss		
R-30 (4/12 roof pitch)	0.043	0.031
R-38 (4/12 roof pitch)	0.040	0.025
R-49 (4/12 roof pitch)	0.038	0.020
R-30 (5/12 roof pitch)	0.039	0.032
R-38 (5/12 roof pitch)	0.035	0.026
R-49 (5/12 roof pitch)	0.032	0.020
Vaulted Ceilings		
	16" O.C.	24" O.C.
Vented		
R-19 2x10 joist	0.049	0.048
R-30 2x12 joist	0.034	0.033
R-38 2x14 joist	0.027	0.027
Unvented		
R-30 2x10 joist	0.034	0.033
R-38 2x12 joist	0.029	0.027
R-21 + R-21 2x12 joist	0.026	0.025
Roof Deck		
	4x Beams, 48" O.C.	
R-12.5 2" Rigid insulation	0.064	
R-21.9 3.5" Rigid insulation	0.040	

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			Standard Frame	Advanced Frame
R-37.5	6"	Rigid insulation	0.025	
R-50	8"	Rigid insulation	0.019	

Table 10-7A
Steel Truss¹ Framed Ceiling U_O

Cavity R-value	Truss Span (ft)												
	12	14	16	18	20	22	24	26	28	30	32	34	36
19	0.1075	0.0991	0.0928	0.0878	0.0839	0.0807	0.0780	0.0757	0.0737	0.0720	0.0706	0.0693	0.0681
30	0.0907	0.0823	0.0760	0.0710	0.0671	0.0638	0.0612	0.0589	0.0569	0.0552	0.0538	0.0525	0.0513
38	0.0844	0.0759	0.0696	0.0647	0.0607	0.0575	0.0548	0.0525	0.0506	0.0489	0.0474	0.0461	0.0449
49	0.0789	0.0704	0.0641	0.0592	0.0552	0.0520	0.0493	0.0470	0.0451	0.0434	0.0419	0.0406	0.0395

Table 10-7B
Steel Truss¹ Framed Ceiling U_O with R-3 Sheathing²

Cavity R-value	Truss Span (ft)												
	12	14	16	18	20	22	24	26	28	30	32	34	36
19	0.0809	0.0763	0.0728	0.0701	0.0679	0.0661	0.0647	0.0634	0.0623	0.0614	0.0606	0.0599	0.0592
30	0.0641	0.0595	0.0560	0.0533	0.0511	0.0493	0.0478	0.0466	0.0455	0.0446	0.0438	0.0431	0.0424
38	0.0577	0.0531	0.0496	0.0469	0.0447	0.0430	0.0415	0.0402	0.0392	0.0382	0.0374	0.0367	0.0361
49	0.0523	0.0476	0.0441	0.0414	0.0393	0.0375	0.0360	0.0348	0.0337	0.0328	0.0319	0.0312	0.0306

Table 10-7C
Steel Truss¹ Framed Ceiling U_O with R-5 Sheathing²

Cavity R-value	Truss Span (ft)												
	12	14	16	18	20	22	24	26	28	30	32	34	36
19	0.0732	0.0697	0.0670	0.0649	0.0633	0.0619	0.0608	0.0598	0.0590	0.0583	0.0577	0.0571	0.0567
30	0.0564	0.0529	0.0502	0.0481	0.0465	0.0451	0.0440	0.0430	0.0422	0.0415	0.0409	0.0403	0.0399
38	0.0501	0.0465	0.0438	0.0418	0.0401	0.0388	0.0376	0.0367	0.0359	0.0351	0.0345	0.0340	0.0335
49	0.0446	0.0410	0.0384	0.0363	0.0346	0.0333	0.0322	0.0312	0.0304	0.0297	0.0291	0.0285	0.0280

Table 10-7D
Steel Truss¹ Framed Ceiling U_O with R-10 Sheathing²

Cavity R-value	Truss Span (ft)												
	12	14	16	18	20	22	24	26	28	30	32	34	36
19	0.0626	0.0606	0.0590	0.0578	0.0569	0.0561	0.0555	0.0549	0.0545	0.0541	0.0537	0.0534	0.0531
30	0.0458	0.0437	0.0422	0.0410	0.0401	0.0393	0.0387	0.0381	0.0377	0.0373	0.0369	0.0366	0.0363
38	0.0394	0.0374	0.0359	0.0347	0.0337	0.0330	0.0323	0.0318	0.0313	0.0309	0.0305	0.0302	0.0299
49	0.0339	0.0319	0.0304	0.0292	0.0283	0.0275	0.0268	0.0263	0.0258	0.0254	0.0251	0.0247	0.0245

Table 10-7E
Steel Truss¹ Framed Ceiling U_O with R-15 Sheathing²

Cavity R-value	Truss Span (ft)												
	12	14	16	18	20	22	24	26	28	30	32	34	36
19	0.0561	0.0550	0.0541	0.0535	0.0530	0.0526	0.0522	0.0519	0.0517	0.0515	0.0513	0.0511	0.0509
30	0.0393	0.0382	0.0373	0.0367	0.0362	0.0358	0.0354	0.0351	0.0349	0.0347	0.0345	0.0343	0.0341
38	0.0329	0.0318	0.0310	0.0303	0.0298	0.0294	0.0291	0.0288	0.0285	0.0283	0.0281	0.0279	0.0278
49	0.0274	0.0263	0.0255	0.0249	0.0244	0.0239	0.0236	0.0233	0.0230	0.0228	0.0226	0.0225	0.0223

- 1 - Assembly values based on 24 inch on center truss spacing; 11 Truss member connections penetrating insulation (4 at the eaves, 7 in the interior space); 1/2 inch drywall ceiling; all truss members are 2x4 "C" channels with a solid web.
- 2 - Ceiling sheathing installed between bottom chord and drywall.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1009 Section 1009 Mass.

1009.1 General: Tables 10-9 and 10-10 list default mass values for concrete masonry construction. Calculations are

based on standard ASHRAE values for heat-storage capacity as listed in Standard ((RS-27)) RS-1, Chapter ((24)) 25.

Thermal capacity of furniture is ignored, as is heat storage beyond the first four inches of mass thickness. All mass is assumed to be in direct contact with the conditioned space. Concrete separated from the heated volume by other materi-

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als must multiply the listed concrete mass value by the result of the following formula:

$$\text{Ln}(\text{R-value}) \times (-.221) + 0.5$$

Where:

Ln = Natural log

R-value = R-value of material covering concrete

Note: All default values for covered concrete slabs have been adjusted according to this procedure.

1009.2 Mass Description: Mass is divided into two types: Structural and additional.

Structural Mass: Includes heat-storage capacity of all standard building components of a typical residential structure, including floors, ceilings, and interior and exterior walls in Btu/ft²•°F of floor area. It also assumes exterior wall, interior wall and ceiling surface area approximately equals three times the floor area.

Additional Mass: Includes any additional building material not part of the normal structure, which is added specifically to increase the building's thermal-storage capability. This category includes masonry fireplaces, water or trombe walls, and extra layers of sheetrock. Coefficients are in

Btu/ft²•°F of surface area of material exposed to conditioned space. The coefficient for water is Btu/°F•gallon.

1009.3 Component Description: Light frame assumes one inch thick wood flooring with five-eighths inch sheetrock on ceilings and interior walls, and walls consisting of either five-eighths inch sheetrock or solid logs. Slab assumes a four-inch concrete slab on or below grade, with five-eighths inch sheetrock on exterior and interior walls and ceiling, and with separate values for interior or exterior wall insulation. Adjustments for slab covering is based on R-value of material. Additional mass values are based on the density multiplied by the specific heat of the material adjusted for listed thickness.

**TABLE 10-9
HEAT CAPACITY**

	Partial Grout	Solid Grout
8" CMU	9.65	15.0
12" CMU	14.5	23.6
8" Brick	10.9	16.4
6" Concrete	NA	14.4

**TABLE 10-10
DEFAULT MASS VALUES**

Structural Mass M-value	Btu/ft ² •°F floor area
Light Frame:	
Joisted/post & beam floor, sheetrock walls and ceilings	3.0
Joisted/post & beam floor, log walls, sheetrock ceilings	4.0
Slab With Interior Wall Insulation:	
Slab, no covering or tile, sheetrock walls and ceilings	10.0
Slab, hardwood floor covering, sheetrock walls and ceilings	7.0
Slab, carpet and pad, sheetrock walls and ceilings	5.0
Slab With Exterior Wall Insulation:	
Slab, no covering or tile, sheetrock walls and ceilings	12.0
Slab, hardwood floor covering, sheetrock walls and ceilings	9.0
Slab, carpet and pad, sheetrock walls and ceilings	7.0
Additional Mass M-Value:	
Gypsum wallboard, 1/2 inch thickness	Btu/ft ² •°F surface area 0.54
Gypsum wallboard, 5/8 inch thickness	0.68
Hardwood floor	1.40
Concrete/Brick, 4 inch-thickness	10.30
Concrete/Brick, 6 inch-thickness	15.40
	Btu/°F•gallon
Water, 1 gallon	8.0

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AMENDATORY SECTION (Amending WSR 95-01-126, filed 12/21/94, effective 6/30/95)

WAC 51-11-1143 Inspections.

1143.1 General: All construction or work for which a permit is required shall be subject to inspection by the building official and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. No work shall be done on any part of the building or structure beyond the point indicated in each inspection without first obtaining the approval of the building official.

1143.2 Required Inspections: The building official, upon notification, shall make the inspection required in this Section, in addition to or as part of those inspections required in Section ~~((108.5 of the Uniform))~~ 109.3 of the International Building Code. Inspections may be conducted by special inspection pursuant to Section ~~((1701 of the Uniform))~~ 1704 of the International Building Code. Where applicable, inspections shall include at least:

1143.2.1 Envelope

a. Wall Insulation Inspection: To be made after all wall insulation and air vapor retarder sheet or film materials are in place, but before any wall covering is placed.

b. Glazing Inspection: To be made after glazing materials are installed in the building.

c. Exterior Roofing Insulation: To be made after the installation of the roof insulation, but before concealment.

d. Slab/Floor Insulation: To be made after the installation of the slab/floor insulation, but before concealment.

1143.2.2 Mechanical

a. Mechanical Equipment Efficiency and Economizer: To be made after all equipment and controls required by this Code are installed and prior to the concealment of such equipment or controls.

b. Mechanical Pipe and Duct Insulation: To be made after all pipe and duct insulation is in place, but before concealment.

1143.2.3 Lighting and Motors

a. Lighting Equipment and Controls: To be made after the installation of all lighting equipment and controls required by this Code, but before concealment of the lighting equipment.

b. Motor Inspections: To be made after installation of all equipment covered by this Code, but before concealment.

1143.3 Reinspection: The building official may require a structure to be reinspected. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

AMENDATORY SECTION (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

WAC 51-11-1150 Conflicts with other codes. In case of conflicts among Codes enumerated in RCW 19.27.031 (1), (2), (3) and (4) and this Code, the first named Code shall govern. The duct insulation requirements in this Code or a local

jurisdiction's energy code, whichever is more stringent, supersede the requirements in the ~~((Uniform))~~ Mechanical Code.

Where, in any specific case, different sections of this Code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1313 Moisture control.

1313.1 Vapor Retarders: Vapor retarders shall be installed on the warm side (in winter) of insulation as required by this section.

EXCEPTION: Vapor retarder installed with not more than 1/3 of the nominal R-value between it and the conditioned space.

1313.2 Roof/Ceiling Assemblies: Roof/ceiling assemblies where the ventilation space above the insulation is less than an average of twelve inches shall be provided with a vapor retarder. (For enclosed attics and enclosed rafter spaces see Section ~~((1505.3))~~ 1203.2 of the ((Washington State)) International Building Code.) Roof/ceiling assemblies without a vented airspace, allowed only where neither the roof deck nor the roof structure are made of wood, shall provide a continuous vapor retarder with taped seams.

EXCEPTION: Vapor retarders need not be provided where all of the insulation is installed between the roof membrane and the structural roof deck.

1313.3 Walls: Walls separating conditioned space from unconditioned space shall be provided with a vapor retarder.

1313.4 Floors: Floors separating conditioned space from unconditioned space shall be provided with a vapor retarder.

1313.5 Crawl Spaces: A ground cover of six mil (0.006 inch thick) black polyethylene or approved equal shall be laid over the ground within crawl spaces. The ground cover shall be overlapped twelve inches minimum at the joints and shall extend to the foundation wall.

EXCEPTION: The ground cover may be omitted in crawl spaces if the crawl space has a concrete slab floor with a minimum thickness of three and one-half inches.

AMENDATORY SECTION (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

WAC 51-11-1332 Component U-factors. The U-factors for typical construction assemblies are included in Chapter ~~((20))~~ 10. These values shall be used for all calculations. Where proposed construction assemblies are not represented in Chapter ~~((20))~~ 10, values shall be calculated in accordance with Chapters ~~((19-27 in RS-27))~~ 23 through 30 in Standard RS-1 listed in Chapter ~~((17))~~ 7, using the framing factors listed in Chapter ~~((20))~~ 10. For envelope assemblies containing metal framing, the U-factor shall be determined by one of the following methods:

1. Results of laboratory measurements according to acceptable methods of test.
2. Standard ((RS-25)) RS-1, listed in Chapter ((17)) 7, where the metal framing is bonded on one or both sides to a metal skin or covering.
3. The zone method as provided in Chapter ((22 of RS-27)) 25 of Standard RS-1, listed in Chapter ((17)) 7.
4. Effective framing/cavity R-values as provided in Table ((20-5A)) 10-5A.

When return air ceiling plenums are employed, the roof/ceiling assembly shall:

- a. For thermal transmittance purposes, not include the ceiling proper nor the plenum space as part of the assembly; and
- b. For gross area purposes, be based upon the interior face of the upper plenum surface.

AMENDATORY SECTION (Amending WSR 02-01-112, filed 12/18/01, effective 7/1/02)

WAC 51-11-1412 Controls.

1412.1 Temperature Controls: Each system shall be provided with at least one temperature control device. Each zone shall be controlled by individual thermostatic controls responding to temperature within the zone. At a minimum, each floor of a building shall be considered as a separate zone.

1412.2 Deadband Controls: When used to control both comfort heating and cooling, zone thermostatic controls shall be capable of a deadband of at least 5 degrees F within which the supply of heating and cooling energy to the zone is shut off or reduced to a minimum.

EXCEPTIONS:

1. Special occupancy, special usage, or code requirements where deadband controls are not appropriate.
2. Buildings complying with Section 1141.4, if in the proposed building energy analysis, heating and cooling thermostat setpoints are set to the same temperature between 70 degrees F and 75 degrees F inclusive, and assumed to be constant throughout the year.
3. Thermostats that require manual changeover between heating and cooling modes.

1412.3 Humidity Controls: If a system is equipped with a means for adding moisture, a humidistat shall be provided.

1412.4 Setback and Shutoff: HVAC systems shall be equipped with automatic controls capable of accomplishing a reduction of energy use through control setback or equipment shutdown during periods of nonuse or alternate use of the spaces served by the system. The automatic controls shall have a minimum seven-day clock and be capable of being set for seven different day types per week.

EXCEPTIONS:

1. Systems serving areas which require continuous operation at the same temperature setpoint.
2. Equipment with full load demands of 2 Kw (6,826 Btu/h) or less may be controlled by readily accessible manual off-hour controls.

1412.4.1 Dampers: Outside air intakes, exhaust outlets and relief outlets serving conditioned spaces shall be equipped

with motorized dampers which close automatically when the system is off or upon power failure.

EXCEPTIONS:

1. Systems serving areas which require continuous operation.
2. Combustion air intakes.
3. Gravity (nonmotorized) dampers are acceptable in buildings less than 3 stories in height.
4. Gravity (nonmotorized) dampers are acceptable in exhaust and relief outlets in the first story and levels below the first story of buildings three or more stories in height.
5. Type 1 grease hoods exhaust.

Dampers installed to comply with this section, including dampers integral to HVAC equipment, shall have a maximum leakage rate when tested in accordance with AMCA Standard 500 of:

(a) Motorized dampers: 10 cfm/ft² of damper area at 1.0 in w.g.

(b) Nonmotorized dampers: 20 cfm/ft² of damper area at 1.0 in w.g., except that for nonmotorized dampers smaller than 24 inches in either dimension: 40 cfm/ft² of damper area at 1.0 in w.g.

Drawings shall indicate compliance with this section.

1412.4.2 Optimum Start Controls: Heating and cooling systems with design supply air capacities exceeding 10,000 cfm shall have optimum start controls. Optimum start controls shall be designed to automatically adjust the start time of an HVAC system each day to bring the space to desired occupied temperature levels immediately before scheduled occupancy. The control algorithm shall, as a minimum, be a function of the difference between space temperature and occupied setpoint and the amount of time prior to scheduled occupancy.

1412.5 Heat Pump Controls: Unitary air cooled heat pumps shall include microprocessor controls that minimize supplemental heat usage during start up, set-up, and defrost conditions. These controls shall anticipate need for heat and use compression heating as the first stage of heat. Controls shall indicate when supplemental heating is being used through visual means (e.g., LED indicators).

1412.6 Combustion Heating Equipment Controls: Combustion heating equipment with a capacity over 225,000 Btu/h shall have modulating or staged combustion control.

EXCEPTIONS:

- Boilers.
- Radiant heaters.

1412.7 Balancing: Each air supply outlet or air or water terminal device shall have a means for balancing, including but not limited to, dampers, temperature and pressure test connections and balancing valves.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1415 Piping systems.

1415.1 Insulation: Piping shall be thermally insulated in accordance with Table 14-6.

EXCEPTION: Piping installed within unitary HVAC equipment.

Cold water pipes outside the conditioned space shall be insulated in accordance with the Washington State Plumbing Code (chapter ((51-46)) 51-56 WAC).

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1532 Exterior lighting power allowance.

The exterior lighting power allowance shall be the sum of the calculated allowances for parking, outdoor areas and building exteriors. The lighting allowance for covered parking, open parking and outdoor areas that are illuminated shall be 0.20 watts per square foot. The lighting allowance for building exteriors shall be calculated either by multiplying the building facade area by 0.25 watts per square foot or multiplying the building perimeter in feet by 7.5 watts per linear foot.

- EXCEPTIONS:** 1. Group U Occupancy accessory to Group R-3 or R-4 Occupancy.
 2. For covered parking, 0.30 w/sf may be used for the lighting provided that the ceilings and walls are painted or stained with a reflectance value of 0.70 or higher.

TABLE 15-1
 Unit Lighting Power Allowance (LPA)

Use ¹	LPA ² (watts/sq. ft.)
Painting, welding, carpentry, machine shops	2.3
Barber shops, beauty shops	2.0
Hotel banquet/conference/exhibition hall ^{3,4}	2.0
Laboratories	2.0
Aircraft repair hangars	1.5
Cafeterias, fast food establishments ⁵	1.5
Factories, workshops, handling areas	1.5
Gas stations, auto repair shops ⁶	1.5
Institutions	1.5
Libraries ⁵	1.5
Nursing homes and hotel/motel guest rooms	1.5
Retail ¹⁰ , retail banking	1.5
Wholesale stores (pallet rack shelving)	1.5
Mall concourses	1.4
Schools buildings (Group E Occupancy only), school classrooms, day care centers	1.35
Laundries	1.3
Office buildings, office/administrative areas in facilities of other use types (including but not limited to schools, hospitals, institutions, museums, banks, churches) ^{5,7,11}	1.2
Police and fire stations ⁸	1.2
Atria (atriums)	1.0
Assembly spaces ⁹ , auditoriums, gymnasias ⁹ , theaters	1.0
Group R-1 and R-2 common areas	1.0
Process plants	1.0
Restaurants/bars ⁵	1.0

Use ¹	LPA ² (watts/sq. ft.)
Locker and/or shower facilities	0.8
Warehouses ¹¹ , storage areas	0.5
Aircraft storage hangars	0.4
Parking garages	See Section 1532
Plans Submitted for Common Areas Only⁷	
Main floor building lobbies ³ (except mall concourses)	1.2
Common areas, corridors, toilet facilities and wash-rooms, elevator lobbies	0.8

Footnotes for Table 15-1

- In cases in which a general use and a specific use are listed, the specific use shall apply. In cases in which a use is not mentioned specifically, the *Unit Power Allowance* shall be determined by the building official. This determination shall be based upon the most comparable use specified in the table. See Section 1512 for exempt areas.
- The watts per square foot may be increased, by two percent per foot of ceiling height above twenty feet, unless specifically directed otherwise by subsequent footnotes.
- Watts per square foot of room may be increased by two percent per foot of ceiling height above twelve feet.
- For all other spaces, such as seating and common areas, use the *Unit Light Power Allowance* for assembly.
- Watts per square foot of room may be increased by two percent per foot of ceiling height above nine feet.
- Includes pump area under canopy.
- In cases in which a lighting plan is submitted for only a portion of a floor, a *Unit Lighting Power Allowance* of 1.35 may be used for usable office floor area and 0.80 watts per square foot shall be used for the common areas, which may include elevator space, lobby area and rest rooms. Common areas, as herein defined do not include mall concourses.
- For the fire engine room, the *Unit Lighting Power Allowance* is 1.0 watts per square foot.
- For indoor sport tournament courts with adjacent spectator seating, the *Unit Lighting Power Allowance* for the court area is 2.6 watts per square foot.
- Display window illumination installed within 2 feet of the window, lighting for free-standing display where the lighting moves with the display, and building showcase illumination where the lighting is enclosed within the showcase are exempt.

An additional 1.5 w/ft² of merchandise display luminaires are exempt provided that they comply with all three of the following:

- located on ceiling-mounted track or directly on or recessed into the ceiling itself (not on the wall).

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(b) adjustable in both the horizontal and vertical axes (vertical axis only is acceptable for fluorescent and other fixtures with two points of track attachment).

(c) fitted with tungsten halogen, fluorescent, or high intensity discharge lamps.

This additional lighting power is allowed only if the lighting is actually installed.

11. Provided that a floor plan, indicating rack location and height, is submitted, the square footage for a warehouse may be defined, for computing the interior *Unit Lighting Power Allowance*, as the floor area not covered by racks plus the vertical face area (access side only) of the racks. The height allowance defined in footnote 2 applies only to the floor area not covered by racks.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-99902 Section 2—General principles and requirements.

2.1 Energy Analysis: Compliance with this Standard will require an analysis of the annual energy usage, hereinafter called an annual energy analysis.

A building designed in accordance with this Standard will be deemed as complying with this Code, if

a. The calculated annual energy consumption is not greater than that of a corresponding "standard design," as defined below and in Section 3,

and;

b. Whose enclosure elements and energy-consuming systems comply with Sections 1310 through 1314, 1410 through 1416, 1440 through 1443, 1450 through 1454 and 1510 through 1513. Buildings shall only vary from those requirements in Sections 1330 through 1334, 1432 through 1439 and 1530 through 1532 where those variations have been accurately and completely modeled. Where variations are not specifically analyzed, the building shall comply with these requirements.

For a proposed building design to be considered similar to a "standard design," it shall utilize the same energy source(s) for the same functions and have equal floor area and the same ratio of envelope area to floor area, environmental requirements, occupancy, climate data and usage operational schedule. Inputs to the energy analysis relating to occupancy and usage shall correspond to the expected occupancy and usage of the building.

Except as noted below, the systems identified, and, to the extent possible, the assumptions made in assigning energy inputs to each system, shall be the same for the standard design and the proposed design. When electrically driven heat pumps, other than multiple units connected to a common water loop, are employed to provide all or part of the heat for the proposed design, the standard design shall also, for the purposes of the analysis, assume that electrically driven heat pump, in conformance with Chapter 14 of the Code and hav-

ing capacity at least as great as those used in the proposed design are employed.

2.2 Design: The standard design and the proposed design shall be designed on a common basis as specified herein:

a. The comparison shall be expressed as kBtu input per square foot of conditioned floor area per year at the building site. Buildings which use electricity as the only fuel source, comparisons may be expressed in kWh. When converting electricity in kWh to kBtu a multiplier of 3.413 kWh/kBtu shall be used.

b. If the proposed design results in an increase in consumption of one energy source and a decrease in another energy source, even though similar sources are used for similar purposes, the difference in each energy source shall be converted to equivalent energy units for purposes of comparing the total energy used.

2.3 Analysis Procedure: The analysis of the annual energy usage of the standard and the proposed building and system design shall meet the following criteria:

a. The building heating/cooling load calculation procedure used for annual energy consumption analysis shall be detailed to permit the evaluation of effect of factors specified in Section 2.4.

b. The calculation procedure used to simulate the operation of the building and its service systems through a full-year operating period shall be detailed to permit the evaluation of the effect of system design, climatic factors, operational characteristics and mechanical equipment on annual energy usage. Manufacturer's data or comparable field test data shall be used when available in the simulation of systems and equipment. The calculation procedure shall be based upon 8,760 hours of operation of the building and its service systems and shall utilize the design methods, specified in Standard(~~s RS 27, 11, 12 and 13~~) **RS-1** listed in Chapter 7 of the Code or in other programs approved by the building official.

2.4 Calculation Procedure: The calculation procedure shall cover the following items:

a. Design requirements—Design heating conditions and design cooling conditions as defined in Chapter 2 of the Code.

b. Climatic data—Coincident hourly data for temperatures, solar radiation, wind and humidity of typical days in the year representing seasonal variation.

c. Building data—Orientation, size, shape, mass, air and heat transfer characteristics.

d. Operational characteristics—Temperature, humidity, ventilation, illumination and control mode for occupied and unoccupied hours.

e. Mechanical equipment—Design capacity and part load profile.

f. Building loads—Internal heat generation, lighting, equipment and number of people during occupied and unoccupied periods.

2.5 Documentation: All analyses submitted shall be accompanied by an energy analysis comparison report. The report shall provide technical detail on the two building and system designs and on the data used in and resulting from the com-

parative analysis to verify that both the analysis and the designs meet the criteria of Section 1.

The calculation procedure for the standard design and the proposed design shall separately identify the calculated annual energy consumption for each different occupancy type, if possible, for each of the following end uses:

- a. Interior lighting;
- b. Parking lighting;
- c. Exterior lighting;
- d. Space heating;
- e. Space cooling;
- f. Interior ventilation/fans;
- g. Parking ventilation/fans;
- h. Exhaust fans;
- i. Service water heating;
- j. Elevators;
- k. Appliances.

Energy consumption of the following items shall be included but is not required to be separated out by each individual item.

- a. Office equipment;
- b. Refrigeration other than comfort cooling;
- c. Cooking; and
- d. Any other energy-consuming equipment.

The specifications of the proposed building project used in the analysis shall be as similar as is reasonably practical to those in the plans submitted for a building permit.

WSR 04-01-107
PERMANENT RULES
BUILDING CODE COUNCIL

[Filed December 17, 2003, 10:18 a.m., effective July 1, 2004]

Date of Adoption: November 21, 2003.

Purpose: To amend chapter 51-04 WAC to update code references and clarify procedures for statewide amendments to the code.

Citation of Existing Rules Affected by this Order: Amending WAC 51-04-015, 51-04-020, and 51-04-060.

Statutory Authority for Adoption: RCW 19.27.031 and 19.27.074.

Adopted under notice filed as WSR 03-18-074 on August 29, 2003.

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 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, 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 3, Repealed 0.

Effective Date of Rule: July 1, 2004.

November 21, 2003

Tim Nogler
for Stan Price
Council Chair

AMENDATORY SECTION (Amending WSR 98-24-077, filed 12/1/98, effective 7/1/99)

WAC 51-04-015 Definitions. (1) "Supplements and accumulative supplements" mean the publications between editions of the ((uniform)) model codes and standards which include changes to the current edition of the ((uniform)) model codes and standards.

(2) "Council" means the Washington state building code council.

(3) "Emergency statewide amendment" means any proposed statewide amendment, the adoption of which is necessary immediately in order to protect life, safety or health of building occupants; preserve the structural integrity of buildings built to the state building code; to correct errors and omissions; or by the direction of the Washington state legislature or federal legislation. Emergency statewide amendments to the state building code must be adopted in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

(4) "Local government amendment" means any amendment to the state building code, as adopted by cities or counties for implementation and enforcement in their respective jurisdictions.

(5) "Local government residential amendment" means any amendment to the state building code, as adopted by cities or counties for implementation and enforcement in their respective jurisdictions, that applies to single and multifamily buildings as defined by RCW 19.27.015.

(6) "State building code" means the ((Uniform)) International Building Code ((and Standards)) including regulations for accessibility; the International Residential Code; the ((Uniform)) International Mechanical Code except that the standards for liquefied petroleum gas installations shall be NFPA 58 (Storage and Handling of Liquefied Petroleum Gases) and ANSI Z223.1/NFPA 54 (National Fuel Gas Code); the ((Uniform)) International Fire Code ((and Standards)) including those standards of the National Fire Protection Association specifically referenced in the International Fire Code; the Uniform Plumbing Code and Standards((the state regulations for barrier-free facilities)), as designated in RCW 19.27.031; the state energy code; and any other codes so designated by the Washington state legislature as adopted and amended by the council.

(7) "Statewide amendment" means any amendment to the building code, initiated through council action or by petition to the council from any agency, city or county, or interested individual or organization, that would have the effect of amending the building code for the entire state of Washington. Statewide amendments to the state building code must be

adopted in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

(8) "State building code update cycle" means that period during which the ~~((uniform))~~ model code and standards referenced in chapter 19.27 RCW are updated and amended by the council in accordance with the Administrative Procedure Act, chapter 34.05 RCW hereinafter referred to as the "adoption period" and those additional periods when code changes are received for review as proposed amendments to the ~~((uniform))~~ model codes, hereinafter referred to as "submission periods."

(9) "~~((Uniform))~~ Model codes" means the ~~((Uniform))~~ International Building, Residential, Mechanical, ((Plumbing,)) and Fire Codes and the Uniform Plumbing Code as published by the International ~~((Conference of Building Officials,))~~ Code Council and the International Association of Plumbing and Mechanical Officials ~~((, and Western Fire Chiefs))~~ respectively.

AMENDATORY SECTION (Amending WSR 94-05-058, filed 2/10/94, effective 3/13/94)

WAC 51-04-020 Policies for the consideration of proposed statewide amendments. Statewide and emergency statewide amendments to the state building code should be based on one of the following criteria:

- (1) The amendment is needed to address a critical life/safety need.
- (2) The amendment is needed to address a specific state policy or statute.
- (3) The amendment is needed for consistency with state or federal regulations.
- (4) The amendment is needed to address a unique character of the state.
- (5) The amendment corrects errors and omissions.

Statewide and emergency statewide amendments to the state building code shall conform to the purposes, objectives, and standards prescribed in RCW 19.27.020.

The council will accept and consider petitions for emergency statewide amendments to the building code at any time, in accordance with RCW 19.27.074 and chapter 34.05 RCW.

The council will accept and consider all other petitions for statewide amendments in conjunction with the state building code update cycle, in accordance with RCW 19.27.074 and chapter 34.05 RCW, and WAC 51-04-015 and 51-04-020 as follows:

~~((In every year excluding the year with the adoption period,))~~ The state building code council shall identify a submission period of at least thirty days when revisions to the ~~((uniform codes and the))~~ state building code ~~((which addresses portions of the state building code other than uniform codes))~~ may be submitted. The state building code council shall review all submissions and accept for future rule making those revisions favorably reviewed. Submissions must be received by March 1 to be considered for adoption by December 1 in any year. Revisions accepted shall be submitted to the International ~~((Conference of Building Officials,))~~ Code Council and the International Association of Plumbing and Mechanical Officials ~~((and the International~~

~~Fire Code Institute))~~, respectively, as proposed revisions to the ~~((uniform))~~ model codes (unless recently considered as amendments) and held for further review during the adoption period.

The adoption period commences upon availability of the publication of the new edition of the ~~((uniform))~~ model codes by the International ~~((Conference of Building))~~ Code Council and the International Association of Plumbing and Mechanical Officials, and concludes with formal adoption of the revised building code by the council and final review by the state legislature. For the purposes of this section, the publication of supplements shall not be considered a new edition. At the beginning of the adoption period, the state building code council shall identify a limited submission period of at least thirty days. During this period, the council will receive revisions proposed to:

The ~~((uniform))~~ model codes provided that the proposed revisions shall be limited to revisions which address changes in the ~~((uniform))~~ model codes since the previous edition.

The state building code which addresses existing statewide amendments to the ~~((uniform))~~ model codes.

The state building code which addresses portions of the state building code other than the ~~((uniform))~~ model codes.

In addition, the state building code council shall review for adoption those proposed revisions to the ~~((uniform))~~ model code accepted after preliminary review in those submission periods since the last adoption period. The state building code council shall consider the action of the International ~~((Conference of Building Officials,))~~ Code Council and the International Association of Plumbing and Mechanical Officials ~~((and the International Fire Code Institute))~~, respectively, in their consideration of these proposals.

Within sixty days of the receipt of the new edition of the ~~((uniform))~~ model codes the council shall enter rule making to update the state building code.

AMENDATORY SECTION (Amending WSR 98-24-077, filed 12/1/98, effective 7/1/99)

WAC 51-04-060 Opinions. RCW 19.27.031 grants the council authority to render opinions relating to the building code at the request of a local building official.

For the purposes of this section, the term "building official" means the local or state official, or their designee, responsible for implementation and enforcement of the specific code provision on which the opinion is requested.

Council building code related opinions shall be limited to the state regulations for barrier-free facilities, the state energy code, the state ventilation and indoor air quality code, and council amendments to the ~~((uniform))~~ model codes.

Council related opinions may be developed and approved by a standing committee of the council.

Opinions approved by a standing committee may be reviewed and modified by the council.

WSR 04-01-108
PERMANENT RULES
BUILDING CODE COUNCIL

[Filed December 17, 2003, 10:19 a.m., effective July 1, 2004]

Date of Adoption: November 21, 2003.

Purpose: To repeal chapter 51-40 WAC and adopt chapter 51-50 WAC. Chapter 51-50 WAC adopts and amends the International Building Code, 2003 Edition, published by the International Code Council.

Citation of Existing Rules Affected by this Order: Repealing chapter 51-40 WAC.

Statutory Authority for Adoption: RCW 19.27.031 and 19.27.074.

Adopted under notice filed as WSR 03-18-075 on August 29, 2003.

Changes Other than Editing from Proposed to Adopted Version: Section 202, definition references added for terms contained in Section 310.2.

Section 419.4, language added to clarify that LC are treated like R-2 occupancies for separation required.

Section 419.11, exceptions revised to coordinate with Section 1208.2.

Section 707.14.1, stair shaft pressurization provisions added in Exception 5.

Section 903.2.1.2, amended to reduce occupant load to 100 for fire areas requiring sprinklers in Group A-2 occupancies.

Section 909.6.3, subsection titles added for Sections 909.6.3.1 through 909.6.3.8.

Section 1009.3, not amended; the model code language for that section is adopted.

Section 1101.2, subsection titles revised to be more descriptive for Sections 1101.2.1 through 1101.2.10.

Section 1101.2.11, adds amendment to specify location for automatic door control switches.

Section 1107.6.2.1.1, changes to 10 the number of dwelling units as which Type A units are required in Group R-2 occupancies.

Section 1208.2, Option 2 is adopted.

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 46, Amended 0, Repealed 70.

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 46, 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 46, Amended 0, Repealed 70.

Effective Date of Rule: July 1, 2004.

November 21, 2003

Tim Nogler
 for Stan Price
 Council Chair

Chapter 51-50 WAC

STATE BUILDING CODE ADOPTION AND AMENDMENT OF THE 2003 EDITION OF THE INTERNATIONAL BUILDING CODE

NEW SECTION

WAC 51-50-001 Authority. These rules are adopted under the authority of chapter 19.27 RCW.

NEW SECTION

WAC 51-50-002 Purpose. The purpose of these rules is to implement the provisions of chapter 19.27 RCW, which provides that the state building code council shall maintain the State Building Code in a status which is consistent with the purpose as set forth in RCW 19.27.020. In maintaining the codes the council shall regularly review updated versions of the codes adopted under the act, and other pertinent information, and shall amend the codes as deemed appropriate by the council.

NEW SECTION

WAC 51-50-003 International Building Code. The 2003 edition of the *International Building Code*, including Sections 101 through 106 of Appendix E, published by the International Code Council is hereby adopted by reference with the exceptions noted in this chapter of the Washington Administrative Code.

NEW SECTION

WAC 51-50-004 Conflicts with Washington State Ventilation and Indoor Air Quality Code. In the case of conflict between the ventilation requirements of Chapter 12 of this code and the ventilation requirements of chapter 51-13 WAC, the provisions of the Ventilation and Indoor Air Quality Code shall govern.

NEW SECTION

WAC 51-50-005 International Building Code requirements for barrier-free accessibility. Chapter 11 and other International Building Code requirements for barrier-free access, including ICC A117.1-1998 and Appendix E Sections 101 through 106, are adopted pursuant to chapters 70.92 and 19.27 RCW.

Pursuant to RCW 19.27.040, Chapter 11 and requirements affecting barrier-free access shall not be amended by local governments.

NEW SECTION

WAC 51-50-007 Exceptions. The exceptions and amendments to the International Building Code contained in the provisions of chapter 19.27 RCW shall apply in case of conflict with any of the provisions of these rules.

The provisions of this code do not apply to temporary growing structures used solely for the commercial production

of horticultural plants including ornamental plants, flowers, vegetables, and fruits. "Temporary growing structure" means a structure that has the sides and roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention. A temporary growing structure is not considered a building for purposes of this code.

The provisions of this code do not apply to the construction, alteration, or repair of temporary worker housing except as provided by rule adopted under chapter 70.114A RCW or chapter 37, Laws of 1998 (SB 6168). "Temporary worker housing" means a place, area, or piece of land where sleeping places or housing sites are provided by an employer for his or her employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees, for temporary, seasonal occupancy, and includes "labor camps" under RCW 70.54.110.

Codes referenced which are not adopted through RCW 19.27.031 or chapter 19.27A RCW shall not apply unless specifically adopted by the authority having jurisdiction.

NEW SECTION

WAC 51-50-008 Implementation. The International Building Code adopted under chapter 51-50 WAC shall become effective in all counties and cities of this state on July 1, 2004.

NEW SECTION

WAC 51-50-009 Recyclable materials and solid waste storage. For the purposes of this section, the following definition shall apply:

RECYCLED MATERIALS means those solid wastes that are separated for recycling or reuse, such as papers, metals and glass.

All local jurisdictions shall require that space be provided for the storage of recycled materials and solid waste for all new buildings.

EXCEPTION: Group R-3 and Group U Occupancies.

The storage area shall be designed to meet the needs of the occupancy, efficiency of pickup, and shall be available to occupants and haulers.

NEW SECTION

WAC 51-50-0200 Chapter 2—Definitions.

SECTION 202—DEFINITIONS.

ADULT FAMILY HOME. See Section 310.2.

CHILD DAY CARE. See Section 310.2.

CHILD DAY CARE HOME, FAMILY. See Section 310.2.

PORTABLE SCHOOL CLASSROOM. See Section 902.1.

RESIDENTIAL CARE/ASSISTED LIVING FACILITIES. See Section 310.2.

NEW SECTION

WAC 51-50-0302 Section 302—Classification.

302.3 Mixed occupancies. Where a building is occupied by two or more uses not included in the same occupancy classification, the building or portion thereof shall comply with Section 302.3.1 or 302.3.2 or a combination of these sections.

EXCEPTIONS: 1. Occupancies separated in accordance with Section 508.
2. Areas of Group H-2, H-3, H-4 or H-5 Occupancies shall be separated from any other occupancy in accordance with Section 302.3.2.
3. Where required by Table 415.3.2, areas of Group H-1, H-2 or H-3 Occupancies shall be located in a separate and detached building or structure.
4. Accessory use areas in accordance with Section 302.2.
5. Incidental use areas in accordance with Section 302.1.1.
6. Offices, mercantile, food preparation establishments for off-site consumption, personal care salons or similar uses in Group R dwelling units, which are conducted primarily by the occupants of a dwelling unit and are secondary to the use of the unit for dwelling purposes, and which do not exceed 500 square feet (46.4 m²).

NEW SECTION

WAC 51-50-0305 Section 305—Educational Group E.

305.2 Day Care. The use of a building or structure, or portion thereof, for educational, supervision or personal care services for more than five children older than 2 1/2 years of age, shall be classified as a Group E Occupancy.

EXCEPTION: Family child day care homes licensed by the Washington state department of social and health services for the care of twelve or fewer children shall be classified as Group R-3.

NEW SECTION

WAC 51-50-0308 Section 308—Institutional Group I.

308.2 Group I-1. This occupancy shall include buildings, structures or parts thereof housing more than 16 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment that provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following:

- Residential board and care facilities
- Assisted living facilities
- Halfway houses
- Group homes
- Congregate care facilities
- Social rehabilitation facilities
- Alcohol and drug centers
- Convalescent facilities

A facility such as the above with five or fewer persons and adult family homes licensed by the Washington state department of social and health services shall be classified as a Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2. A facility such as above, housing at least six and not more than 16 persons, shall be classified as Group R-4.

A facility such as the above providing licensed care to clients in one of the categories listed in Section 313.1 regulated by either the Washington department of health or the department of social and health services shall be classified as Licensed Care Group LC.

308.3 Group I-2. This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing or custodial care on a 24-hour basis of more than five persons who are not capable of self-preservation. This group shall include, but not be limited to, the following:

Hospitals

Nursing homes (both intermediate-care facilities and skilled nursing facilities)

Mental hospitals

Detoxification facilities

A facility such as the above with five or fewer persons shall be classified as Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2.

A facility such as the above providing licensed care to clients in one of the categories listed in Section 313.1 regulated by either the Washington department of health or the department of social and health services shall be classified as Licensed Care Group LC.

308.5.2 Child care facility. A facility that provides supervision and personal care on a less than 24-hour basis for more than five children 2 1/2 years of age or less shall be classified as Group I-4.

EXCEPTIONS: 1. A child day care facility that provides care for more than five but no more than 100 children 2 1/2 years or less of age, when the rooms where such children are cared for are located on the level of exit discharge and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.

2. Family child day care homes licensed by the Washington state department of social and health services for the care of twelve or fewer children shall be classified as Group R-3.

NEW SECTION

WAC 51-50-0310 Section 310—Residential Group R.

310.1 Residential Group R. Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or Licensed Care Group LC. Residential occupancies shall include the following:

R-1 Residential occupancies where the occupants are primarily transient in nature, including:

Boarding houses (transient)

Hotels (transient)

Motels (transient)

R-2 Residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including:

Apartment houses

Boarding houses (not transient)

Convents

Dormitories

Fraternalities and sororities

Monasteries

Vacation timeshare properties

Hotels (nontransient)

Motels (nontransient)

R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2, R-4 or I and where buildings do not contain more than two dwelling units as applicable in Section 101.2, including adult family homes and family child day care homes for the care of twelve or fewer children, licensed by the Washington state department of social and health services, or adult and child care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours. Adult family homes and family child day care homes, or adult and child care facilities that are within a single-family home are permitted to comply with the *International Residential Code* in accordance with Section 101.2.

Foster family care homes licensed by the Washington state department of social and health services shall be permitted, as an accessory use to a dwelling, for six or fewer children including those of the resident family.

R-4 Residential occupancies shall include buildings arranged for occupancy as residential care/assisted living facilities including more than five but not more than 16 occupants, excluding staff.

EXCEPTIONS: 1. A facility such as the above providing licensed care to clients in one of the categories listed in Section 313.1 regulated by either the Washington department of health or the department of social and health services shall be classified as Licensed Care Group LC.

2. Adult family homes, family child day care homes and foster family care homes shall be classified as Group R-3.

Group R-4 Occupancies shall meet the requirements for construction as defined for Group R-3 except as otherwise provided for in this code or shall comply with the *International Residential Code* in accordance with Section 101.2.

310.2 Definitions.

ADULT FAMILY HOME means a dwelling in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

CHILD DAY CARE, shall, for the purposes of these regulations, mean the care of children during any period of a 24-hour day.

CHILD DAY CARE HOME, FAMILY is a child day care facility, licensed by the state, located in the dwelling of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home.

RESIDENTIAL CARE/ASSISTED LIVING FACILITIES. A building or part thereof housing persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides personal care services that is not classified as Licensed Care Group LC. The occupants are capable of responding to an emer-

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agency situation without physical assistance from staff. This classification shall include, but not be limited to, the following: Residential board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug abuse centers and convalescent facilities.

NEW SECTION

WAC 51-50-0313 Section 313—Licensed Care Group LC.

SECTION 313—LICENSED CARE GROUP LC.

313.1 General. Licensed Care Group LC includes the use of a building, structure, or portion thereof, for the business of providing licensed care to clients in one of the following categories regulated by either the Washington department of health or the department of social and health services:

1. Adult residential rehabilitation facility.
2. Alcoholism intensive inpatient treatment service.
3. Alcoholism detoxification service.
4. Alcoholism long-term treatment service.
5. Alcoholism recovery house service.
6. Boarding home.
7. Group care facility.
8. Group care facility for severely and multiple handicapped children.
9. Residential treatment facility for psychiatrically impaired children and youth.

EXCEPTION: Where the care provided at an alcoholism detoxification service is acute care similar to that provided in a hospital, the facility shall be classified as a Group I-2 Occupancy.

NEW SECTION

WAC 51-50-0419 Section 419—Group LC.

SECTION 419—GROUP LC.

419.1 General. Occupancies in Group LC shall comply with the provisions of this section and other applicable provisions of this code.

419.2 Area and height. Buildings classified as Group LC shall not exceed, in area or height, the limitations set forth in Table 503 for Group R-2 Occupancies.

EXCEPTION: Occupancies in Group LC licensed for six or fewer clients may be of unlimited area provided they are limited to 3 stories or less.

419.3 Exterior walls. For the purpose of determining required exterior wall and opening protection, LC Occupancies licensed for six or fewer clients shall comply with provisions for Group R-3 Occupancies; and all other LC Occupancies shall comply with provisions for Group R-2 Occupancies.

419.4 Mixed occupancies. The code provisions applicable to Group R-2 Occupancies shall apply to Group LC Occupancies for purposes of determining whether a building is permitted to comply with Section 302.3.1, Nonseparated Uses. Where the provisions of Section 302.3.2 are applied, occupancies in Group LC shall be separated from Group H

Occupancies by a four-hour fire-resistive occupancy separation and shall be separated from all other occupancies by a one-hour fire-resistive assembly.

- EXCEPTIONS:**
1. An occupancy separation need not be provided between a Group LC Occupancy licensed for 16 or fewer clients and a carport having no enclosed use above, provided the carport is entirely open on two or more sides.
 2. Private garages shall be separated from Group LC Occupancies and their attic areas by means of a minimum 1/2-inch (12.7 mm) gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than 5/8-inch Type-X gypsum board or equivalent. Door openings between private garages and Group LC Occupancies shall be equipped with either solid wood doors, or solid or honeycomb core steel doors not less than 1 3/8 inches (34.9 mm) thick, or doors in compliance with Section 715.3.3. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted.
 3. An occupancy separation need not be provided between a Group LC, Boarding Home Occupancy and a Group R-2 Occupancy.

419.5 Evacuation capability. Evacuation capability is the ability of the clients of a licensed care facility to respond to an emergency situation and either evacuate a building or move to a point of safety. Clients shall be classified in one of the following levels:

I - Persons physically and mentally capable of walking or traversing a normal path to safety, including the ascent and descent of stairs, and capable of self-preservation, without the physical assistance of another person.

II - Persons physically and mentally capable of traversing a normal path to safety with the use of mobility aids, but unable to ascend or descend stairs without the physical assistance of another person.

III - Persons physically or mentally unable to walk or traverse a normal path to safety without the physical assistance of another person.

419.6 Location of sleeping rooms. In every Group LC facility, all sleeping rooms occupied by clients with an evacuation capability of II or III shall be located on a grade level floor which provides not less than two means of egress which do not require clients to use stairs, elevator, or platform lift to exit the facility.

- EXCEPTIONS:**
1. In a Group LC Occupancy licensed to provide care to two or fewer clients with an evacuation capability of II or III and six or fewer total clients, only one means of egress which does not require clients to use stairs, elevator or platform lift to exit the facility need be provided.
 2. Sleeping rooms for clients with an evacuation capability of II or III may be located on floors other than at grade level, provided the facility is divided into at least two compartments by smoke barriers.

419.7 Means of egress. Means of egress, including provisions for emergency escape and rescue, shall be provided as specified in Chapter 10. For requirements of Chapter 10, Group LC Occupancies licensed for six or fewer clients shall comply with provisions for Group R-3 Occupancies; and all other Group LC Occupancies shall comply with provisions for Group R-2 Occupancies.

- EXCEPTIONS:**
1. Means of egress illumination required by Section 1006 need not be provided in any Group LC Occupancy licensed for six or fewer clients.
 2. In LC Occupancies with an approved automatic fire sprinkler system and approved automatic fire alarm system, waiting and resting areas may be open to the corridor provided:
 - 2.1 Each rest area does not exceed 150 square feet, excluding the corridor width; and
 - 2.2 Walls defining the space shall continue the construction of the corridor's wall; and
 - 2.3 The floor on which the rest area or areas are located is divided into at least two compartments by smoke barriers; and
 - 2.4 Combustible furnishings located within the rest area are flame resistant as defined by International Building Code Section 802; and
 - 2.5 Emergency means of egress lighting is provided as required by Section 1006 to illuminate the area.

419.8 Accessibility. In new construction, Group LC Occupancies, regardless of the number of clients, shall comply with accessibility standards for Group R-2 apartment buildings or dormitories as specified in Chapter 11.

Where an occupancy in Group LC is being established by change of occupancy in an existing building, the building shall be altered to comply with apartment building or dormitory provisions of Chapter 11 if any client is a person with disability. The alterations shall provide the minimum necessary access appropriate for the disabilities of clients. Any alteration, whether to accommodate a client with disability or for another purpose, shall comply with Section 3409.

419.9 Lighting. Occupancies in Group LC shall be provided with light as required by Section 1205 for dwelling units and exterior stairways serving dwelling units.

419.10 Ventilation. Occupancies in Group LC shall comply with provisions for Group R Occupancies as provided in the Washington State Ventilation and Indoor Air Quality Code.

419.11 Ceiling heights. Habitable rooms, hallways, corridors, bathrooms, toilet rooms, laundry rooms and basements shall have a ceiling height of not less than 7 feet (2134 mm). The required height shall be measured from the finished floor to the lowest projection from the ceiling.

- EXCEPTIONS:**
1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
 2. If any room in a building has a sloped ceiling, the prescribed ceiling height for the room is required in one-half the area thereof. Any portion of the room measuring less than 5 feet (1524 mm) from the finished floor to the ceiling shall not be included in any computation of the minimum area thereof.
 3. Mezzanines constructed in accordance with Section 505.1.

419.12 Sprinkler systems. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group LC fire area.

EXCEPTION: An automatic sprinkler system need not be installed if the licensed care facility is licensed for six or fewer clients.

419.13 Fire alarm systems. Group LC Occupancies licensed for more than 16 clients shall be provided with an

approved manual and automatic fire alarm system complying with NFPA 72.

419.14 Single- and multiple-station smoke alarms. Listed single- and multiple-station smoke alarms shall be installed in accordance with the provisions of this code and the household fire-warning equipment provisions of NFPA 72.

419.14.1 Where required. Single- or multiple-station smoke alarms shall be installed and maintained in Group LC, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story, including basements but not including crawl spaces and uninhabitable attics. In buildings with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

419.14.2 Power source. In new construction, required smoke alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

419.14.3 Interconnection. Where more than one smoke alarm is required to be installed within an individual Group LC Occupancy, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the Group LC Occupancy. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

419.14.4 Additions, alterations or repairs. When the valuation of an addition, alteration or repair to a Group LC Occupancy exceeds \$1,000 and a permit is required, or when one or more sleeping rooms is added or created in an existing Group LC Occupancy, smoke alarms shall be installed in accordance with Sections 419.14.1 and 419.14.2.

EXCEPTION: Repairs to the exterior surfaces are exempt from the requirements of this section.

419.15 Sanitation.

419.15.1 General. Sanitation facilities shall comply with Chapter 29 and the provisions of this section. Any room in which a water closet is located shall be separated from food preparation or storage rooms by a self-closing tight-fitting door.

419.15.2 Group LC Occupancies with six or fewer clients. Group LC Occupancies licensed for six or fewer clients shall be provided with not less than one water closet, one lavatory and one bathtub or shower.

419.15.3 Group LC Occupancies with more than six clients. Group LC Occupancies licensed for more than six clients shall provide not less than one water closet for each 10 male clients, or fractional part thereof, and not less than one

water closet for each 8 female clients, or fractional part thereof.

In addition, not less than one lavatory shall be provided for each 12 male clients, or fractional part thereof, and not less than one lavatory for each 12 female clients, or fractional part thereof. Where the number of clients of either sex exceeds 12, one lavatory shall be added for each additional 20 males, or fractional part thereof, and one lavatory shall be added for each additional 15 females, or fractional part thereof.

In addition, not less than one bathtub or shower shall be provided for every eight clients, or fractional part thereof. Where there are female clients, one additional bathtub or shower shall be provided for each 30 female clients, or fractional part thereof. Where the number of total clients exceeds 150, one bathtub or shower shall be provided for each 20 clients, or fractional part thereof, over 150 clients.

419.16 Concealed spaces. Fireblocking and draftstopping shall be installed in occupancies in Group LC in accordance with the provisions of Section 717 applicable to Group R-2.

NEW SECTION

WAC 51-50-0707 Section 707—Shaft enclosures.

707.14.1 Elevator lobby. Elevators opening into a fire-resistance-rated corridor as required by Section 1016.1 shall be provided with an elevator lobby at each floor containing such a corridor. The lobby shall separate the elevators from the corridor by fire partitions and the required opening protection. Elevator lobbies shall have at least one means of egress complying with Chapter 10 and other provisions within this code.

- EXCEPTIONS:
1. In office buildings, separations are not required from a street-floor elevator lobby provided the entire street floor is equipped with an automatic sprinkler system in accordance with Section 903.3.1.1.
 2. Elevators not required to be located in a shaft in accordance with Section 707.2.
 3. Where additional doors are provided in accordance with Section 3002.6. Such doors shall be tested in accordance with UL 1784 without an artificial bottom seal.
 4. In other than Group I-3, and buildings more than four stories above the lowest level of fire department vehicle access, lobby separation is not required where the building, including the lobby and corridors leading to the lobby, is protected by an automatic sprinkler system installed throughout in accordance with Section 903.3.1.1 or 903.3.1.2.
 5. In fully sprinklered buildings where elevator and stair shafts are pressurized in accordance with Section 909, elevator lobbies need not be provided. The pressurized stair shafts shall comply with the standards for elevator shaft pressurization in Section 909.6.3.

NEW SECTION

WAC 51-50-0902 Section 902—Definitions.

902.1 Definitions.

PORTABLE SCHOOL CLASSROOM. A structure, transportable in one or more sections, which requires a chassis to be transported, and is designed to be used as an educational space with or without a permanent foundation. The structure shall

be trailerable and capable of being demounted and relocated to other locations as needs arise.

NEW SECTION

WAC 51-50-0903 Section 903—Automatic sprinkler systems.

903.2.1.2 Group A-2. An automatic sprinkler system shall be provided for Group A-2 Occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet (464.5 m²).
2. The fire area has an occupant load of 100 or more.
3. The fire area is located on a floor other than the level of exit discharge.

903.2.2 Group E. An automatic sprinkler system shall be provided for Group E Occupancies as follows:

1. Throughout all Group E fire areas greater than 20,000 square feet (1858 m²) in area.
2. Throughout every portion of educational buildings below the level of exit discharge.

EXCEPTION: An automatic sprinkler system is not required in any fire area or area below the level of exit discharge where every classroom throughout the building has at least one exterior exit door at ground level.

3. Throughout all newly constructed Group E Occupancies having an occupant load of 50 or more for more than 12 hours per week or four hours in any one day. A minimum water supply meeting the requirements of NFPA 13 shall be required. The fire code official may reduce fire flow requirements for buildings protected by an approved automatic sprinkler system.

For the purpose of this section, additions exceeding 60 percent of the value of such building or structure, or alterations and repairs to any portion of a building or structure within a twelve-month period that exceeds 100 percent of the value of such building or structure shall be considered new construction. In the case of additions, fire walls shall define separate buildings.

- EXCEPTIONS:
1. Portable school classrooms, provided aggregate area of clusters of portable school classrooms does not exceed 5,000 square feet (465 m²); and clusters of portable school classrooms shall be separated as required in Chapter 5 of the building code.
 2. Group E day care.

When not required by other provisions of this chapter, a fire-extinguishing system installed in accordance with NFPA 13 may be used for increases and substitutions allowed in Section 504.2, 506.3, and Table 601 of the building code.

903.2.10.3 Buildings over 75 feet in height. An automatic sprinkler system shall be installed throughout buildings with a floor level having an occupant load of 30 or more that is located 75 feet (22 860 mm) or more above the lowest level of fire department vehicle access.

- EXCEPTIONS:
1. Airport control towers.
 2. Open parking structures.
 3. Occupancies in Group F-2.

PERMANENT

NEW SECTION**WAC 51-50-0909 Section 909—Smoke control systems.**

909.6.3 Elevator shaft pressurization. Where elevator shaft pressurization is required to comply with Exception 5 of Section 707.14.1, the pressurization system shall comply with the following.

909.6.3.1 Standards and testing. Elevator shafts shall be pressurized to not less than 0.10 inch water column relative to atmospheric pressure. Elevator pressurization shall be measured with the 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.

909.6.3.2 Activation. The elevator shaft pressurization system 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 fire chief. If the building has a fire alarm panel, detectors shall be connected to, with power supplied by, the fire alarm panel.

909.6.3.3 Separation. 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.

909.6.3.4 Location of intakes. Elevator shaft pressurization air intakes shall be located in accordance with Section 909.10.3. Such intakes shall be provided with smoke detectors which upon detection of smoke, shall deactivate the pressurization fan supplied by that air intake.

909.6.3.5 Power system. The power source for the fire alarm system and the elevator shaft pressurization system shall be in accordance with Section 909.11.

909.6.3.6 Hoistway venting. Hoistway venting required by Section 3004 need not be provided for pressurized elevator shafts.

909.6.3.7 Machine rooms. Elevator machine rooms required to be pressurized by Section 3006.3 need not be pressurized where separated from the hoistway shaft by construction in accordance with Section 707.

909.6.3.8 Special inspection. Special inspection shall be required in accordance with Section 909.18.8.3 and Section 1704.

NEW SECTION**WAC 51-50-1008 Section 1008—Doors, gates and turnstiles.**

1008.1.2 Door swing. Egress doors shall be side-hinged swinging.

EXCEPTIONS: 1. Private garages, office areas, factory and storage areas with an occupant load of 10 or less.

2. Group I-3 Occupancies used as a place of detention.
3. Doors within or serving a single dwelling unit in Groups R-2 and R-3 as applicable in Section 101.2.
4. In other than Group H Occupancies, revolving doors complying with Section 1008.1.3.1.
5. In other than Group H Occupancies, horizontal sliding doors complying with Section 1008.1.3.3 are permitted as a means of egress.
6. Power-operated doors in accordance with Section 1008.1.3.1.

Doors shall swing in the direction of egress travel where serving an occupant load of 50 or more persons or a Group H Occupancy.

The opening force for interior side-swinging doors without closers shall not exceed a 5-pound force. For other side-swinging, sliding, and folding doors, the door latch shall release when subjected to a 15-pound force. The door shall be set in motion when subjected to a 30-pound force. The door shall swing to a full-open position when subjected to a 15-pound force. Forces shall be applied to the latch side. Within an accessible route, at exterior doors where environmental conditions require a closing pressure greater than 8.5 pounds, power operated doors shall be used within the accessible route of travel.

NEW SECTION**WAC 51-50-1009 Section 1009—Stairways and handrails.**

1009.13 Stairs or ladders within an individual dwelling unit used to gain access to areas of 200 square feet (18.6 m²) or less, and not containing the primary bathroom or kitchen, are exempt from the requirements of Section 1009.

NEW SECTION**WAC 51-50-1010 Section 1010—Ramps.**

1010.8 Handrails. Ramps with a rise greater than 6 inches (152 mm) shall have handrails on both sides complying with Section 1009.11. At least one handrail shall extend in the direction of ramp run not less than 12 inches (305 mm) horizontally beyond the top and bottom of the ramp runs.

NEW SECTION**WAC 51-50-1024 Section 1024—Assembly.**

1024.11 Assembly aisle walking surfaces. Aisles with a slope not exceeding one unit vertical in eight units horizontal (12.5-percent slope) shall consist of a ramp having a slip-resistant walking surface. Aisles with a slope exceeding one unit vertical in eight units horizontal (12.5-percent slope) shall consist of a series of risers and treads that extends across the full width of aisles and complies with Sections 1024.11.1 through 1024.11.3.

EXCEPTION: When provided with fixed seating, aisles in Group A-1 Occupancies shall be permitted to have a slope not steeper than one unit vertical in five units horizontal (20-percent slope).

1024.13 Handrails. Ramped aisles having a slope exceeding one unit vertical in 15 units horizontal (6.7-percent slope) and

aisle stairs shall be provided with handrails located either at the side or within the aisle width.

EXCEPTIONS:

1. Handrails are not required for ramped aisles having a gradient no greater than one unit vertical in five units horizontal (20-percent slope) and seating on both sides.
2. Handrails are not required if, at the side of the aisle, there is a guard that complies with the graspability requirements of handrails.

NEW SECTION

WAC 51-50-1101 Section 1101—General.

1101.2 Design. Buildings and facilities shall be designed and constructed to be accessible in accordance with this code and ICC A117.1, except those portions of ICC A117.1 amended by this section.

1101.2.1 (ICC A117.1 Section 403) Landings for walking surfaces. The maximum rise for any run is 30 inches (762 mm). Landings shall be provided at the top and bottom of any run. Landings shall be level and have a minimum dimension measured in the direction of travel of not less than 60 inches (1525 mm).

1101.2.2 (ICC A117.1 Section 403.5) Clear width of accessible route. Clear width of an accessible route shall comply with ICC A117.1 Table 403.5. For exterior routes of travel, the minimum clear width shall be 44 inches (1118 mm).

1101.2.3 (ICC A117.1 Section 404.2.9) Door-opening force. Fire doors shall have the minimum opening force allowable by the appropriate administrative authority. The maximum force for pushing open or pulling open doors other than fire doors shall be as follows:

1. Interior hinged door: 5.0 pounds (22.2 N)
2. Sliding or folding doors: 5.0 pounds (22.2 N)

At exterior doors where environmental conditions require a closing pressure greater than 8.5 pounds, power operated doors shall be used within the accessible route of travel.

These forces do not apply to the force required to retract latch bolts or disengage other devices that hold the door in a closed position.

1101.2.4 (ICC A117.1 Section 502.6) Identification of accessible parking spaces. Where accessible parking spaces are required to be identified by signs, the signs shall include the International Symbol of Accessibility complying with ICC A117.1 Section 703.7. Such signs shall be 60 inches (1525 mm) minimum above the floor or ground surface of the parking space, measured to the bottom of the sign. Van accessible parking spaces shall have an additional sign mounted below the International Symbol of Accessibility identifying the spaces as "Van Accessible."

1101.2.5 (ICC A117.1 Section 603.4) Coat hooks, shelves, dispensers, and other fixtures. Coat hooks provided within toilet rooms shall accommodate a forward reach or side reach complying with ICC A117.1 Section 308. Where provided, shelves shall be installed so that the top of the shelf is 40 inches (1015 mm) maximum above the floor or ground. Drying equipment, towel or other dispensers, and disposal fixtures shall be located 40 inches (1015 mm) maximum above

the floor or ground to any rack, operating controls, receptacle or dispenser.

1101.2.6 (ICC A117.1 Section 604.6) Flush controls. Flush controls shall be hand operated or automatic. Hand operated flush controls for water closets shall be mounted for use from the wide side of the water closet area and not more than 44 inches (1118 mm) above the floor.

1101.2.7 (ICC A117.1 Section 604.7) Toilet paper dispensers. Toilet paper dispensers shall comply with ICC A117.1 Section 309.4 and shall be 7 inches (180 mm) minimum and 9 inches (230 mm) maximum in front of the water closet. The outlet of the dispenser shall be 15 inches (380 mm) minimum and 48 inches (1015 mm) maximum above the floor or ground. There shall be a clearance of 1 1/2 inches (38 mm) minimum below and 12 inches (305 mm) minimum above the grab bar. Dispensers shall not be of a type that control delivery, or that do not allow continuous paper flow. Other dispensers, and disposal fixtures shall be located 40 inches (1015 mm) maximum above the floor or ground to any rack, operating controls, receptacle or dispenser.

1101.2.8 (ICC A117.1 Section 609.2) Grab bars size. Grab bars shall have an outside diameter of not less than 1 1/4 inch (32 mm) nor more than 1 1/2 inches (38 mm) and shall provide a clearance of 1 1/2 inches (38 mm) between the grab bar and the wall.

1101.2.9 (ICC A117.1 Section 703.7.2.1) International Symbol of Accessibility. Where the International Symbol of Accessibility is required, it shall be proportioned complying with ICC A117.1 Figure 703.7.2.1. All interior and exterior signs depicting the International Symbol of Accessibility shall be white on a blue background.

1101.2.10 (ICC A117.1 Section 802.8) Lines of sight. Wheelchair spaces shall be located in places with unobstructed sight lines.

1101.2.11 (ICC A117.1 Section 404.3.5) Control switches. Control switches shall be mounted 36 inches above the floor and not less than 18 inches nor more than 36 inches horizontally from the nearest point of travel of the moving doors.

NEW SECTION

WAC 51-50-1103 Section 1103—Scoping requirements.

1103.2.15 Modifications. Where full compliance with this chapter is impractical due to unique characteristics of the terrain, the building official is permitted to grant modifications in accordance with Section 104.10, provided that any portion of the building or structure that can be made accessible shall be made accessible to the greatest extent practical.

NEW SECTION

WAC 51-50-1104 Section 1104—Accessible route.

1104.4 Multilevel buildings and facilities. At least one accessible route shall connect each accessible level, including mezzanines, in multilevel buildings and facilities.

- EXCEPTIONS:**
1. An accessible route is not required to stories and mezzanines above and below accessible levels that have an aggregate area of not more than 3,000 square feet. This exception shall not apply to:
 - 1.1 Multiple tenant facilities of Group M Occupancies containing five or more tenant spaces;
 - 1.2 Levels containing offices of health care providers (Group B or I);
 - 1.3 Passenger transportation facilities and airports (Group A-3 or B);
 - 1.4 Buildings owned or leased by government agencies.
 2. In Group A, I, R and S Occupancies, levels that do not contain accessible elements or other spaces required by Section 1107 or 1108 are not required to be served by an accessible route from an accessible level.
 3. In air traffic control towers, an accessible route is not required to serve the cab and floor immediately below the cab.
 4. Where a two-story building or facility has one story with an occupant load of five or fewer persons that does not contain public use space, that story shall not be required to be connected by an accessible route to the story above or below.

NEW SECTION

WAC 51-50-1105 Section 1105—Accessible entrances.

1105.1 Public entrances. In addition to accessible entrances required by Sections 1105.1.1 through 1105.1.6, at least 50 percent of all public entrances shall be accessible. All exterior exits that are located adjacent to accessible areas and within 6 inches (152 mm) of grade shall be accessible.

- EXCEPTIONS:**
1. An accessible entrance is not required in areas not required to be accessible.
 2. Loading and service entrances that are not the only entrance to a tenant space.

NEW SECTION

WAC 51-50-1106 Section 1106—Parking and passenger loading facilities.

1106.3 Outpatient medical care facilities. For Group I-1 and I-2 Occupancies providing outpatient medical care facilities, 10 percent, but not less than one, of the parking spaces provided accessory to such occupancies shall be accessible.

1106.4 Inpatient and outpatient medical care facilities. For Group I-1 and I-2 units and facilities specializing in the treatment of persons with mobility impairments on either an inpatient or outpatient basis, 20 percent, but not less than one, of the parking spaces provided accessory to such units and facilities shall be accessible.

1106.6 Location. Accessible parking spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible building entrance. Accessible parking spaces shall be dispersed among the various types of parking facilities provided. In parking facilities that do not serve a particular building, accessible parking spaces shall be located on the shortest route to an accessible pedestrian entrance to the parking facility. Where buildings have multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrances. Wherever practical, the accessible route of travel

shall not cross lanes of vehicular traffic. Where crossing traffic lanes is necessary, the route of travel shall be designated and marked as a crosswalk.

EXCEPTION: In multilevel parking structures, van accessible parking spaces are permitted on one level.

1106.7.4 Sheltered entrance. In Group I-2 Occupancies, at least one accessible entrance that complies with Section 1105 shall be under shelter. Every such entrance shall include a passenger loading zone that complies with Section 1106.7.

NEW SECTION

WAC 51-50-1107 Section 1107—Dwelling units and sleeping units.

1107.6 Group R. Occupancies in Group R shall be provided with accessible features in accordance with Sections 1107.6.1 through 1107.6.4. Accessible and Type A units shall be apportioned among efficiency dwelling units, single bedroom units and multiple bedroom units, in proportion to the numbers of such units in the building. Accessible hotel guest rooms shall be apportioned among the various classes of sleeping accommodations.

1107.6.2.1.1 Type A units. In occupancies in Group R-2 containing more than 10 dwelling units or sleeping units, at least 5 percent, but not less than one, of the units shall be a Type A unit. All units on a site shall be considered to determine the total number of units and the required number of Type A units. Type A units shall be dispersed among the various classes of units.

- EXCEPTIONS:**
1. The number of Type A units is permitted to be reduced in accordance with Section 1107.7.
 2. Existing structures on a site shall not contribute to the total number of units on a site.

NEW SECTION

WAC 51-50-1109 Section 1109—Other features and facilities.

1109.2 Toilet and bathing facilities. Toilet rooms and bathing facilities shall be accessible. Where a floor level is not required to be connected by an accessible route, the only toilet rooms or bathing facilities provided within the facility shall not be located on the inaccessible floor. At least one of each type of fixture, element, control or dispenser in each accessible toilet room and bathing facility shall be accessible.

- EXCEPTIONS:**
1. In toilet rooms or bathing facilities accessed only through a private office, not for common or public use, and intended for use by a single occupant, any of the following alternatives are allowed:
 - 1.1 Doors are permitted to swing into the clear floor space provided the door swing can be reversed to meet the requirements in ICC A117.1;
 - 1.2 The height requirements for the water closet in ICC A117.1 are not applicable;
 - 1.3 Grab bars are not required to be installed in a toilet room, provided that reinforcement has been installed in the walls and located so as to permit the installation of such grab bars; and
 - 1.4 The requirement for height, knee and toe clearance shall not apply to a lavatory.

2. This section is not applicable to toilet and bathing facilities that serve dwelling units or sleeping units that are not required to be accessible by Section 1107.
3. Where multiple single-user toilet rooms or bathing facilities are clustered at a single location and contain fixtures in excess of the minimum required number of plumbing fixtures, at least 5 percent, but not less than one room for each use at each cluster, shall be accessible.
4. Toilet room fixtures that are in excess of those required by the State Building Code and that are designed for use by children in day care and primary school occupancies.
5. Where no more than one urinal is provided in a toilet room or bathing facility, the urinal is not required to be accessible.
6. Toilet rooms that are part of critical care or intensive care patient sleeping rooms are not required to be accessible.
7. In dwelling units where a separate bathtub and shower are provided in the same room, at least one shall be accessible.

1109.5 Drinking fountains. On floors where drinking fountains are provided, at least 50 percent, but not less than one fountain, shall be accessible. At least one fountain shall be mounted at a standard height.

1109.6 Elevators. Passenger elevators on an accessible route shall be accessible and comply with ICC A117.1. Elevators required to be accessible shall be designed and constructed to comply with Chapter 296-96 of the Washington Administrative Code.

1109.9 Detectable warnings. Passenger transit platform edges bordering a drop-off and not protected by platform screens or guards shall have a detectable warning. Curb ramps shall have detectable warnings. Detectable warnings shall extend the full width and depth of the curb ramp.

EXCEPTION: Detectable warnings are not required at bus stops.

1109.12.2 Check-out aisles. Where check-out aisles are provided, accessible check-out aisles shall be provided in accordance with Table 1109.12.2. Where check-out aisles serve different functions, at least one accessible check-out aisle shall be provided for each function. Where check-out aisles serve different functions, accessible check-out aisles shall be provided in accordance with Table 1109.12.2 for each function. Where check-out aisles are dispersed throughout the building or facility, accessible check-out aisles shall also be dispersed. Traffic control devices, security devices and turnstiles located in accessible check-out aisles or lanes shall be accessible. Accessible check-out aisles shall be identified by the International Symbol of Accessibility in accordance with ICC A117.1 Section 703.7.2.1.

EXCEPTION: Where the area of the selling space is less than 5,000 square feet (465 m²), only one check-out aisle is required to be accessible.

1109.14.3 Other occupancies. All recreational facilities not falling within the purview of Section 1109.14.1 or 1109.14.2 shall be accessible as required by the Americans with Disabilities Act Accessibility Guidelines.

NEW SECTION

WAC 51-50-1203 Section 1203—Ventilation.

1203.1 General. Buildings shall be provided with natural ventilation in accordance with Section 1203.4, or mechanical

ventilation in accordance with the *International Mechanical Code* and the Washington State Ventilation and Indoor Air Quality Code.

1203.4 Natural ventilation. For other than Group R Occupancies in buildings four stories and less, natural ventilation of an occupied space shall be through windows, doors, louvers or other openings to the outdoors. The operating mechanism for such openings shall be provided with ready access so that the openings are readily controllable by the building occupants. Group R Occupancies in buildings four stories and less shall comply with the Washington State Ventilation and Indoor Air Quality Code.

NEW SECTION

WAC 51-50-1204 Section 1204—Temperature control.

1204.2.1 Definitions. For the purposes of this section only, the following definitions apply.

DESIGNATED AREAS are those areas designated by a county to be an urban growth area in chapter 36.70A RCW and those areas designated by the U.S. Environmental Protection Agency as being in nonattainment for particulate matter.

SUBSTANTIALLY REMODELED means any alteration or restoration of a building exceeding 60 percent of the appraised value of such building within a 12-month period. For the purpose of this section, the appraised value is the estimated cost to replace the building and structure in-kind, based on current replacement costs.

1204.2.2 Primary heating source. Primary heating sources in all new and substantially remodeled buildings in designated areas shall not be dependent upon wood stoves.

1204.2.3 Solid fuel burning devices. No used solid fuel burning device shall be installed in new or existing buildings unless such device is United States Environmental Protection Agency certified or a pellet stove either certified or exempt from certification by the United States Environmental Protection Agency.

EXCEPTION: Antique wood cook stoves and heaters manufactured prior to 1940.

NEW SECTION

WAC 51-50-1208 Section 1208—Interior space dimensions.

1208.2 Minimum ceiling heights. Occupiable spaces, habitable spaces and corridors shall have a ceiling height of not less than 7 feet 6 inches (2286 mm). Bathrooms, toilet rooms, kitchen, storage rooms and laundry rooms shall be permitted to have a ceiling height of not less than 7 feet (2134 mm).

EXCEPTIONS: 1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
2. If any room in a building has a sloped ceiling, the prescribed ceiling height for the room is required in one-half the area thereof. Any portion of the room measuring less

than 5 feet (1524 mm) from the finished floor to the ceiling shall not be included in any computation of the minimum area thereof.

3. Mezzanines constructed in accordance with Section 505.1.

4. Residential Group R Occupancies shall be permitted to have a ceiling height of not less than 7 feet (2134 mm).

1208.3 Room area. Every dwelling unit shall have at least one room that shall have not less than 120 square feet (13.9 m²) of net floor area. Other habitable rooms shall have a net floor area of not less than 70 square feet (6.5 m²).

EXCEPTION: Every kitchen in a one- and two-family dwelling shall have not less than 50 square feet (4.64 m²) of gross floor area.

Portions of a room with a sloped ceiling measuring less than 5 feet (1524 mm) or a flat ceiling measuring less than 7 feet (2134 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum habitable area for that room.

NEW SECTION

WAC 51-50-1702 Section 1702—Definitions.

1702.1 General.

STRUCTURAL OBSERVATION. The visual observation of the structural system by a registered design professional for general conformance to the approved construction documents. Structural observation does not include or waive the responsibility for the inspection required by Section 109, 1704, or other sections of this code.

NEW SECTION

WAC 51-50-1709 Section 1709—Structural observations.

1709.1 Structural observations. Structural observations shall be provided for those structures included in Seismic Design Category D, E or F, as determined in Section 1616, where one or more of the following conditions exist:

1. The structure is included in Seismic Use Group II or III.
2. The height of the structure is greater than 75 feet (22 860 mm) above the base.
3. The structure is in Seismic Design Category E and Seismic Use Group I and greater than two stories in height.
4. When so designated by the registered design professional in responsible charge of the design.
5. When such observation is specifically required by the building official for unusual lateral force-resisting structures or irregular structures as defined in Section 1616.

Structural observations shall also be provided for those structures sited where the basic wind speed exceeds 110 mph (49 m/sec) determined from Figure 1609, where one or more of the following conditions exist:

1. The structure is included in Category III or IV according to Table 1604.5.
2. The height of the structure is greater than 75 feet (22 860 mm).
3. When so designated by the registered design professional in responsible charge of the design.

4. When such observation is specifically required by the building official for unusual main windforce-resisting structures.

The owner shall employ a registered design professional to perform structural observations as defined in Section 1702.

Deficiencies shall be reported in writing to the owner and the building official. At the conclusion of the work included in the permit, the structural observer shall submit to the building official a written statement that the site visits have been made and identify any reported deficiencies which, to the best of the structural observer's knowledge, have not been resolved.

NEW SECTION

WAC 51-50-2114 Section 2114—Emission standards.

2114.1 Emission Standards for Factory-built Fireplaces. After January 1, 1997, no new or used factory-built fireplace shall be installed in Washington state unless it is certified and labeled in accordance with procedures and criteria specified in the Washington State Building Code Standard 31-2.

To certify an entire fireplace model line, the internal assembly shall be tested to determine its particulate matter emission performance. Retesting and recertifying is required if the design and construction specifications of the fireplace model line internal assembly change. Testing for certification shall be performed by a Washington state department of ecology (DOE) approved and U.S. Environmental Protection Agency (EPA) accredited laboratory.

2114.2 Emission Standards for Certified Masonry and Concrete Fireplaces. After January 1, 1997, new certified masonry or concrete fireplaces installed in Washington state shall be tested and labeled in accordance with procedures and criteria specified in the Washington State Building Code Standard 31-2.

To certify an entire fireplace model line, the internal assembly shall be tested to determine its particulate matter emission performance. Retesting and recertifying is required if the design and construction specifications of the fireplace model line internal assembly change. Testing for certification shall be performed by a Washington state department of ecology (DOE) approved and U.S. Environmental Protection Agency (EPA) accredited laboratory.

NEW SECTION

WAC 51-50-2900 Chapter 29—Plumbing systems.

SECTION 2901—PLUMBING CODE.

Plumbing systems shall comply with the Plumbing Code.

SECTION 2902—GENERAL.

2902.1 Number of fixtures.

2902.1.1 Requirements. Plumbing fixtures shall be provided in the minimum number shown in Table 2902.1 and in this chapter. Where the proposed occupancy is not listed in Table 2902.1, the building official shall determine fixture

requirements based on the occupancy which most nearly resembles the intended occupancy.

Plumbing fixtures need not be provided for unoccupied buildings or facilities.

2902.1.2 Private offices. Fixtures only accessible to private offices shall not be counted to determine compliance with this section.

2902.1.3 Occupancy load distribution. The occupant load shall be divided equally between the sexes, unless data approved by the building official indicates a different distribution of the sexes.

2902.1.4 Food preparation areas. In food preparation, serving and related storage areas, additional fixture requirements may be dictated by health codes.

2902.1.5 Other requirements. For other requirements for plumbing facilities, see Sections 419.15 and 1210 and Chapter 11.

2902.2 Access to fixtures.

2902.2.1 Location. Plumbing fixtures shall be located in each building or conveniently in a building adjacent thereto on the same property.

2902.2.2 Multiple tenants. Access to toilets serving multiple tenants shall be through a common use area and not through an area controlled by a tenant.

2902.2.3 Multistory buildings. Required fixtures shall not be located more than one vertical story above or below the area served.

2902.3 Separate facilities.

2902.3.1 Requirements. Separate toilet facilities shall be provided for each sex.

EXCEPTIONS: 1. In occupancies serving 10 or fewer persons, one toilet facility designed for use by no more than one person at a time shall be permitted for use by both sexes.
2. In Group B and M Occupancies with a total floor area of 1500 square feet (139.5 m²) or less, one toilet facility designed for use by no more than one person at a time shall be permitted for use by both sexes.

2902.3.2 Food service establishments. When customers and employees share the same facilities, customers accessing the facilities are excluded from food preparation and storage areas.

2902.4 Pay facilities. Required facilities shall be free of charge. Where pay facilities are installed, they shall be in addition to the minimum required facilities.

2902.5 is not adopted.

2902.6 is not adopted.

SECTION 2903—SPECIAL PROVISIONS.

2903.1 Dwelling units. Dwelling units shall be provided with a kitchen sink.

2903.2 Water closet space requirements. The water closet stool in all occupancies shall be located in a clear space not

less than 30 inches (762 mm) in width, with a clear space in front of the stool of not less than 24 inches (610 mm).

2903.3 Water. Each required sink, lavatory, bathtub and shower stall shall be equipped with hot and cold running water necessary for its normal operation.

2903.4 Drinking fountains.

2903.4.1 Number. Occupant loads over 30 shall have one drinking fountain for the first 150 occupants, then one per each additional 500 occupants.

EXCEPTIONS: 1. Sporting facilities with concessions serving drinks shall have one drinking fountain for each 1000 occupants.
2. A drinking fountain need not be provided in a drinking or dining establishment.

2903.4.2 Multistory buildings. Drinking fountains shall be provided on each floor having more than 30 occupants in schools, dormitories, auditoriums, theaters, offices and public buildings.

2903.4.3 Penal institutions. Penal institutions shall have one drinking fountain on each cell block floor and one on each exercise floor.

2903.4.4 Location. Drinking fountains shall not be located in toilet rooms.

TABLE 2902.1—MINIMUM PLUMBING FIXTURES^{1,2,4,6}

TYPE OF BUILDING OR OCCUPANCY	WATER CLOSETS (fixtures per person)		LAVATORIES ⁵ (fixtures per person)		BATHTUB OR SHOWER (fixtures per person)
	MALE ³	FEMALE	MALE	FEMALE	
For the occupancies listed below, use 30 square feet (2.79 m ²) per occupant for the minimum number of plumbing fixtures.					
Group A Conference rooms, dining rooms, drinking establishments, exhibit rooms, gymnasiums, lounges, stages and similar uses including restaurants classified as Group B Occupancies	1:1-25 2:26-75 3:76-125 4:126-200 5:201-300 6:301-400 Over 400, add one fixture for each additional 200 males or 150 females	1:1-25 2:26-75 3:76-125 4:126-200 5:201-300 6:301-400	One per 2 water closets		
For the assembly occupancies listed below, use the number of fixed seating or, where no fixed seating is provided, use 15 square feet (1.39 m ²) per occupant for the minimum number of plumbing fixtures.					
Assembly places— Theaters, auditoriums, convention halls, dance floors, lodge rooms, casinos, and such places which have limited time for fixture use (intermissions)	1:1-100 2:101-200 3:201-400 Over 400, add one fixture for each additional 250 males or 50 females	One per 25 Up to 400	1:1-200 2:201-400 3:401-750 Over 750, add one fixture for each additional 500 persons	1:1-200 2:201-400 3:401-750	
Assembly places— Stadiums, arena and other sporting facilities where fixture use is not limited to intermissions	1:1-100 2:101-200 3:201-400 Over 400, add one fixture for each additional 300 males or 100 females	One per 50 Up to 400	1:1-200 2:201-400 3:401-750 Over 750, add one fixture for each additional 500 persons	1:1-200 2:201-400 3:401-750	
For the assembly occupancies listed below, use the number of fixed seating or, where no fixed seating is provided, use 30 square feet (2.79 m ²) per occupant for the minimum number of plumbing fixtures.					
Worship places Principal assembly area Educational & activity unit	One per 150 One per 125	One per 75 One per 75	One per 2 water closets One per 2 water closets		
For the occupancies listed below, use 200 square feet (18.58 m ²) per occupant for the minimum number of plumbing fixtures.					
Group B and other clerical or administrative employee accessory use	1:1-15 2:16-35 3:36-55 Over 55, add one for each additional 50 persons	1:1-15 2:16-35 3:36-55	One per 2 water closets		
For the occupancies listed below, use 100 square feet (9.3 m ²) per student for the minimum number of plumbing fixtures.					
Group E Schools - for staff use All schools (One staff per 20 students) Schools - for student use Day care	1:1-15 2:16-35 3:36-55 Over 55, add one fixture for each additional 40 persons 1:1-20 2:21-50	1:1-15 2:16-35 3:36-55	One per 2 water closets	1:1-20 2:21-50	

PERMANENT

TABLE 2902.1—MINIMUM PLUMBING FIXTURES^{1,2,4,6}

TYPE OF BUILDING OR OCCUPANCY	WATER CLOSETS (fixtures per person)		LAVATORIES ⁵ (fixtures per person)		BATHTUB OR SHOWER (fixtures per person)
	MALE ³	FEMALE	MALE	FEMALE	
Elementary Secondary	Over 50, add one fixture for each additional 50 persons One per 30 One per 40	One per 25 One per 30	Over 50, add one fixture for each additional 50 persons One per 2 water closets One per 2 water closets		
For the occupancies listed below, use 50 square feet (4.65 m ²) per occupant for the minimum number of plumbing fixtures.					
Education facilities other than Group E Others (colleges, universities, adult centers, etc.)	One per 40	One per 25	One per 2 water closets		
For the occupancies listed below, use 2,000 square feet (185.8 m ²) per occupant for the minimum number of plumbing fixtures.					
Group F and Group H Workshop, foundries and similar establishments, and hazardous occupancies	1:1-10 2:11-25 3:26-50 4:51-75 5:76-100 Over 100, add one fixture for each additional 30 persons	1:1-10 2:11-25 3:26-50 4:51-75 5:76-100	One per 2 water closets		One shower for each 15 persons exposed to excessive heat or to skin contamination with irritating materials
For the occupancies listed below, use the designated application and 200 square feet (18.58 m ²) per occupant of the general use area for the minimum number of plumbing fixtures.					
Group I⁷ Hospital waiting rooms Hospital general use areas	One per room (usable by either sex) 1:1-15 2:16-35 3:36-55 Over 55, add one fixture for each additional 40 persons	1:1-15 3:16-35 3:36-55	One per room One per 2 water closets		
Hospital patient rooms: Single Bed Isolation Multibed Long-term	One adjacent to and directly accessible from One adjacent to and directly accessible from One per 4 patients One per 4 patients		One per toilet room One per toilet room One per 4 patients One per 4 patients		One per toilet room One per toilet room One per 8 patients One per 15 patients
Jails and reformatories Cell Exercise room	One per cell One per exercise room		One per cell One per exercise room		
Other institutions (on each occupied floor)	One per 25	One per 25	One per 2 water closets		One per 8
Group LC	For Group LC Occupancies, the minimum number of plumbing fixtures is specified in Section 419.15.				
For the occupancies listed below, use 200 square feet (18.58 m ²) per occupant for the minimum number of plumbing fixtures.					

PERMANENT

TABLE 2902.1—MINIMUM PLUMBING FIXTURES^{1,2,4,6}

TYPE OF BUILDING OR OCCUPANCY	WATER CLOSETS (fixtures per person)		LAVATORIES ⁵ (fixtures per person)		BATHTUB OR SHOWER (fixtures per person)
	MALE ³	FEMALE	MALE	FEMALE	
Group M Retail or wholesale stores	1:1-50 2:51-100 3:101-400 4:201-300 5:301-400 Over 400, add one fixture for each additional 300 males or 150 females	1:1-50 2:51-100 3:101-200 4:201-300 5:301-400	One per 2 water closets		
For Group R Occupancies containing dwelling units or guest rooms, use the table below. For dormitories, use 200 square feet (18.58 m ²) per occupant for the minimum number of plumbing fixtures.					
Group R Dwelling units Hotel, motel, and boarding house guest rooms	One per dwelling unit One per guest room		One per dwelling unit One per guest room		One per dwelling unit One per guest room
Dormitories	One per 10 Over 10, add one fixture for each additional 25 males and over 8, add one for each additional 20 females	One per 8	One per 12 Over 12, add one fixture for each additional 20 males and one for each additional 15 females	One per 12	One per 8 For females, add one additional unit per each additional 30. Over 150 persons, add one additional unit per each additional 20 persons
For the occupancies listed below, use 5,000 square feet (464.5 m ²) per occupant for the minimum number of plumbing fixtures.					
Group S Warehouses	1:1-10 2:11-25 3:26-50 4:51-75 5:76-100 Over 100, add one for each 30 persons	1:1-10	One per 40 occupants of each sex		One shower for each 15 persons exposed to excessive heat or to skin contamination with poisonous, infectious or irritating materials

¹The figures shown are based on one fixture being the minimum required for the number of persons indicated or any fraction thereof.

²For occupancies not shown, see Section 2902.1.1.

³Where urinals are provided, one water closet less than the number specified may be provided for each urinal installed, except the number of water closets in such cases shall not be reduced to less than one quarter (25%) of the minimum specified. For men's facilities serving 26 or more persons, not less than one urinal shall be provided.

⁴For drinking fountains, see Section 2903.4.

⁵Twenty-four inches (610 mm) of wash sink or 18 inches (457 mm) of a circular basin, when provided with water outlets for such space, shall be considered equivalent to one lavatory.

⁶For when a facility may be usable by either sex, see Section 2902.3.1.

⁷See WAC 246-320 for definitions, other fixtures and equipment for hospitals.

NEW SECTION

WAC 51-50-3001 Section 3001—General.

SECTION 3001—GENERAL, is not adopted.

Elevators and conveying systems are regulated by chapter 296-96 WAC.

NEW SECTION

WAC 51-50-3002 Section 3002—Hoistway enclosures.

3002.5 Emergency doors, is not adopted.

PERMANENT

NEW SECTION

WAC 51-50-3003 Section 3003—Emergency operations.

3003.2 Fire-fighters' emergency operation, is not adopted.

NEW SECTION

WAC 51-50-3004 Section 3004—Hoistway venting.

3004.3 Area of vents. Except as provided for in Section 3004.3.1, the area of the vents shall not be less than 3 1/2 percent of the area of the hoistway not less than 3 square feet (0.28 m²) for each elevator car, and not less than 3 1/2 percent nor less than 0.5 square feet (0.047 m²) for each dumbwaiter car in the hoistway, whichever is greater. Vents shall be capable only of manual operation or controlled by a manual switch mounted in an approved location.

3004.5 Plumbing and mechanical systems, is not adopted.

NEW SECTION

WAC 51-50-3005 Section 3005—Conveying systems.

SECTION 3005—CONVEYING SYSTEMS, is not adopted.

NEW SECTION

WAC 51-50-3006 Section 3006—Machine rooms.

3006.3 Pressurization, is not adopted.

3006.5 Shunt trip, is not adopted.

3006.6 Plumbing systems, is not adopted.

NEW SECTION

WAC 51-50-3408 Section 3408—Moved structures.

3408.1 Conformance. Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code, the International Residential Code (chapter 51-51 WAC), the International Mechanical Code (chapter 51-52 WAC), the International Fire Code (chapter 51-54 WAC), the Uniform Plumbing Code and Standards (chapters 51-56 and 51-57 WAC), the Washington State Energy Code (chapter 51-11 WAC) and the Washington State Ventilation and Indoor Air Quality Code (chapter 51-13 WAC) for new buildings or structures.

EXCEPTION: Group R-3 buildings or structures are not required to comply if:

1. The original occupancy classification is not changed; and
2. The original building is not substantially remodeled or rehabilitated.

For the purposes of this section, a building shall be considered to be substantially remodeled when the costs of remodeling exceed 60 percent of the value of the building exclusive of the costs relating to preparation, construction, demolition or renovation of foundations.

NEW SECTION

WAC 51-50-3409 Section 3409—Accessibility for existing buildings.

3409.5 Alterations. A building, facility or element that is altered shall comply with the applicable provisions in Chapter 11 and ICC A117.1 unless technically infeasible. Where compliance with the section is technically infeasible, the alteration shall provide access to the maximum extent technically feasible. Where alterations would increase the number of public pay telephones to four, with at least one in the interior, or where the facility has four or more public pay telephones and one or more is altered; at least one interior text telephone shall be provided.

EXCEPTIONS: 1. The altered element or space is not required to be on an accessible route, unless required by Section 3409.6.

2. Accessible means of egress required by Chapter 10 are not required to be provided in existing buildings and facilities.

3. In alterations, accessibility to raised or sunken dining areas, or to all parts of outdoor seating areas is not required provided that the same services and amenities are provided in an accessible space usable by the general public and not restricted to use by people with disabilities.

3409.6 Alterations affecting an area containing a primary function. Where an alteration affects the accessibility to, or contains an area of primary function, the route to the primary function area shall be accessible. The accessible route to the primary function area shall include toilet facilities, telephones or drinking fountains serving the area of primary function.

EXCEPTIONS: 1. The costs of providing the accessible route are not required to exceed 20 percent of the costs of the alteration affecting the area of primary function.

2. This provision does not apply to alterations limited solely to windows, hardware, operating controls, electrical outlets and signs.

3. This provision does not apply to alterations limited solely to mechanical systems, electrical systems, installation or alteration of fire protection systems and abatement of hazardous materials.

4. This provision does not apply to alterations undertaken for the primary purpose of increasing the accessibility of an existing building, facility or element.

3409.7 Scoping for alterations. The provisions of Sections 3409.7.1 through 3409.7.11 shall apply to alterations to existing buildings and facilities. Where an escalator or new stairway is planned or installed requiring major structural changes, then a means of vertical transportation (e.g., elevator, platform lift) shall be provided in accordance with this chapter.

3409.7.2 Elevators. Altered elements of existing elevators shall comply with ASME A17.1 and ICC A117.1. Such elements shall also be altered in elevators programmed to respond to the same hall call control as the altered elevator. Elevators shall comply with chapter 296-96 WAC.

3409.7.3 Platform lifts. Platform (wheelchair) lifts complying with ICC A117.1 and installed in accordance with ASME A18.1 shall be permitted as a component of an accessible route. Platform lifts shall comply with chapter 296-96 WAC.

3409.7.7 Dwelling or sleeping units. Where I-1, I-2, I-3, R-1, R-2 or R-4 dwelling or sleeping units are being altered or added, the requirements of Section 1107 for Accessible or Type A units and Chapter 9 for accessible alarms apply only to the quantity of spaces being altered or added. At least one sleeping room for each 25 sleeping rooms, or fraction thereof, being added or altered, shall have telephones and visible notification devices complying with Appendix E Section E104.3.4, as well as visible alarms.

3409.7.9 Toilet rooms. Where it is technically infeasible to alter existing toilet and bathing facilities to be accessible, an accessible unisex toilet or bathing facility is permitted. The unisex facility shall be located on the same floor and in the same area as the existing facility. The number of toilet facilities and water closets required by the State Building Code is permitted to be reduced by one, in order to provide accessible features.

NEW SECTION

WAC 51-50-31200 Section 31-2—Standard test method for particulate emissions from fireplaces.

Washington State Building Code Standard 31-2

STANDARD TEST METHOD FOR PARTICULATE EMISSIONS FROM FIREPLACES

(Insert following page 596)

See Section 2114, *International Building Code*

SECTION 31.200—TITLE AND SCOPE.

SECTION 31.200.1 TITLE.

This Appendix Chapter 31-2 shall be known as the "Washington state standard test method for particulate emissions from fireplaces" and may be cited as such; and will be referred to herein as "this standard."

SECTION 31.200.2 SCOPE.

This standard covers emissions performance, approval/certification procedures, test laboratory accreditation, record-keeping, reporting requirements, and the test protocol for measuring particulate emissions from fireplaces.

All testing, reporting and inspection requirements of this standard shall be conducted by a Washington state department of ecology (DOE) approved testing laboratory. In order to qualify for DOE approval, the test laboratory must be a U.S. Environmental Protection Agency (EPA) accredited laboratory (40 CFR Part 60, Subpart AAA). DOE may approve a test laboratory upon submittal of the following information:

1. A copy of their U.S. EPA accreditation certificate; and
2. A description of their facilities, test equipment, and test-personnel qualifications including education and work experience.

DOE may revoke a test laboratory approval when the test laboratory is no longer accredited by the U.S. EPA or if DOE determines that the test laboratory does not adhere to the testing requirements of this chapter.

SECTION 31.201—DEFINITIONS.

For the purpose of this standard certain terms are defined as follows:

ANALYZER CALIBRATION ERROR is the difference between the gas concentration exhibited by the gas analyzer and the known concentration of the calibration gas when the calibration gas is introduced directly to the analyzer.

BURN RATE is the average rate at which test-fuel is consumed in a fireplace measured in kilograms of wood (dry basis) per hour (kg/hr) during a test-burn.

CALIBRATION DRIFT is the difference in the analyzer reading from the initial calibration response at a mid-range calibration value after a stated period of operation during which no unscheduled maintenance, repair, or adjustment took place.

CALIBRATION GAS is a known concentration of carbon dioxide (CO₂), carbon monoxide (CO), or oxygen (O₂) in nitrogen (N₂).

CERTIFICATION OR AUDIT TEST is the completion of at least one, three-fuel-load test-burn cycle in accordance with Section 31.202.

FIREBOX is the chamber in the fireplace in which a test-fuel charge(s) is placed and combusted.

FIREPLACE is a wood burning device which is exempt from U.S. EPA 40 CFR Part 60, Subpart AAA and:

1. Is not a cookstove, boiler, furnace, or pellet stove as defined in 40 CFR Part 60, Subpart AAA; and
2. Is not a masonry heater as defined in Section 31.201.

FACTORY-BUILT FIREPLACE is a listed assembly of a fire chamber, its chimney and related factory-made parts designed for unit assembly without requiring field construction. Factory-built fireplaces are not dependent on mortar-filled joints for continued safe use.

MASONRY FIREPLACE is a hearth and fire chamber of solid masonry units such as bricks, stones, masonry units or reinforced concrete provided with a suitable chimney.

FIREPLACE, CERTIFIED, is a fireplace that meets the emission performance standards when tested according to Washington State Building Code Standard 31-2.

FIREPLACE, NONCERTIFIED, (masonry or concrete) is any fireplace that is not a certified fireplace. A noncertified fireplace will be subject to applicable burn ban restrictions.

FIREPLACE DESIGN is the construction and/or fabrication specifications including all dimensions and materials required for manufacturing or building fireplaces with identical combustion function and particulate emissions factors.

FIREPLACE MODEL LINE is a series of fireplace models which all have the same internal assembly. Each model in a model line may have different facade designs and external decorative features.

INTERNAL ASSEMBLY is the core construction and firebox design which produces the same function and emissions factor for a fireplace model line.

MASONRY HEATER is a heating system of predominantly masonry construction having a mass of at least 800 kg (1760 lbs), excluding the chimney and foundation, which is designed to absorb a substantial portion of the heat energy from a rapidly burned charge of solid fuel by:

1. Routing of exhaust gases through internal heat exchange channels in which the flow path downstream of the firebox includes at least one 180 degree change in flow direction, usually downward, before entering the chimney; and

2. Being constructed of sufficient mass such that under normal operating conditions the external surface of the heater, except in the region immediately surrounding the fuel loading door(s), does not exceed 110°C (230°F).

Masonry heaters shall be listed or installed in accordance with ASTM E-1602.

RESPONSE TIME is the amount of time required for the measurement system to display 95 percent of a step change in gas concentration.

SAMPLING SYSTEM BIAS is the difference between the gas concentrations exhibited by the analyzer when a known concentration gas is introduced at the outlet of the sampling probe and when the sample gas is introduced directly to the analyzer.

SPAN is the upper limit of the gas concentration measurement range (25 percent for CO₂, O₂, and 5 percent for CO).

TEST FACILITY is the area in which the fireplace is installed, operated, and sampled for emissions.

TEST FUEL LOADING DENSITY is the weight of the as-fired test-fuel charge per unit area of usable firebox floor (or hearth).

TEST-BURN is an individual emission test which encompasses the time required to consume the mass of three consecutively burned test-fuel charges.

TEST-FUEL CHARGE is the collection of test fuel pieces placed in the fireplace at the start of certification test.

USABLE FIREBOX AREA is the floor (or hearth) area, within the fire chamber of a fireplace upon which a fire may be, or is intended to be built. Usable firebox area is calculated using the following definitions:

1. **Length.** The longest horizontal fire chamber dimension along the floor of the firebox that is parallel to a wall of the fire chamber.

2. **Width.** The shortest horizontal fire chamber dimension along the floor of the firebox that is parallel to a wall of the fire chamber.

3. For angled or curved firebox walls and/or sides, the effective usable firebox area shall be determined by calculating the sum of standard geometric areas or sub-areas of the firebox floor.

If a fireplace has a floor area within the fire chamber which is larger than the area upon which it is intended that fuel be placed and burned, the usable firebox area shall be calculated as the sum of standard geometric areas or sub-areas of the area intended for fuel placement and burning. For fireplace grates which elevate the fuel above the firebox floor, usable firebox area determined in this manner shall be

multiplied by a factor of 1.5. The weight of test-fuel charges for fireplace-grate usable-firebox-area tests, shall not exceed the weight of test-fuel charges determined for the entire fireplace floor area.

ZERO DRIFT is the difference in the analyzer reading from the initial calibration response at the zero concentration level after a stated period of operation during which no unscheduled maintenance, repair, or adjustment took place.

SECTION 31.202—TESTING.

31.202.1 Applicability. This method is applicable for the certification and auditing of fireplace particulate emission factors. This method describes the test facility, fireplace installation requirements, test-fuel charges, and fireplace operation as well as procedures for determining burn rates and particulate emission factors.

31.202.2 Principle. Particulate matter emissions are measured from a fireplace burning prepared test-fuel charges in a test facility maintained at a set of prescribed conditions.

31.202.3 Test apparatus.

31.202.3.1 Fireplace temperature monitors. Devices capable of measuring flue-gas temperature to within 1.5 percent of expected absolute temperatures.

31.202.3.2 Test facility temperature monitor. A thermocouple located centrally in a vertically oriented pipe shield 6 inches (150 mm) long, 2 inches (50 mm) diameter that is open at both ends, capable of measuring air temperature to within 1.5 percent of expected absolute temperatures.

31.202.3.3 Balance. Balance capable of weighing the test-fuel charge(s) to within 0.1 lb (0.05 kg).

31.202.3.4 Moisture meter. Calibrated electrical resistance meter for measuring test-fuel moisture to within 1 percent moisture content (dry basis).

31.202.3.5 Anemometer. Device capable of detecting air velocities less than 20 ft/min (0.10 m/sec), for measuring air velocities near the fireplace being tested.

31.202.3.6 Barometer. Mercury, aneroid or other barometer capable of measuring atmospheric pressure to within 0.1 inch Hg (2.5 mm Hg).

31.202.3.7 Draft gauge. Electromanometer or other device for the determination of flue draft (i.e., static pressure) readable to within 0.002 inches of water column (0.50 Pa).

31.202.3.8 Combustion gas analyzer. Combustion gas analyzers for measuring carbon dioxide (CO₂), carbon monoxide (CO), and oxygen (O₂) in the fireplace exhaust-gas stream must meet all of the following measurement system performance specifications:

1. **Analyzer calibration error.** Shall be less than ± 2 percent of the span value for the zero, mid-range, and high-range calibration gases.

2. **Sampling system bias.** Shall be less than ± 5 percent of the span value for the zero, mid-range, and high-range calibration gases.

3. **Zero Drift.** Shall be less than ± 3 percent of the span over the period of each run.

4. **Calibration drift.** Shall be less than ± 3 percent of the span value over the period of each run.

5. **Response time.** Shall be less than 1.5 minutes.

31.202.4 Emissions sampling method. Use the emission sampler system (ESS) as described in Section 31.203.12 or an equivalent method as determined by the application of the U.S. EPA Method 301 Validation Procedure (Federal Register, December 12, 1992, Volume 57, Number 250, page 11,998) and upon approval of DOE.

31.202.5 Fireplace installation and test facility requirements. The fireplace being tested must be constructed, if site-built, or installed, if manufactured, in accordance with the designer's/manufacture's written instructions. The chimney shall have a total vertical height above the base of the fire chamber of not less than 15 feet (4 600 mm). The fireplace chimney exit to the atmosphere must be freely communicating with the fireplace combustion makeup-air source. There shall be no artificial atmospheric pressure differential imposed between the chimney exit to the atmosphere and the fireplace makeup-air inlet.

31.202.6 Fireplace aging and curing. A fireplace of any type shall be aged before certification testing begins. The aging procedure shall be conducted and documented by the testing laboratory.

31.202.6.1 Catalyst-equipped fireplaces. Operate the catalyst-equipped fireplace using fuel described in Section 31.203. Operate the fireplace with a new catalytic combustor in place and in operation for at least 50 hours. Record and report hourly catalyst exit temperatures, the hours of operation, and the weight of all fuel used.

31.202.6.2 Noncatalyst-equipped fireplaces. Operate the fireplace using the fuel described in Section 31.203 for at least 10 hours. Record and report the hours of operation and weight of all fuel used.

31.202.7 Pretest preparation. Record the test-fuel charge dimensions, moisture content, weights, and fireplace (and catalyst if equipped) descriptions.

The fireplace description shall include photographs showing all externally observable features and drawings showing all internal and external dimensions needed for fabrication and/or construction. The drawings must be verified as representing the fireplace being tested and signed by an authorized representative of the testing laboratory.

31.202.8 Test facility conditions. Locate the test facility temperature monitor on the horizontal plane that includes the primary air intake opening for the fireplace. Locate the temperature monitor 3 to 6 feet (1 000 to 2 000 mm) from the front of the fireplace in the 90° sector in front of the fireplace. Test facility temperatures shall be maintained between 65° and 90°F (18° and 32°C). Use an anemometer to measure the air velocity. Measure and record the room-air velocity within 2 feet (600 mm) of the test fireplace before test initiation and once immediately following the test-burn completion. Air

velocity shall be less than 50 feet/minute (250 mm/second) without the fireplace operating.

SECTION 31.203—TEST PROTOCOL.

31.203.1 Test fuel. Fuel shall be air dried Douglas fir dimensional lumber or cordwood without naturally associated bark. Fuel pieces shall not be less than 1/2 nor more than 5/6 of the length of the average fire chamber width. Fuel shall be split or cut into pieces with no cross-sectional dimension greater than 6 inches (152 mm). Spacers, if used, shall not exceed 3/4 inches (19 mm) in thickness and 15 percent of the test-fuel charge weight. Fuel moisture shall be in the range of 16 to 20 percent (wet basis) or 19 to 25 percent (dry basis) meter reading.

31.203.2 Test-fuel loading density. The wet (with moisture) minimum weight of each test-fuel charge shall be calculated by multiplying the hearth area in square feet by 7.0 pounds per square foot (square meters x 0.30 kg/m²) (± 10 percent). Three test-fuel charges shall be prepared for each test-burn.

31.203.3 Kindling. The initial test-fuel charge of the three test-fuel charge test-burn shall be started by using a kindling-fuel charge which is up to 50 percent of the first test-fuel charge weight. Kindling-fuel pieces can be any size needed to start the fire or whatever is recommended in the manufacturer's (builder's) instructions to consumers. The kindling-fuel charge weight is not part of the initial test-fuel charge weight but is in addition to it.

31.203.4 Test-burn ignition. The fire can be started with or without paper. If used, the weight of the paper must be included in test-fuel charge weight. The remainder of the test-fuel charge may be added at any time after kindling ignition except that the entire first test-fuel charge must be added within 10 minutes after the start of the test (i.e., the time at which the flue-gas temperature at the 8-foot (2 440 mm) level is over 25°F (14°C) greater than the ambient temperature of the test facility).

31.203.5 Test initiation. Emissions and flue-gas sampling are initiated immediately after the kindling has been ignited and when flue-gas temperatures in the center of the flue at an elevation of 8 feet (2 440 mm) above the base (floor) of the fire chamber reach 25°F (14°C) greater than the ambient temperature of the test facility.

31.203.6 Sampling parameters. Sampling (from the 8-foot (2 440 mm) flue-gas temperature measurement location) must include:

1. Particulate emissions
2. Carbon dioxide (CO₂)¹
3. Carbon monoxide (CO)¹
4. Oxygen (O₂)¹
5. Temperature(s)

¹These gases shall be measured on-line (real-time) and recorded at a frequency of not less than once every 5 minutes. These 5-minute readings are to be arithmetically averaged over the test-burn series or alternatively, a gas bag sample can be taken at a constant sample rate over the entire test-burn series and analyzed for the required gases within one hour of the end of the test-burn.

If a fireplace is equipped with an emissions control device which is located downstream from the 8-foot (2 440 mm) flue-gas temperature measurement location, a second temperature, particulate, and gaseous emissions sampling location must be located downstream from the emissions control device but not less than 4 flue diameters upstream from the flue exit to the atmosphere. The two sampling locations must be sampled simultaneously during testing for each fireplace configuration being tested.

31.203.7 Test-fuel additions and test completion. The second and third test-fuel charges for a test-burn may be placed and burned in the fire chamber at any time deemed reasonable by the operator or when recommended by the manufacturer's and/or builder's instructions to consumers.

No additional kindling may be added after the start of a test-burn series and the flue-gas temperature at the 8-foot (2 440 mm) level above the base of the hearth must always be 25°F (14°C) greater than the ambient temperature of the test facility for a valid test-burn series. Each entire test-fuel charge must be added within 10 minutes from the addition of the first piece.

A test (i.e., a three test-fuel charge test-burn series) is completed and all sampling and measurements are stopped when all three test-fuel charges have been consumed (to more than 90 percent by weight) in the firebox and the 8-foot (2 440 mm) level flue-gas temperature drops below 25°F (14°C) greater than the ambient temperature of the test facility. Within 5 minutes after the test-burn is completed and all measurements and sampling has stopped, the remaining coals and/or unburned fuel, shall be extinguished with a carbon dioxide fire extinguisher. All of the remaining coals, unburned fuel, and ash shall be removed from the firebox and weighed to the nearest 0.1 pound (0.05 kg). The weight of these unburned materials and ash shall be subtracted from the total test-burn fuel weight when calculating the test-burn burn rate. A test-burn is invalid if less than 90 percent of the weight of the total test-fuel charges plus the kindling weight have been consumed in the fireplace firebox.

31.203.8 Test-fuel charge (load) adjustments. Test-fuel charges may be adjusted (i.e., repositioned) once during the burning of each test-fuel charge. The time used to make this adjustment shall be less than 15 seconds.

31.203.9 Air supply adjustment. Air supply controls, if the fireplace is equipped with controls, may not be adjusted during any test-burn series after the first 10 minutes of startup of each fuel load. All air supply settings must be set to the lowest level at the start of a test and shall remain at the lowest setting throughout a test-burn.

31.203.10 Auxiliary fireplace equipment operation. Heat exchange blowers (standard or optional) sold with the fireplace shall be operated during all test-burns following the manufacturer's written instructions. If no manufacturer's written instructions are available, operate the heat exchange blower in the "high" position. (Automatically operated blowers shall be operated as designed.) Shaker grates, by-pass controls, afterburners, or other auxiliary equipment may be adjusted only once per test-fuel charge following the manu-

facturer's written instructions. Record and report all adjustments on a fireplace operational written-record.

31.203.11 Fireplace configurations. One, 3 test-fuel charge test-burn shall be conducted for each of the following fireplace operating configurations:

1. Door(s) closed, with hearth grate;
2. Door(s) open, with hearth grate;
3. Door(s) closed, without hearth grate;
4. Door(s) open, without hearth grate; and
5. With no door(s), and draft inducer on.

No test-burn series is necessary for any configuration the appliance design cannot or is not intended to accommodate. If a configuration is not tested, the reason must be submitted with the test report and the appliance label must state that the appliance cannot be used in that configuration by consumer users.

One emission factor result, or one emission factor average, as provided in Section 31.203.11.2, from each fireplace configuration tested shall be compiled into an arithmetic average of all the configurations tested for determining compliance with the requirements of Section 31.204.2.

31.203.11.1 Closed-door(s) testing. For all closed-door test configurations, the door(s) must be closed within 10 minutes from the addition of the first test-fuel piece of each test-fuel charge in a test-burn. During a test-burn, the door(s) cannot be reopened except during test-fuel reload and adjustment as referenced in Sections 31.203.7 and 31.203.8.

31.203.11.2 Additional test-burn. The testing laboratory may conduct more than one test-burn series for each of the applicable configurations specified in Section 31.203.11. If more than one test-burn is conducted for a specified configuration, the results from at least 2/3 of the test-burns for that configuration shall be used in calculating the arithmetic average emission factor for that configuration. The measurement data and results of all tests conducted shall be reported regardless of which values are used in calculating the average emission factor for that configuration.

31.203.12 Emissions sampling system (ESS).

31.203.12.1 Principle. Figure 31-2-1 shows a schematic of an ESS for sampling solid-fuel-fired fireplace emissions. Except as specified in Section 31.202.4, an ESS in this configuration shall be used to sample all fireplace emissions. The ESS shall draw flue gases through a 15-inch (380 mm) long, 3/8-inch (10 mm) O.D. stainless steel probe which samples from the center of the flue at an elevation which is 8 feet (2 440 mm) above the floor of the firebox (i.e., the hearth). A flue-gas sample shall then travel through a 3/8-inch (10 mm) O.D. Teflon® tube, and a heated U.S. EPA Method 5-type glass-fiber filter (40 CFR Part 60, Appendix A) for collection of particulate matter. The filter shall be followed by an in-line flow-through cartridge containing 20 grams of XAD-2 sorbent resin for collecting semivolatile hydrocarbons. Water vapor shall then be removed from the sampled gas by a silica-gel trap. Flue-gas oxygen concentrations, which shall be used to determine the ratio of flue-gas volume to the amount of fuel burned, are measured within the

ESS system by an electrochemical cell meeting the performance specifications presented in Section 31.202.3.8(1).

The ESS shall use a critical orifice to maintain a nominal flue-gas sampling rate of 0.035 cfm (0.0167 liters per second). The actual flow rate through each critical orifice shall be determined to within 0.000354 cubic feet (0.01 liters) per second before and after each test-burn with a bubble flow meter to document exact sampling rates. The posttest-burn critical-orifice flow-rate determinations shall be performed before the ESS is dismantled for sample recovery and clean-up. Pretest-burn and posttest-burn critical-orifice flow-rate measurements shall be within 0.0000117 cubic feet (0.00033 liters) per second of each other or the test-burn emissions results shall be invalid. Temperatures shall be monitored using type K ground-isolated, stainless steel-sheathed thermocouples.

The ESS unit shall return particle-free and dry exhaust gas to the flue via a 1/4-inch (6 mm) Teflon® line and a 15-inch (380 mm) stainless steel probe inserted into the flue. A subsample aliquot of the flue-gas sample-gas stream exiting the ESS unit, shall be pumped into a 1 cubic foot (29 liter) Tedlar® bag for measuring the average carbon dioxide, carbon monoxide, and confirmation of average oxygen concentrations for the test period. Flow to the subsample gas bag shall be controlled by a solenoid valve connected to the main pump circuit and a fine-adjust needle-controlled flow valve. The solenoid valve shall be open only when the pump is activated, allowing the subsample gas to be pumped into the gas bag at all times when the ESS pump is on. The rate of flow into the bag shall be controlled by the fine-adjust metering needle-valve which is adjusted at setup so that 4.7 to 5.2 gal (18 to 20 liters) of gas is collected over the entire 3 test-fuel

charge test-burn without over-pressurizing the gas sample bag.

31.203.12.2 The data acquisition and control system. The data acquisition and control system for the ESS is shown in Figure 31-2-2. This system consists of a personal computer (PC) containing an analog-to-digital data processing board (12-bit precision), a terminal (connection) box, and specialized data acquisition and system control software (called CONLOG). For fireplace testing, the CONLOG software is configured to control, collect, and store the following data:

1. Test-period starting and ending times and dates, and total length of sampling period;
2. Pump-cycle on/off, cycle length and thermocouple (TC) cycle recording interval (frequency);
3. Temperature records, including flue-gas and ambient temperatures, averaged over preselected intervals;
4. Date, times, and weights of each added fuel load; and
5. Flue-gas oxygen measurements taken during each sample cycle.

During testing, instantaneous readings of real-time data shall be displayed on the system status screen. These data shall include the date, time, temperatures for each of the TCs, and flue-gas oxygen concentrations. The most recent 15 sets of recorded data shall also be displayed.

Flue-gas sampling and the recording of flue-gas oxygen concentrations shall only occur when flue-gas temperatures are above 25°F (14°C) greater than the ambient temperature of the test facility. Temperatures and fueling shall always be recorded at five-minute intervals regardless of flue-gas temperature. The ESS sampling-pump operating cycle shall be adjustable as described in Section 31.203.12.3.

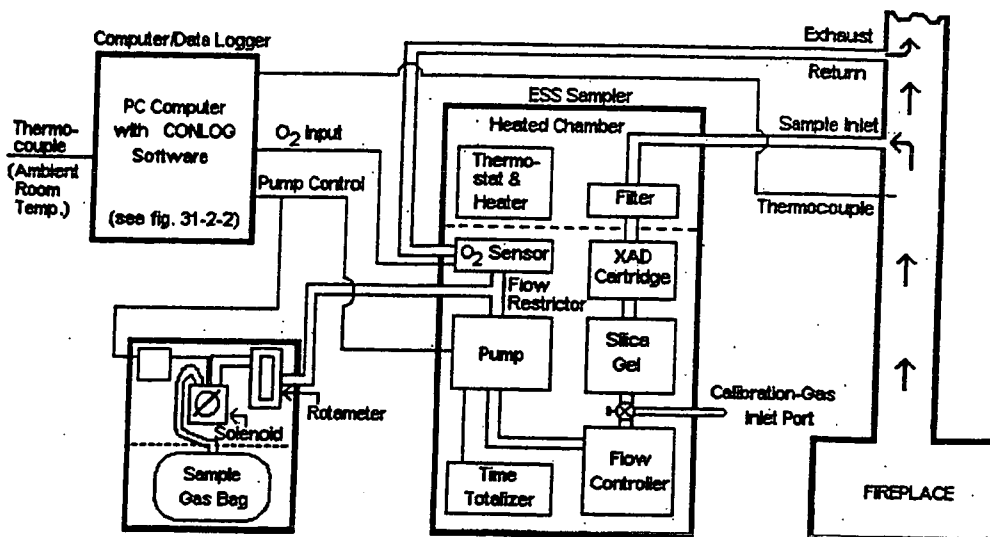


Figure 31-2-1. Schematic of ESS/Data Logger system.

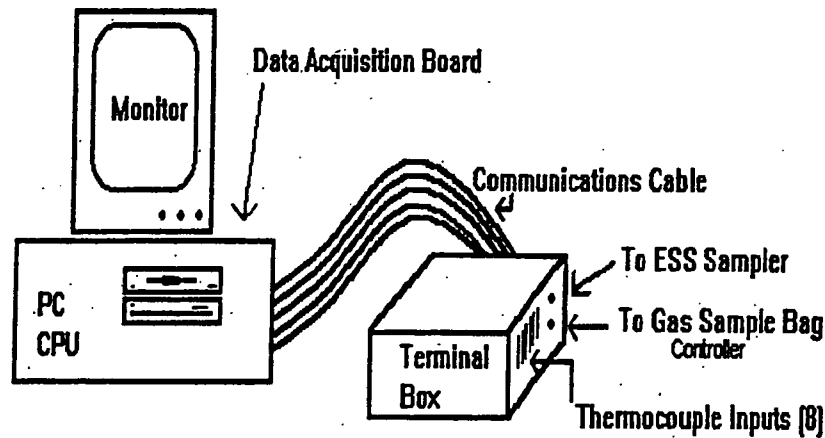


Figure 31-2-2. ESS data logger system.

31.203.12.3 ESS sampling-pump operating cycle. The ESS sampling-pump operating cycle shall be adjusted to accommodate variable test-fuel charge sizes, emission factors, and the length of time needed to complete a test-burn series. The sampler-pump operation shall be adjustable from 1 second to 5 minutes (100 percent) "on" for every 5-minute test-burn data-recording interval. This will allow adjustment for the amount of anticipated emissions materials that will be sampled and deposited on the ESS filter, XAD-2, and the other system components. It is recommended that the minimum sample quantities stipulated in Section 31.203.12.4 be used to calculate the appropriate pump cycle "on" and "off" periods. It should be noted that if the sampler collects too much particulate material on the filter and in the XAD-2 cartridge, the unit may fail the sample flow calibration check required at the end of each test-burn.

31.203.12.4 Minimum sample quantities. For each complete 3 test-fuel charge test-burn, the ESS must catch a minimum total particulate material mass of at least 0.231 grains (15 mg). Alternatively, the ESS must sample a minimum of 10 cubic feet (283 liters) during each 3 test-fuel charge test-burn. If this volume cannot be sampled in the test-burn time period, two ESS samplers must be utilized to sample fireplace emissions simultaneously during each test-burn. If emissions results from the two ESSs are different by more than 10 percent of the lower emissions-factor result, the test-burn results are invalid. An arithmetic average is calculated for test-burn results when two ESSs are utilized.

31.203.12.5 Equipment preparation and sample processing procedures.

31.203.12.5.1 Prior to emissions testing, the ESS unit shall be prepared with a new, tared glass-fiber filter and a clean XAD-2 sorbent-resin cartridge. Within 3 hours after testing is completed, the stainless steel sampling probe, Teflon® sampling line, filter holder, and XAD-2 cartridge(s) shall be removed from the test site and transported to the laboratory

for processing. Each component of the ESS sampler shall be processed as follows:

1. Filter: The glass fiber filter (4 inches (102 mm) in diameter) shall be removed from the ESS filter housing and placed in a petri dish for desiccation and gravimetric analysis.

2. XAD-2 sorbent-resin cartridge: The sorbent-resin cartridge shall be extracted in a Soxhlet extractor with dichloromethane for 24 hours. The extraction solution shall be transferred to a tared glass beaker and evaporated in an ambient-air dryer. The beaker with dried residue shall then be desiccated to constant weight (less than ± 0.5 mg change within a 2-hour period), and the extractable residue shall be weighed.

3. ESS hardware: All hardware components which are in the flue-gas sample stream (stainless steel probe, Teflon® sampling line, stainless steel filter housing, and all other Teflon® and stainless steel fittings) through the top of the sorbent-resin cartridge, shall be cleaned with a solvent mixture of 50 percent dichloromethane and 50 percent methanol. The cleaning solvent solutions shall be placed in tared glass beakers, evaporated in an ambient-air dryer, desiccated to constant weight (less than ± 0.5 mg change within a 2-hour period), and weighed.

EPA Method 5H procedures (40 CFR Part 60, Appendix A) for desiccation and weighing time intervals shall be followed for steps 1 through 3 above.

31.203.12.5.2 The ESS shall be serviced both at the start and end of a fireplace testing period. During installation, leak checks shall be performed; the thermocouples, fuel-weighting scale, and oxygen-cell shall be calibrated, and the data logger shall be programmed. At the end of the test period, final calibration, and leak-check procedures shall again be performed, and the ESS sampling line, filter housing, XAD-2 cartridge, sampling probe, and Tedlar® bag shall be removed, sealed, and transported to the laboratory for analysis. If the pretest and posttest leak checks of the ESS system exceed 0.00033

liters per second, the test-burn emission results shall be invalid.

31.203.12.6 Data processing and quality assurance.

31.203.12.6.1 Upon returning to the laboratory facilities, the data file (computer disk) shall be reviewed to check for proper equipment operation. The data-logger data files, log books, and records maintained by field staff shall be reviewed to ensure sample integrity.

The computer-logged data file shall be used in conjunction with the ESS particulate samples and sample-gas bag analyses to calculate the emission factor, emission rate, and fireplace operational parameters. An example ESS results report is presented in Table 31-2-A.

31.203.12.6.2 Burning period. The total burning period is calculated by:

$$\text{Particulate emission factor (g/kg)} = \frac{(\text{Particulate Catch}) \times (\text{Stoichiometric Volume}) \times (\text{Flue-gas Dilution Factor})}{(\text{Sampling Time}) \times (\text{Sampling Rate})}$$

WHERE:

1. Particulate Catch: The total mass, in grams, of particulate material caught on the filter, in the XAD-2 resin cartridge (semivolatile compounds); and in the probe clean-up and rinse solutions.

2. Stoichiometric Volume: Stoichiometric volume is the volume of dry air needed to completely combust one dry kilogram of fuel with no "excess air." This value is determined by using a chemical reaction balance between the specific fuel being used and the chemical components of air. The stoichiometric volume for Douglas fir is 86.78 cubic feet per pound (5 404 liters per dry kilogram) at 68°F (20°C) and 29.92 inches (760 mm) of mercury pressure.

3. Flue-gas Dilution Factor: The degree to which the sampled combustion gases have been diluted in the flue by air in excess of the stoichiometric volume (called excess air). The dilution factor is obtained by using the average sampled carbon dioxide and carbon monoxide values obtained from the sample gas bag analyses and the following equation:

Flue-Gas Dilution Factor =

$$18.53 + \left(\frac{\phi}{\lambda} \left(1 - \frac{\phi \text{CO}_2 + \frac{1}{2} \text{CO}}{18.53} \right) \frac{\kappa}{\mu} \right) \times 2.37$$

(CO₂ + ½ CO)

Note: Multiplying the g/kg emission factor by the burn rate (dry kg/hr) yields particulate emissions in grams per hour (g/hr). Burn rate is calculated by the following equation:

$$\text{CO emission factor (g/kg)} = \frac{(\text{Fraction CO}) \times (\text{Stoichiometric Volume}) \times (\text{Dilution Factor}) \times (\text{Molecular Weight of CO})}{(24.45 \text{ L/mole})}$$

WHERE:

1. Fraction CO: The fraction of CO measured in the gas sampling bag.

Note: Percent CO divided by 100 gives the fraction CO.

Total Burning Period = (Length of each sample cycle) x (Number of flue temperature readings over 25°F (14°C) greater than the ambient temperature of the test facility).

WHERE:

1. Length of each sample cycle: The time between each temperature recording as configured in the CONLOG software settings (standardized at 5 minutes).

2. Number of flue temperature readings during fireplace use: The total number of temperature readings when the calibrated temperature value was more than 25°F (14°C) greater than the ambient temperature of the test facility.

31.203.12.6.3 Particulate emissions.

31.203.12.6.3.1 ESS particulate emission factor. The equation for the total ESS particulate emission factor for each test-burn presented below produces reporting units of grams per dry kilogram of fuel burned (g/kg):

$$\text{Burn Rate (kg/hr)} = \frac{\text{Total Fuel (kg)}}{\text{Total Burn Period (hours)}}$$

WHERE:

Total Fuel is the total fuel added during the entire test-burn minus the remaining unburned materials at the end of the test-burn.

4. Sampling Time: The number of minutes the sampler pump operated during the total test-burn period.

5. Sampling Rate: Sampling rate is controlled by the critical orifice installed in the sampler. The actual calibrated sampling rate is used here.

31.203.12.6.3.2 EPA Method 5H particulate emissions. ESS-measured emissions factors submitted to DOE for approval must first be converted to U.S. EPA Method 5H equivalents. The ESS particulate emissions factor results obtained in Section 31.203.12.6.1 are converted to be equivalent to the U.S. EPA Method 5H emissions factor results by the following equation:

$$1.254 + (0.302 \times \text{PEF}) + (1.261 \times 10^{-\text{PEF}})$$

WHERE:

PEF is the ESS-measured particulate emission factor for a test-burn.

31.203.12.6.4 CO emissions. The carbon monoxide (CO) emission factor equation produces grams of CO per dry kilogram of fuel burned. The grams per kilogram equation includes some equation components described above.

2. Molecular Weight of CO: The gram molecular weight of CO, 28 pounds per pound-mole (28.0 g/g-mole).

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Multiplying the results of the above equation by the burn rate (dry kg/hr) yields the grams per hour (g/hr) CO emission rate.

Table 31-2-A Example ESS Data Results Format
ESS Emission Results

Test Facility Location:	xxxx
Test Laboratory:	xxxx
Test-Burn Number:	xxxx
Start Time/Date:	xxxx
End Time/Date:	xxxx
Fireplace Model:	xxxx

TIME

Total Test Period	152.3 hours
Total Burn Time	64.6 hours
Flue > 25 Degrees F above ambient temperature	42.4 %

ESS SETTINGS

ESS Sample Rate	1.004 l/min
Sample Cycle	5.0 min
Sample Time/Sample Cycle	0.443 min

TEST FUEL

Total Fuel Used (wet weight)	101.3 kg
Ave. Fuel Moisture (dry basis)	17.7 %
Total Fuel Used (dry weight)	86.1 kg
Average Test-Fuel Charge	14.5 kg
Average Burn Rate	1.33 dry kg/hr

PARTICULATE EMISSIONS (EPA METHOD 5H EQUIVALENTS)

Gram/Kilogram	2.6 g/kg
Gram/Hour	3.4 g/hr
Gram/Cubic Meter	0.06 g/m ³

CARBON MONOXIDE EMISSIONS

Gram/Kilogram	48.0 g/kg
Gram/Hour	64.0 g/hr
Gram/Cubic Meter	1.25 g/m ³

AVERAGE TEMPERATURES

Fuel-Gas Temperatures	135°C	275°F
Flue Exit Temperature	154°C	308°F

AVERAGE TEMPERATURES

Test Facility	19°C	66°F
Ambient Temperature		

AVERAGE FLUE-GAS CONCENTRATIONS

Flue Oxygen (SE)	18.15 %
Flue Oxygen (gas bag or analyzer)	18.05 %
Flue CO (gas bag or analyzer)	0.10 %
Flue CO ₂ (gas bag or analyzer)	2.60 %

BREAKDOWN OF ESS PARTICULATE SAMPLE

Rinse	25.5 mg
XAD	6.3 mg
Filter	15.7 mg
Blank	0.0 mg
TOTAL	47.4 mg

Notes: NM = Not Measured, NA = Not Applicable, NU = Not Used
Total time flue temperature greater than 25°F over ambient temperature.

TEST PERFORMED BY: XYZ Testing International, Olympia, Washington, 98504.

31.203.13 Calibrations.

31.203.13.1 Balance. Before each certification test, the balance used for weighing test-fuel charges shall be audited by weighing at least one calibration weight (Class F) that corresponds to 20 percent to 80 percent of the expected test-fuel charge weight. If the scale cannot reproduce the value of the calibration weight within 0.1 lb (0.05 kg) or 1 percent of the expected test-fuel charge weight, whichever is greater, recalibrate the scale before use with at least five calibration weights spanning the operational range of the scale.

31.203.13.2 Temperature monitor. Calibrate the Temperature Monitor before the first certification test and semiannually thereafter.

31.203.13.3 Fuel moisture meter. Calibrate the Fuel Moisture Meter as per the manufacturer's instructions before each certification test.

31.203.13.4 Anemometer. Calibrate the anemometer as specified by the manufacturer's instructions before the first certification test and semiannually thereafter.

31.203.13.5 Barometer. Calibrate the barometer against a mercury barometer before the first certification test and semiannually thereafter.

31.203.13.6 Draft gauge. Calibrate the draft gauge as per the manufacturer's instructions; a liquid manometer does not require calibration.

31.203.13.7 ESS. The ESS shall be calibrated as specified in Section 31.203.12.1.

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31.203.14 Reporting criteria. Submit both raw and reduced data for all fireplace tests. Specific reporting requirements are as follows:

31.203.14.1 Fireplace identification. Report fireplace identification information including manufacturer, model, and serial number. Include a copy of fireplace installation and operation manuals.

31.203.14.2 Test facility information. Report test facility location, temperature, and air velocity information.

31.203.14.3 Test equipment calibration and audit information. Report calibration and audit results for the test-fuel balance, test-fuel moisture meter, analytical balance, and sampling equipment including volume metering systems and gaseous analyzers.

31.203.14.4 Pretest information and conditions. Report all pretest conditions including test-fuel charge weight, fireplace temperatures, and air supply settings.

31.203.14.5 Particulate emission data. Report a summary of test results for all test-burns conducted and the arithmetically averaged emission factor for all test-burns used for certification. Submit copies of all data sheets and other records collected during the testing. Submit examples of all calculations.

31.203.14.6 Required test report information and suggested format. Test report information requirements to be provided to DOE for approval/certification of fireplaces are presented in this standard. The requirements are presented here in a recommended report format.

31.203.14.6.1 Introduction.

1. Purpose of test: Certification or audit.
2. Fireplace identification: Manufacturer, model number, catalytic/noncatalytic, and options. Include a copy of fireplace installation and operation manuals.
3. Laboratory: Name, location, and participants.
4. Test information: Date fireplace was received, date of tests, sampling methods used, and number of test-burns.

31.203.14.6.2 Summary and discussion of results.

1. Table of results: Test-burn number, burn rate, particulate emission factor (in U.S. EPA Method 5H equivalents), efficiency (if determined), and averages (indicate which test-burns are used).
2. Summary of other data: Test facility conditions, surface temperature averages, catalyst temperature averages, test-fuel charge weights, and test-burn times.
3. Discussion: Specific test-burn problems and solutions.

31.203.14.6.3 Process description.

1. Fireplace dimensions: Volume, height, width, lengths (or other linear dimensions), weight, and hearth area.
2. Firebox configuration: Air supply locations and operation, air supply introduction location, refractory location and dimensions, catalyst location, baffle and by-pass location and operation (include line drawings and photographs).
3. Process operation during test: Air supply settings and adjustments, fuel bed adjustments, and draft.

4. Test fuel: Test fuel properties (moisture and temperature), test fuel description (include line drawings or photograph), and test fuel charge density.

31.203.14.6.4 Sampling locations. Describe sampling location relative to fireplace. Include line drawings and photographs.

31.203.14.6.5 Sampling and analytical procedures.

1. Sampling methods: Brief reference to operational and sampling procedures, and optional and alternative procedures used.
2. Analytical methods: Brief description of sample recovery and analysis procedures.

31.203.14.6.6 Quality control and assurance procedures and results.

1. Calibration procedures and results: Certification, sampling, and analysis procedures.
2. Test method quality control procedures: Leak-checks, volume-meter checks, stratification (velocity) checks, and proportionality results.

31.203.14.6.7 Appendices.

1. Results and Example Calculations. Include complete summary tables and accompanying examples of all calculations.
2. Raw Data. Include copies of all uncorrected data sheets for sampling measurements, temperature records, and sample recovery data. Include copies of all burn rate and fireplace temperature data.
3. Sampling and Analytical Procedures. Include detailed description of procedures followed by laboratory personnel in conducting the certification test, emphasizing particularly, parts of the procedures differing from the prescribed methods (e.g., DOE approved alternatives).
4. Calibration Results. Summary of all calibrations, checks, and audits pertinent to certification test results including dates.
5. Participants. Test personnel, manufacturer representatives, and regulatory observers.
6. Sampling and Operation Records. Copies of uncorrected records of activities not included on raw data sheets (e.g., fireplace door open times and durations).
7. Additional Information. Fireplace manufacturer's written instructions for operation during the certification test and copies of the production-ready (print-ready) temporary and permanent labels required in Section 31.208 shall be included in the test report prepared by the test laboratory.

31.203.14.7 References.

1. Code of Federal Regulations, U.S. EPA Title 40, Part 60, Subpart AAA and Appendix A (40 CFR Part 60).
2. Barnett, S. G. and P. G. Fields, 1991, In-Home Performance of Exempt Pellet Stoves in Medford, Oregon, prepared for U.S. Department of Energy, Oregon Department of Energy, Tennessee Valley Authority, and Oregon Department of Environmental Quality, July 1991.
3. Barnett, S. G. and R. R. Roholt, 1990, In-Home Performance of Certified Pellet Stoves in Medford and Klamath Falls, Oregon, prepared for the U.S. Department of Energy, 1990.

4. Barnett, S. G., 1990, "Field Performance of Advanced Technology Woodstoves in Glens Falls, New York, 1988-1989," for New York State Energy Research and Development Authority, U.S. EPA, Coalition of Northeastern Governors, Canadian Combustion Research Laboratory, and the Wood Heating Alliance, December 1989.

SECTION 31.204—APPROVAL PROCEDURE FOR FIREPLACES.

On or after the effective date of this regulation, a manufacturer or builder of a fireplace who wishes to have a fireplace model line or fireplace design designated as an approved (or certified) fireplace, shall submit to DOE for its review the following information:

31.204.1 Manufacturer name and street address, model or design identification, construction specifications, and drawings of the firebox and required chimney system.

31.204.2 A test report prepared in accordance with Section 31.203.14.6 showing that testing has been conducted by a DOE approved and U.S. EPA accredited laboratory, and that the arithmetically averaged particulate emission factors for that fireplace model line or design, tested in accordance with Washington State Building Code Standard 31-2, Section 31.202, does not exceed 7.3 g/kg (U.S. EPA Method 5H equivalent as determined in Section 31.203.12.6.3.2) for factory-built fireplace model lines or designs or 12.0 g/kg (U.S. EPA Method 5H equivalent as determined in Section 31.203.12.6.3.2) for new certified masonry fireplace model lines or designs. After January 1, 1999, particulate emission factors for factory-built and new certified masonry fireplace model lines or designs shall not exceed 7.3 g/kg (U.S. EPA Method 5H equivalents as determined in Section 31.203.12.6.3.2).

SECTION 31.205—APPROVAL OF NONTESTED FIREPLACES.

On or after the effective date of this regulation, DOE may grant approval for a fireplace model line or design that has not been tested pursuant to Section 31.204 upon submission of the following by the applicant:

31.205.1 Manufacturer name and street address, model or design identification, construction specifications, and drawings of the internal assembly system.

31.205.2 Documentation from an EPA accredited laboratory that the model is a fireplace within the definition of this regulation, has substantially the same core construction as a model already tested by a DOE approved and EPA accredited laboratory, and is substantially similar to the approved model in internal assembly design, combustion function, and probable emissions performance as listed in Section 31.204.2.

SECTION 31.206—APPROVAL THROUGH ALTERNATIVE TEST PROTOCOL.

As provided in Section 31.202.4, an alternative testing protocol may be submitted by a DOE approved and EPA accredited laboratory for acceptance by DOE as equivalent to Washington State Building Code Standard 31-2.

SECTION 31.207—APPROVAL TERMINATION.

All fireplace model line or design approvals shall terminate five years from the approval date. Previously approved fireplace model line and/or design may be granted reapproval (recertification) upon application to and review by DOE. No testing shall be required for fireplace model line or design reapprovals unless DOE determines that design changes have been incorporated into the fireplace that could adversely affect the emissions factor, or testing is otherwise stipulated by DOE.

DOE may revoke a fireplace model line or design approval certification if it is determined that the fireplaces being produced in a specific model line do not comply with the requirements of Section 31.200. Such a determination shall be based on all available evidence, including:

1. Test data from a retesting (audit test) of the original unit on which the certification test was conducted or a sample unit from the current model line;
2. A finding that the certification test was not valid;
3. A finding that the labeling of the fireplace does not comply with the requirements of Section 31.200;
4. Failure by the fireplace manufacturer (builder) to comply with reporting and recordkeeping requirements under Section 31.200;
5. Physical examination showing that a significant percentage of production units inspected are not similar in all material respects to the fireplace submitted for testing; or
6. Failure of the manufacturer to conduct a quality assurance program in conformity with Section 31.208.

Revocation of certification under this section shall not take effect until the manufacturer (builder) concerned has been given written notice by DOE setting forth the basis for the proposed determination and an opportunity to request a hearing.

SECTION 31.208—QUALITY CONTROL.

Once within 30 days of each annual anniversary after the initial approval/certification, a DOE approved and U.S. EPA accredited laboratory shall inspect the most recently produced fireplace of an approved model line or design at its manufacturing location (site, if site-built) to document adherence to the approved/certified fireplace design specifications. If no fireplaces of an approved model line or design were produced (built) during the previous 12 months, no inspection is required.

An inspection report for each approved fireplace model line or design must be submitted to DOE within 30 days after the inspection date. The inspection report shall include, as a minimum, the model identification and serial number of the fireplace inspected, the location where the model was inspected, the names of the manufacturer's and/or builder's representatives present, the date of inspection, and a description of any changes made to the approved fireplace model line or design since the last inspection. The U.S. EPA accredited laboratory which conducts the annual quality control inspection is responsible for auditing the content and format of all labels to be applied to approved fireplaces as stipulated in 31.209.

A fireplace model line or design shall be retested in accordance with Section 31.202 if it is determined during

inspection that design changes have been incorporated into the approved/certified fireplace design which adversely affect the fireplace particulate emissions factor. Design elements which can affect fireplace particulate emissions include:

1. Grate placement and height;
2. Air supply minimum and maximum controls;
3. Usable hearth area; and
4. Firebox height, width, and length dimensions.

SECTION 31.209 — PERMANENT LABEL, TEMPORARY LABEL AND OWNER'S MANUAL.

31.209.1 Labels and the owner's manual. Labels and owner's manual shall be prepared and installed in all certified "FOR SALE" fireplaces as specified in U.S. EPA 40 CFR Part 60, Section 60.536. Information that shall be presented on all labels includes:

1. Manufacturer's or builder's name, address, and phone number;
2. Model number and/or name;
3. Month and year of manufacture;
4. Starting and ending dates for the 5-year approval period;
5. If a fireplace was tested and approved with an emissions control device which is not an integral part of the fireplace structure, the label shall state that "The fireplace cannot be sold or installed without the specified emissions control device in place and operational";
6. On certified fireplaces the statement: "This appliance has been tested and has demonstrated compliance with Washington state amendment to the Washington State Building Code Standard 31-2 requirements."

SECTION 31.210—LIST OF APPROVED FIREPLACES.

DOE shall maintain a list of approved fireplace model lines and designs, and that list shall be available to the public.

**WSR 04-01-109
PERMANENT RULES
BUILDING CODE COUNCIL**

[Filed December 17, 2003, 10:20 a.m., effective July 1, 2004]

Date of Adoption: November 21, 2003.

Purpose: To adopt chapter 51-51 WAC. Chapter 51-51 WAC adopts and amends the International Residential Code, 2003 Edition, published by the International Code Council.

Statutory Authority for Adoption: RCW 19.27.031 and 19.27.074.

Adopted under notice filed as WSR 03-18-077 on August 29, 2003.

Changes Other than Editing from Proposed to Adopted Version: Sections G2415.4 and P2802.1 are not amended; the model code language for those sections is adopted. Section G2439.5.3 is not adopted.

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 18, 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 18, 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 18, Amended 0, Repealed 0.

Effective Date of Rule: July 1, 2004.

November 21, 2003

Tim Nogler
for Stan Price
Council Chair

Chapter 51-51 WAC

STATE BUILDING CODE ADOPTION AND AMENDMENT OF THE 2003 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE

NEW SECTION

WAC 51-51-001 Authority. These rules are adopted under the authority of chapter 19.27 RCW.

NEW SECTION

WAC 51-51-002 Purpose. The purpose of these rules is to implement the provisions of chapter 19.27 RCW, which provides that the state building code council shall maintain the State Building Code in a status which is consistent with the purpose as set forth in RCW 19.27.020. In maintaining the codes the council shall regularly review updated versions of the codes adopted under the act, and other pertinent information, and shall amend the codes as deemed appropriate by the council.

NEW SECTION

WAC 51-51-003 International Residential Code. The 2003 edition of the *International Residential Code* as published by the International Code Council is hereby adopted by reference with the following additions, deletions, and exceptions: Provided that chapters 11 and 25 through 42 of this code are not adopted.

NEW SECTION

WAC 51-51-007 Exceptions. The exceptions and amendments to the International Residential Code contained in the provisions of chapter 19.27 RCW shall apply in case of conflict with any of the provisions of these rules.

The provisions of this code do not apply to temporary growing structures used solely for the commercial production of horticultural plants including ornamental plants, flowers, vegetables, and fruits. "Temporary growing structure" means a structure that has the sides and roof covered with polyethyl-

ene, polyvinyl, or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention. A temporary growing structure is not considered a building for purposes of this code.

The provisions of this code do not apply to the construction, alteration, or repair of temporary worker housing except as provided by rule adopted under chapter 70.114A RCW or chapter 37, Laws of 1998 (SB 6168). "Temporary worker housing" means a place, area, or piece of land where sleeping places or housing sites are provided by an employer for his or her employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees, for temporary, seasonal occupancy, and includes "labor camps" under RCW 70.54.110.

Codes referenced which are not adopted through RCW 19.27.031 or chapter 19.27A RCW shall not apply unless specifically adopted by the authority having jurisdiction.

The standards for liquefied petroleum gas installations shall be NFPA 58 (Liquefied Petroleum Gas Code) and NFPA 54 (National Fuel Gas Code). All other fuel gas installations shall be regulated by the International Mechanical Code and International Fuel Gas Code.

NEW SECTION

WAC 51-51-008 Implementation. The International Residential Code adopted by chapter 51-51 Washington Administrative Code (WAC) shall become effective in all counties and cities of this state on July 1, 2004.

NEW SECTION

WAC 51-51-0101 Section R101—Title, scope and purpose.

R101.2 Scope. The provisions of the *International Residential Code for One- and Two-Family Dwellings* shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures, including adult family homes, foster family care homes and family day care homes licensed by the Washington state department of social and health services.

NEW SECTION

WAC 51-51-0102 Section R102—Applicability.

R102.7.2 Moved buildings. Buildings or structures moved into or within a jurisdiction shall comply with the provisions of this code, the International Building Code (chapter 51-50 WAC), the International Mechanical Code (chapter 51-52 WAC), the International Fire Code (chapter 51-54 WAC), the Uniform Plumbing Code and Standards (chapters 51-56 and 51-57 WAC), the Washington State Energy Code (chapter 51-11 WAC) and the Washington State Ventilation and Indoor Air Quality Code (chapter 51-13 WAC) for new buildings or structures.

EXCEPTION: Group R-3 buildings or structures are not required to comply if:

1. The original occupancy classification is not changed; and
2. The original building is not substantially remodeled or rehabilitated.

For the purposes of this section a building shall be considered to be substantially remodeled when the costs of remodeling exceed 60 percent of the value of the building exclusive of the costs relating to preparation, construction, demolition or renovation of foundations.

NEW SECTION

WAC 51-51-0202 Section R202—Definitions.

ADULT FAMILY HOME means a dwelling in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

CHILD DAY CARE, shall, for the purposes of these regulations, mean the care of children during any period of a 24 hour day.

CHILD DAY CARE HOME, FAMILY is a child day care facility, licensed by the state, located in the dwelling of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home.

UNUSUALLY TIGHT CONSTRUCTION. Construction meeting the following requirements:

1. Walls exposed to the outside atmosphere having a continuous water vapor retarder with a rating of 1 perm (57 ng/s·m²·Pa) or less with openings gasketed or sealed;

2. Openable windows and doors meeting the air leakage requirements of the *International Energy Conservation Code*, Section 502.1.4; and

3. Caulking or sealants are applied to areas such as joints around window and door frames, between sole plates and floors, between wall-ceiling joints, between wall panels, at penetrations for plumbing, electrical and gas lines, and at other openings; or

4. Buildings built in compliance with the 1986 or later editions of the Washington State Energy Code chapter 51-11 WAC, Northwest Energy Code, or Super Good Cents weatherization standards or equivalent.

NEW SECTION

WAC 51-51-0303 Section R303—Light, ventilation and heating.

R303.8.1 Definitions. For the purposes of this section only, the following definitions apply.

DESIGNATED AREAS are those areas designated by a county to be an urban growth area in chapter 36.70A RCW and those areas designated by the U.S. Environmental Protection Agency as being in nonattainment for particulate matter.

SUBSTANTIALLY REMODELED means any alteration or restoration of a building exceeding 60 percent of the appraised value of such building within a 12 month period. For the pur-

pose of this section, the appraised value is the estimated cost to replace the building and structure in kind, based on current replacement costs.

R303.8.2 Primary Heating Source. Primary heating sources in all new and substantially remodeled buildings in designated areas shall not be dependent upon wood stoves.

R303.8.3 Solid Fuel Burning Devices. No used solid fuel burning device shall be installed in new or existing buildings unless such device is United States Environmental Protection Agency certified or a pellet stove either certified or exempt from certification by the United States Environmental Protection Agency.

EXCEPTION: Antique wood cook stoves and heaters manufactured prior to 1940.

NEW SECTION

WAC 51-51-0311 Section R311—Means of egress.

R311.1 General. Stairways, ramps, exterior exit balconies, hallways and doors shall comply with this section.

EXCEPTION: Stairs or ladders within an individual dwelling unit used to gain access to areas of 200 square feet (18.6 m²) or less, and not containing the primary bathroom or kitchen.

R311.6.3.3 Continuity. Handrails where required on ramps shall be continuous for the full length of the ramp. Handrail ends shall be returned or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than 1.5 inches (38 mm) between the wall and the handrails. At least one handrail shall extend in the direction of ramp run not less than 12 inches (305 mm) horizontally beyond the top and bottom of the ramp runs.

NEW SECTION

WAC 51-51-0313 Section R313—Smoke alarms.

R313.3 Family child day care homes. In family child day care homes operable smoke alarms shall be located in all sleeping and napping areas. When the family child day care home has more than one story, and in family child day care homes with basements, an operable smoke alarm shall be installed on each story and in the basement. In family child day care homes where a story or basement is split into two or more levels, the smoke alarm shall be installed in the upper level, except that when the lower level contains a sleeping or napping area, an operable smoke alarm shall be located on each level. When sleeping rooms are on an upper level, the smoke alarm shall be placed at the ceiling of the upper level in close proximity to the stairway. In family child day care homes where the ceiling height of a room open to the hallway serving the bedrooms exceeds that of the hallway by 24 inches or more, smoke alarms shall be installed in the hallway and the adjacent room. Smoke alarms shall sound an alarm audible in all areas of the building.

NEW SECTION

WAC 51-51-0324 Section R324—Adult family homes.

SECTION R324 ADULT FAMILY HOMES

R324.1 General. This section shall apply to all newly constructed adult family homes and all existing single family homes being converted to adult family homes. This section shall not apply to those adult family homes licensed by the state of Washington department of social and health services prior to July 1, 2001.

R324.2 Submittal Standards. In addition to those requirements in Section 106.1, the submittal shall identify the project as a Group R-3 Adult Family Home Occupancy. A floor plan shall be submitted identifying the means of egress and the components in the means of egress such as stairs, ramps, platform lifts and elevators. The plans shall indicate the rooms used for clients and the sleeping room classification of each room.

R324.3 Sleeping Room Classification. Each sleeping room in an adult family home shall be classified as:

1. Type S - where the means of egress contains stairs, elevators or platform lifts.
2. Type NS1 - where one means of egress is at grade level or a ramp constructed in accordance with R311.6 is provided.
3. Type NS2 - where two means of egress are at grade level or ramps constructed in accordance with R311.6 are provided.

R324.4 Types of Locking Devices. All bedroom and bathroom doors shall be operable from the outside when locked.

Every closet shall be readily operable from the inside.

R324.5 Smoke Alarm Requirements. All adult family homes shall be equipped with smoke alarms installed as required in Section R313. Alarms shall be installed in such a manner so that the fire warning may be audible in all parts of the dwelling upon activation of a single device.

R324.6 Escape Windows and Doors. Every sleeping room shall be provided with emergency escape and rescue windows as required by Section R310.

R324.7 Fire Apparatus Access Roads and Water Supply for Fire Protection. Adult family homes shall be served by fire apparatus access roads and water supplies meeting the requirements of the local jurisdiction.

NEW SECTION

WAC 51-51-0325 Section R325—Family child day care homes.

SECTION R325 FAMILY CHILD DAY CARE HOMES

R325 Family Child Day Care Homes. For family child day care homes with more than six children, each floor level used

for family child day care purposes shall be served by two remote means of egress. Exterior exit doors shall be operable from the inside without the use of keys or any special knowledge or effort.

Basements located more than 4 feet below grade level shall not be used for family child day care homes unless one of following conditions exist:

1. Stairways from the basement open directly to the exterior of the building without entering the first floor; or
2. One of the two required means of egress discharges directly to the exterior from the basement level, and a self closing door is installed at the top or bottom of the interior stair leading to the floor above; or
3. One of the two required means of egress is an operable window or door, approved for emergency escape or rescue, that opens directly to a public street, public alley, yard or exit court; or
4. A residential sprinkler system is provided throughout the entire building in accordance with National Fire Protection Association Standard 13d.

Floors located more than 4 feet above grade level shall not be occupied by children in family day care homes.

EXCEPTIONS:

1. Use of toilet facilities while under supervision of an adult staff person.
2. Family child day care homes may be allowed on the second story if one of the following conditions exists:
 - 2.1 Stairways from the second story open directly to the exterior of the building without entering the first floor; or
 - 2.2 One of the two required means of egress discharges directly to the exterior from the second story level, and a self-closing door is installed at the top or bottom of the interior stair leading to the floor below; or
 - 2.3 A residential sprinkler system is provided throughout the entire building in accordance with National Fire Protection Association Standard 13d.

Every sleeping or napping room in a family child day care home shall have at least one operable window for emergency rescue.

EXCEPTION: Sleeping or napping rooms having doors leading to two separate means of egress, or a door leading directly to the exterior of the building.

Rooms or spaces containing a commercial-type cooking kitchen, boiler, maintenance shop, janitor closet, laundry, woodworking shop, flammable or combustible storage, or painting operation shall be separated from the family child day care area by at least one-hour fire-resistive construction.

EXCEPTION: A fire-resistive separation shall not be required where the food preparation kitchen contains only a domestic cooking range, and the preparation of food does not result in the production of smoke or grease laden vapors.

NEW SECTION

WAC 51-51-1004 Section R1004—Factory-built fireplaces.

R1004.1.1 Emission Standards for Factory-built Fireplaces. After January 1, 1997, no new or used factory-built fireplace shall be installed in Washington state unless it is certified and labeled in accordance with procedures and criteria

specified in the Washington State Building Code Standard 31-2.

To certify an entire fireplace model line, the internal assembly shall be tested to determine its particulate matter emission performance. Retesting and recertifying is required if the design and construction specifications of the fireplace model line internal assembly change. Testing for certification shall be performed by a Washington state department of ecology (DOE) approved and U.S. Environmental Protection Agency (EPA) accredited laboratory.

R1004.1.2 Emission Standards for Certified Masonry and Concrete Fireplaces. After January 1, 1997, new certified masonry or concrete fireplaces installed in Washington state shall be tested and labeled in accordance with procedures and criteria specified in the Washington State Building Code Standard 31-2.

To certify an entire fireplace model line, the internal assembly shall be tested to determine its particulate matter emission performance. Retesting and recertifying is required if the design and construction specifications of the fireplace model line internal assembly change. Testing for certification shall be performed by a Washington state department of ecology (DOE) approved and U.S. Environmental Protection Agency (EPA) accredited laboratory.

NEW SECTION

WAC 51-51-2000 Chapter 20—Boilers and water heaters. Boilers and Unfired Pressure Vessels are regulated by chapter 70.79 RCW and chapter 296-104 WAC.

SECTION M2001—BOILERS, is not adopted.

SECTION M2002—OPERATING AND SAFETY CONTROLS, is not adopted.

SECTION M2003—EXPANSION TANKS, is not adopted.

NEW SECTION

WAC 51-51-2401 Section G2401 (101)—General.

G2401.1 (101.2) Application. This chapter covers those fuel-gas piping systems, fuel-gas utilization equipment and related accessories, venting systems and combustion air configurations most commonly encountered in the construction of one- and two-family dwellings and structures regulated by this code.

EXCEPTIONS:

1. As an alternative to the provisions of this code, fuel-gas piping systems, fuel-gas utilization equipment and related accessories in existing buildings that are undergoing repairs, alterations, changes in occupancy or construction of additions shall be permitted to comply with the provisions of the *International Existing Building Code*.
2. The standards for liquefied petroleum gas installations shall be NFPA 58 (Liquefied Petroleum Gas Code) and ANSI Z223.1/NFPA 54 (National Fuel Gas Code).

Coverage of piping systems shall extend from the point of delivery to the outlet of the equipment shutoff valves (see "Point of delivery"). Piping systems requirements shall include design, materials, components, fabrication, assembly, installation, testing, inspection, operation and maintenance.

nance. Requirements for gas utilization equipment and related accessories shall include installation, combustion and ventilation air and venting and connections to piping systems.

The omission from this chapter of any material or method of installation provided for in the *International Fuel Gas Code* shall not be construed as prohibiting the use of such material or method of installation. Fuel-gas piping systems, fuel-gas utilization equipment and related accessories, venting systems and combustion air configurations not specifically covered in these chapters shall comply with the applicable provisions of the *International Fuel Gas Code*.

Gaseous hydrogen systems shall be regulated by Chapter 7 of the *International Fuel Gas Code*.

This chapter shall not apply to the following:

1. Liquefied natural gas (LNG) installations.
2. Temporary LP-gas piping for buildings under construction or renovation that is not to become part of the permanent piping system.
3. Except as provided in Section G2412.1.1, gas piping, meters, gas pressure regulators, and other appurtenances used by the serving gas supplier in the distribution of gas, other than undiluted LP-gas.
4. Portable LP-gas equipment of all types that is not connected to a fixed fuel piping system.
5. Portable fuel cell appliances that are neither connected to a fixed piping system nor interconnected to a power grid.
6. Installation of hydrogen gas, LP-gas and compressed natural gas (CNG) systems on vehicles.

NEW SECTION

WAC 51-51-2415 Section G2415 (404)—Piping system installation.

G2415.8 (404.8) Protection against corrosion. Metallic pipe or tubing exposed to corrosive action, such as soil condition or moisture, shall be protected in an approved manner, and cathodically protected in accordance with NACE RP-01-69. Zinc coatings (galvanizing) shall not be deemed adequate protection for gas piping underground. Ferrous metal exposed in exterior locations shall be protected from corrosion in a manner satisfactory to the code official. Where dissimilar metals are joined underground, an insulation coupling or fitting shall be used. Piping shall not be laid in contact with cinders.

NEW SECTION

WAC 51-51-4300 Chapter 43—Referenced standards.

**Washington State Building Code Standard 31-2
STANDARD TEST METHOD FOR PARTICULATE EMISSIONS
FROM FIREPLACES**

(Insert following page 524)

**See Section R1004.1, *International Residential Code*
Standard is located in *International Building Code*, Chapter
35**

WSR 04-01-110

PERMANENT RULES

BUILDING CODE COUNCIL

[Filed December 17, 2003, 10:20 a.m., effective July 1, 2004]

Date of Adoption: November 21, 2003.

Purpose: To amend chapters 51-56 and 51-57 WAC to adopt and amend the 2003 Edition of the Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials.

Statutory Authority for Adoption: RCW 19.27.031 and 19.27.074.

Adopted under notice filed as WSR 03-18-080 on August 29, 2003.

Changes Other than Editing from Proposed to Adopted Version: The last sentence of Section 501.0 was deleted. The proposed exception to Section 508.5 was not adopted. The proposed change to Section 608.5 was not adopted.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 14, 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 15, Repealed 0.

Effective Date of Rule: July 1, 2004.

November 21, 2003

Tim Nogler
for Stan Price
Council Chair

PERMANENT

Chapter 51-56 WAC

STATE BUILDING CODE ADOPTION AND AMENDMENT OF THE ((2000)) 2003 EDITION OF THE UNIFORM PLUMBING CODE

AMENDATORY SECTION (Amending WSR 02-01-114, filed 12/18/01, effective 7/1/02)

WAC 51-56-003 Uniform Plumbing Code. The ((2000)) 2003 edition of the Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials, is hereby adopted by reference with the following additions, deletions and exceptions: Provided that chapters ((11,)) 12 and 15 of this code are not adopted. Provided further, that those requirements of the Uniform Plumbing Code relating to venting and combustion air of fuel fired appliances as found in chapter 5 and those portions of the code addressing building sewers are not adopted.

AMENDATORY SECTION (Amending WSR 02-01-114, filed 12/18/01, effective 7/1/02)

WAC 51-56-007 Exceptions. The exceptions and amendments to the ((uniform)) model codes contained in the provisions of chapter 19.27 RCW shall apply in cases of conflict with any of the provisions of these rules.

Codes referenced which are not adopted through RCW 19.27.031 or chapter 19.27A RCW shall not apply unless specifically adopted by the authority having jurisdiction.

AMENDATORY SECTION (Amending WSR 02-01-114, filed 12/18/01, effective 7/1/02)

WAC 51-56-008 Implementation. The Uniform Plumbing Code adopted by chapter 51-56 WAC shall become effective in all counties and cities of this state on July 1, ((2002)) 2004, unless local government residential amendments have been approved by the state building code council.

AMENDATORY SECTION (Amending WSR 02-01-114, filed 12/18/01, effective 7/1/02)

WAC 51-56-0100 Chapter 1—Administration.

101.4.1.4 Conflict Between Codes. Delete paragraph.

102.4 Appeals. All persons shall have the right to appeal a decision of the ((administrative)) authority having jurisdiction. The jurisdiction shall have a board of appeals to hear and rule on Plumbing Code appeals. Members of the board shall be appointed by the jurisdiction. Decisions by the board shall be reported to the jurisdiction and administered by the ((administrative)) authority having jurisdiction.

103.1.3 Certification. State rules and regulations concerning certification shall apply.

AMENDATORY SECTION (Amending WSR 02-01-114, filed 12/18/01, effective 7/1/02)

WAC 51-56-0200 Chapter 2—Definitions.

205.0 Certified Backflow Assembly Tester - A person certified by the Washington state department of health under chapter 246-292 WAC to inspect (for correct installation and approval status) and test (for proper operation) approved backflow assemblies.

~~((208.0 Flammable Vapor or Fumes is the concentration of flammable constituents in air that exceeds 10 percent of its lower flammability limit (LFL):))~~

218.0 Plumbing System - Includes all potable water building supply and distribution pipes, all plumbing fixtures and traps, all drainage and vent pipe(s), and all building drains including their respective joints and connection, devices, receptors, and appurtenances within the property lines of the premises and shall include potable water piping, potable water treating or using equipment, medical gas and medical vacuum systems, and water heaters: Provided, That no certification shall be required for the installation of a plumbing system within the property lines and outside a building.

AMENDATORY SECTION (Amending WSR 02-01-114, filed 12/18/01, effective 7/1/02)

WAC 51-56-0300 Chapter 3—General regulations.

~~((301.1.1 Approvals. Unless otherwise provided for in this code, all materials, fixtures or devices used or entering into the construction of plumbing systems, or parts thereof, shall be submitted to the administrative authority for approval and shall conform to approved nationally recognized standards, and shall be free from defects. All pipe, fittings, traps, fixtures, material and devices used in a plumbing system shall be listed or labeled by a listing agency or shall be approved by the administrative authority:))~~

301.1.3 Standards. Standards listed or referred to in this chapter ((and Table 14-1)) or other chapters cover materials ((that)) which will conform to the requirements of this code, when used in accordance with the limitations imposed in this or other chapters thereof and their listing. Where a standard covers materials of various grades, weights, quality, or configurations, there may be only a portion of the listed standard which is applicable. Design and materials for special conditions or materials not provided for herein are allowed to be used ((only)) by special permission of the ((administrative)) authority having jurisdiction after the ((administrative)) authority having jurisdiction has been satisfied as to their adequacy in accordance with Section 301.2.

311.4 Except as hereinafter provided in Sections 908.0, 909.0, 910.0, and Appendix L, Section L 6.0, no vent pipe shall be used as a soil or waste pipe, nor shall any soil or waste pipe be used as a vent.

313.6 No water, soil, or waste pipe shall be installed or permitted outside of a building or in an exterior wall unless, where necessary, adequate provision is made to protect such pipe from freezing. All hot and cold water pipes installed out-

side the conditioned space shall be insulated to a minimum R-3.

313.7 All pipe penetrating floor/ceiling assemblies and fire-resistance rated walls or partitions shall be protected in accordance with the requirements of the building code.

~~((316.1.6 Solvent Cement Plastic Pipe Joints. Plastic pipe and fittings designed to be joined by solvent cementing shall comply with this code and the manufacturer's installation instructions.~~

~~ABS pipe and fittings shall be cleaned and then joined with listed solvent cement(s).~~

~~CPVC and PVC pipe and fittings shall be cleaned and joined with listed primer(s) and solvent cement(s).)~~

314.5.1 In Seismic Design Categories C, D, E and F hubless cast iron piping in sizes 5 inches and larger suspended in exposed locations over public or high traffic areas, pipe over 4 feet in length shall be provided with support on both sides of the coupling.

AMENDATORY SECTION (Amending WSR 02-01-114, filed 12/18/01, effective 7/1/02)

WAC 51-56-0400 Chapter 4—Plumbing fixtures and fixture fittings.

402.0 Water-Conserving Fixtures and Fittings.

402.1 The purpose of this section shall be to implement water conservation performance standards in accordance with RCW 19.27.170.

402.2 Application. This section shall apply to all new construction and all remodeling involving replacement of plumbing fixtures and fittings in all residential, hotel, motel, school, industrial, commercial use, or other occupancies determined by the council to use significant quantities of water. Plumbing fixtures, fittings and appurtenances shall conform to the standards specified in this section and shall be provided with an adequate supply of potable water to flush and keep the fixtures in a clean and sanitary condition without danger of backflow or cross-connection.

402.3 Water Efficiency Standards.

402.3.1 Standards for Vitreous China Plumbing Fixtures.

402.3.1.1 The following standards shall be adopted as plumbing materials, performance standards, and labeling standards for water closets and urinals. Water closets and urinals shall meet either the ANSI/ASME standards or the CSA standard.

ANSI/ASME A112.19.2M-1998	Vitreous China Plumbing Fixtures
ANSI/ASME A112.19.6-1995	Hydraulic Requirements for Water Closets and Urinals
CSA B45	CSA Standards on Plumbing Fixtures

402.3.1.2 The maximum water use allowed in gallons per flush (gpf) or liters per flush (lpf) for any of the following water closets shall be the following:

Tank-type toilets	1.6 gpf/6.0 lpf
Flushometer-valve toilets	1.6 gpf/6.0 lpf
Flushometer-tank toilets	1.6 gpf/6.0 lpf
Electromechanical hydraulic toilets	1.6 gpf/6.0 lpf

- EXCEPTIONS:**
1. Water closets located in day care centers, intended for use by young children may have a maximum water use of 3.5 gallons per flush or 13.25 liters per flush.
 2. Water closets with bed pan washers may have a maximum water use of 3.5 gallons per flush or 13.25 liters per flush.
 3. Blow out bowls, as defined in ANSI/ASME A112.19.2M, Section 5.1.2.3 may have a maximum water use of 3.5 gallons per flush or 13.25 liters per flush.

402.3.1.3 The maximum water use allowed for any urinal shall be 1.0 gallons per flush or 3.78 liters per flush.

402.3.1.4 No urinal or water closet that operates on a continuous flow or continuous flush basis shall be permitted.

402.3.1.5 This section does not apply to fixtures installed before the effective date of this Section, that are removed and relocated to another room or area of the same building after the effective date of this Section.

402.3.2 Standards for Plumbing Fixture Fittings.

402.3.2.1 The following standards are adopted as plumbing material, performance requirements, and labeling standards for plumbing fixture fittings. Faucets, aerators, and shower heads shall meet either the ANSI/ASME standard or the CSA standard.

ANSI/ASME A112.18.1M-1996	Plumbing Fixture Fittings
CSA B125	Plumbing Fittings

402.3.2.2 The maximum water use allowed for any shower head is 2.5 gallons per minute or 9.5 liters per minute.

- EXCEPTION:** Emergency use showers shall be exempt from the maximum water usage rates.

402.3.2.3 The maximum water use allowed in gallons per minute (gpm) or liters per minute (lpm) for any of the following faucets and replacement aerators is the following:

Lavatory faucets	2.5 gpm/9.5 lpm
Kitchen faucets	2.5 gpm/9.5 lpm
Replacement aerators	2.5 gpm/9.5 lpm
Public lavatory faucets other than metering	0.5 gpm/1.9 lpm

402.4 Metering Valves. Lavatory faucets located in restrooms intended for use by the general public shall be equipped with a metering valve designed to close by spring or water pressure when left unattended (self-closing).

- EXCEPTIONS:**
1. Where designed and installed for use by persons with a disability.
 2. Where installed in day care centers, for use primarily by children under 6 years of age.

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402.5 Implementation.

402.5.1 The standards for water efficiency and labeling contained within Section 402.3 shall be in effect as of July 1, 1993, as provided in RCW 19.27.170 and amended July 1, 1998.

402.5.2 No individual, public or private corporation, firm, political subdivision, government agency, or other legal entity, may, for purposes of use in the state of Washington, distribute, sell, offer for sale, import, install, or approve for installation any plumbing fixtures or fittings unless the fixtures or fittings meet the standards as provided for in this Section.

Sections 402.6 through 402.9 are not adopted.

412.2 Location of Floor Drains. Floor drains shall be installed in the following areas:

412.2.1 Toilet rooms containing two (2) or more water closets or a combination of one (1) water closet and one (1) urinal, except in a dwelling unit. The floor shall slope toward the floor drains.

412.2.2 Laundry rooms in commercial buildings and common laundry facilities in multifamily dwelling buildings.

413.0 Minimum Number of Required Fixtures. For minimum number of plumbing fixtures required, see Building Code chapter 29 and Table ((29-A)) 2902.1.

Sections 413.1 through 413.7 and Table 4-1 are not adopted.

AMENDATORY SECTION (Amending WSR 02-01-114, filed 12/18/01, effective 7/1/02)

WAC 51-56-0500 Chapter 5—Water heaters.

501.0 General. The regulations of this chapter shall govern the construction, location, and installation of fuel burning and other water heaters heating potable water. The minimum capacity for water heaters shall be in accordance with the first hour rating listed in Table 5-1. See the Mechanical Code for combustion air and installation of all vents and their connectors. All design, construction, and workmanship shall be in conformity with accepted engineering practices, manufacturer's installation instructions, and applicable standards and shall be of such character as to secure the results sought to be obtained by this Code. No water heater shall be hereinafter installed which does not comply in all respects with the type and model of each size thereof approved by the ((administrative)) authority having jurisdiction. A list of accepted gas equipment standards is included in Table 14-1.

((Water heaters used for space heating only are prohibited.))

TABLE 5-1^{1,3}

Number of Bathrooms	1 to 1.5			2 to 2.5				3 to 3.5			
	1	2	3	2	3	4	5	3	4	5	6
Number of Bedrooms											
First Hour Rating ² , Gallons	42	54	54	54	67	67	80	67	80	80	80

Notes: ¹The first hour rating is found on the "Energy Guide" label.
²Nonstorage and solar water heaters shall be sized to meet the appropriate first hour rating as shown in the table.
³For replacement water heaters, see Section 101.4.1.1.1.

~~(505.0 Gas Fired Water Heater Approval Requirements.~~

~~505.1 Gas fired water heaters shall conform to approved recognized applicable standards or to other standards acceptable to the administrative authority. Each such water heater shall bear the label of an approved testing agency, certifying and attesting that such equipment has been tested and inspected and meets the requirements of applicable standards.~~

~~505.2 Except when reconditioned by the manufacturer or the manufacturer's approved agent in accordance with its original approval requirements and reinstalled at its original location, each reconditioned water heater shall be tested for safety and conformity to approved standards, and shall bear the label of an approved testing agency certifying and attesting that such equipment has been tested and inspected and meets the requirements of applicable standards. Such label shall also state clearly that the water heater has been reconditioned, and shall give the name and address of the reconditioner. Every person applying for a permit to install a used or reconditioned water heater shall clearly state on the application for permit that such equipment is used or reconditioned.~~

~~505.3 Gas storage type water heaters shall be provided with, in addition to the primary temperature controls, an over temperature safety protection device constructed, listed, and installed in accordance with nationally recognized applicable~~

- ~~(502.1))~~ **502.2 Chimney** – Delete definition.
- ~~(502.2))~~ **502.3 Chimney ((Connector)), Factory-Built** – Delete definition.
- 502.4 Chimney, Masonry** – Delete definition.
- ~~502.5 ((Direct Vent Appliance))~~ **Chimney, Metal** – Delete definition.
- ~~502.7 ((Unusually Tight Construction))~~ **Direct Vent Appliance** – Delete definition.
- ~~502.8 ((Vent))~~ **Flue Collar** – Delete definition.
- ~~502.9 ((Vent Collar))~~ **Gas Vent, Type B** – Delete definition
- ~~502.10 Gas Vent, Type L~~ – Delete definition.
- ~~502.11 Vent~~ – Delete definition.
- ~~(502.10))~~ **502.12 Vent Connector** – Delete definition.
- ~~(502.11))~~ **502.13 Venting System** – Delete definition.
- ~~(502.12 Venting Systems Types~~ – Delete definition.))
- 504.1 Inspection of Chimneys or Vents.** Delete paragraph.

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standards for such devices and a combination temperature and pressure relief valve.)

505.1 Prohibited Locations. Water heaters which depend on the combustion of fuel for heat shall not be installed in a room used or designed to be used for sleeping purposes, bathroom, clothes closets or in a closet or other confined space opening into a bath or bedroom.

- EXCEPTIONS:**
1. Direct vent water heaters.
 2. Water heaters installed in a closet that has a weather-stripped solid door with an approved door closing device, and designed exclusively for the water heater and where all air for combustion and ventilation is supplied from the outdoors.
 3. Water heaters of the automatic storage type installed as a replacement in a bathroom, when specifically approved, properly vented and supplied with adequate combustion air.

Where not prohibited by other regulations, water heaters may be located under a stairway or landing.

506.2 All storage-type water heaters deriving heat from fuels or types of energy other than gas, shall be provided with, in addition to the primary temperature controls, an over-temperature safety protection device constructed, listed, and installed in accordance with nationally recognized applicable standards for such devices and a combination temperature and pressure relief valve.

507.0 Combustion Air. For issues relating to combustion air, see the Mechanical Code.

Sections 507.1 through ((507.5)) 507.10 are not adopted.

~~((509.0 Prohibited Locations. Water heaters which depend on the combustion of fuel for heat shall not be installed in a room used or designed to be used for sleeping purposes, bathroom, clothes closets or in a closet or other confined space opening into a bath or bedroom.~~

- EXCEPTIONS:**
1. Direct vent water heaters.
 2. Water heaters installed in a closet that has a weather-stripped solid door with an approved door closing device, and designed exclusively for the water heater and where all air for combustion and ventilation is supplied from the outdoors.
 3. Water heaters of the automatic storage type installed as a replacement in a bathroom, when specifically approved, properly vented and supplied with adequate combustion air.

Where not prohibited by other regulations, water heaters may be located under a stairway or landing.

EXCEPTION:)

Sections 508.6 through 508.9 are not adopted.

508.12 Delete entire section.

508.18 Venting of Flue Gases - Delete entire section.

Sections 508.20 through 508.24.5 are not adopted.

509.0 Access and Working Space.

509.1 Every water heater installation shall be accessible for inspection, repair, or replacement. The appliance space shall be provided with an opening or doorway of sufficient size to remove the water heater. In no case shall such opening or

doorway be less than 24 inches in width. Such access shall be continuous and shall be one or any combination of the following means:

(1) By an opening or door, and passageway not less than 2 feet in width and large enough to permit removal of the water heater, but not less than 30 inches in height. Stairways and ramps leading to or part of such passageways shall comply with the building code.

(2) Every attic, roof, mezzanine, or platform more than 8 feet above the ground or floor level shall be made accessible by a stairway or ladder permanently fastened to the building. Such a ladder or stairway shall not be more than 18 feet in length between landings and not less than 14 inches in width. Such a ladder shall have rungs spaced not more than 14 inches center to center and not less than 6 inches from the face of the wall. Each stile is to extend 30 inches above the surface to be reached, or as high as possible, if height is limited. Permanent ladders for water heater access need not be provided at parapets or walls less than 30 inches in height.

EXCEPTION: A portable ladder may be used for access for water heaters in attics on the single story portion of a Group R or U Occupancy.

(3) By a trap door or opening and passageway not less than 30 inches by 30 inches, but in no case smaller than the water heater. The passageway shall be continuous from the trap door or opening to the water heater. The trap door or opening shall be located not more than 20 feet from the water heater.

(4) Every passageway to an attic water heater shall have an unobstructed solid continuous flooring not less than 24 inches wide from the trap door or opening to the water heater. If the trap door or opening is more than 8 feet above the floor, a stairway or ladder permanently fastened to the building shall be provided. Such stairway or ladder shall lead directly to the edge of the trap door or opening and shall comply with the provisions of this section.

EXCEPTION: A portable ladder may be used for access for water heaters in attics on the single-story portion of a Group R or U Occupancy.

(5) By an unobstructed catwalk not less than 24 inches wide. Access to the catwalk shall be by ladder or stairs complying with the provisions of this section.

509.2 Attic and underfloor water heater locations shall be provided with an electric outlet and lighting fixture at or near the water heater. The lighting fixture shall be controlled by a switch located adjacent to the opening or trap door.

509.3 An unobstructed solidly floored working surface not less than 30 inches in depth and width shall be provided immediately in front of the firebox access opening. A door opening into such space shall not be considered an obstruction.

Sections 509.3.1 through 509.3.4 are not adopted.

Sections 510.1 through 511.2.25 are not adopted.

512.0 ((Venting of Water Heaters)) Direct Vent Equipment. Delete entire section.

~~((513.0 Limitations. Delete entire section.~~

514.0 Vent Connectors. Delete entire section.

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~~515.0 Location and Support of Venting System. Delete entire section.~~

~~516.0 Length Pitch and Clearance. Delete entire section.~~

~~517.0 Vent Termination. Delete entire section.~~

~~518.0 Area of Venting System. Delete entire section.~~

~~519.0 Multiple Appliance Venting. Delete entire section.~~

~~520.0 Existing Venting System. Delete entire section.~~

~~521.0 Draft Hoods. Delete entire section.~~

~~522.0 Gas Venting into Existing Masonry Chimneys. Delete entire section.~~

~~523.0 Chimney Connectors. Delete entire section.~~

~~524.0 Mechanical Draft Systems. Delete entire section.~~

~~525.0 Venting Through Ventilating Hoods and Exhaust Systems. Delete entire section.~~

Chapter 5, Part II is not adopted.

AMENDATORY SECTION (Amending WSR 02-01-114, filed 12/18/01, effective 7/1/02)

WAC 51-56-0600 Chapter 6—Water supply and distribution.

603.0 Cross-Connection Control. Cross-connection control shall be provided in accordance with the provisions of this chapter. Devices or assemblies for protection of the public water system must be models approved by the department of health under WAC 246-290-490. The ((administrative)) authority having jurisdiction shall coordinate with the local water purveyor where applicable in all matters concerning cross-connection control within the property lines of the premises.

No person shall install any water operated equipment or mechanism, or use any water treating chemical or substance, if it is found that such equipment, mechanism, chemical or substance may cause pollution or contamination of the domestic water supply. Such equipment or mechanism may be permitted only when equipped with an approved backflow prevention device or assembly.

603.3.3 For devices and assemblies other than those regulated by the Washington department of health in conjunction with the local water purveyor for the protection of public water systems, the ((administrative)) authority having jurisdiction shall ensure that the premise owner or responsible person shall have the backflow prevention assembly tested by a Washington state department of health certified backflow assembly tester:

- (1) At the time of installation, repair or relocation; and
- (2) At least on an annual schedule thereafter, unless more frequent testing is required by the ((administrative)) authority

having jurisdiction.

603.4.6.1 Potable water supplies to systems having no pumps or connections for pumping equipment, and no chemical injection or provisions for chemical injection, shall be protected from backflow by one of the following devices:

- (1) Atmospheric vacuum breaker.
- (2) Pressure vacuum breaker.
- (3) Reduced pressure backflow preventer.
- (4) A double check valve may be allowed when approved by the water purveyor and the ((administrative)) authority having jurisdiction.
- (5) A spill proof pressure vacuum breaker may be allowed when approved by the water purveyor and the ((administrative)) authority having jurisdiction.

603.4.11 Potable Water Make Up Connections to Steam or Hot Water Boilers shall be protected by an air gap or a reduced pressure principle backflow preventer.

603.4.13 Potable Water Supply to Carbonators shall be protected by a listed reduced pressure principle backflow preventer as approved by the ((administrative)) authority having jurisdiction for the specific use.

603.4.18.1 Except as provided under Sections 603.4.18.2 and 603.4.18.3, potable water supplies to fire protection systems that are normally under pressure, including but not limited to standpipes and automatic sprinkler systems, except in one or two family residential flow-through or combination sprinkler systems piped in materials approved for potable water distribution systems, shall be protected from back-pressure and back-siphonage by one of the following testable devices:

1. Double check valve assembly.
2. Double check detector assembly.
3. Reduced pressure backflow preventer.
4. Reduced pressure detector assembly.

Potable water supplies to fire protection systems that are not normally under pressure shall be protected from backflow and shall meet the requirements of the appropriate standard(s) referenced in Table 14-1.

604.1 Water distribution pipe, building supply water pipe and fittings shall be of brass, copper, cast iron, CPVC, galvanized malleable iron, galvanized wrought iron, galvanized steel, PEX or other approved materials. Except as provided in Section ((604.13)) **604.14**, asbestos-cement, ((CPVC,)) PE, PVC, ((or)) PEX-AL-PEX or PE-AL-PE water pipe ((materials)) manufactured to recognized standards may be used for cold water building supply distribution systems outside a building. ((CPVC,)) PEX-AL-PEX water pipe, tubing, and fittings, manufactured to recognized standards may be used for hot and cold water distribution systems within a building. Other products not listed in this section are acceptable for their intended use, provided that such materials or distribution systems are listed and approved in accordance with nationally recognized standards. All materials used in the water supply system, except valves and similar devices shall be of like material, except where otherwise approved by the ((administrative)) authority having jurisdiction.

((604.13)) **604.14** Plastic water service piping may terminate within a building, provided the connection to the potable water distribution system shall be made as near as is practical to the point of entry and shall be accessible. Barbed insert fittings with hose clamps are prohibited as a transition fitting within the building.

608.5 Relief valves located inside a building shall be provided with a drain, not smaller than the relief valve outlet, of galvanized steel, hard drawn copper piping and fittings, CPVC, or listed relief valve drain tube with fittings which will not reduce the internal bore of the pipe or tubing (straight lengths as opposed to coils) and shall extend from the valve to the outside of the building with the end of the pipe not more than two (2) feet (610 mm) nor less than six (6) inches (152 mm) above the ground or the flood level of the area receiving the discharge and pointing downward. Such drains may terminate at other approved locations. No part of such drain pipe shall be trapped or subject to freezing. The terminal end of the drain pipe shall not be threaded.

EXCEPTION: Replacement water heating equipment shall only be required to provide a drain pointing downward from the relief valve to extend between two feet (610 mm) and six inches (152 mm) from the floor. No additional floor drain need be provided.

609.10.2 Mechanical Devices. When listed mechanical devices are used, the manufacturer's specifications as to location and method of installation shall be followed.

610.4 Systems within the range of Table 6-5 may be sized from that table or by the method set forth in Section 610.5.

Listed parallel water distribution systems shall be installed in accordance with their listing.

NEW SECTION

WAC 51-56-1100 Chapter 11—Storm drainage.

1101.3 Material Uses. Rainwater piping placed within the interior of a building or run within a vent or shaft shall be of cast iron, galvanized steel, wrought iron, brass, copper, lead, Schedule 40 ABS DWV, Schedule 40 PVC DWV, or other approved materials, and changes in direction shall conform to the requirements of Section 706.0.

1101.12.0 Cleanouts.

1101.12.1 Cleanouts for building storm drains shall comply with the requirements of this section. Rain leaders and conductors connected to a building storm sewer shall have a cleanout installed at the base of the outside leader or outside conductor before it connects to the horizontal drain. Cleanouts shall be placed inside the building near the connection between the building drain and the building sewer or installed outside the building at the lower end of the building drain and extended to grade.

1101.12.2 Each cleanout shall be installed so that it opens to allow cleaning in the direction of flow of the soil or waste or at right angles thereto, and except in the case of wye branch and end-of-line cleanouts, shall be installed vertically above the flow line of the pipe.

1101.12.3 Cleanouts installed under concrete or asphalt paving shall be made accessible by yard boxes, or extending flush with paving with approved materials and be adequately protected.

1101.12.4 Approved manholes may be installed in lieu of cleanouts when first approved by the authority having juris-

diction. The maximum distance between manholes shall not exceed three hundred (300) feet (91.4 m).

The inlet and outlet connections shall be made by the use of a flexible compression joint no closer than twelve (12) inches (305 mm) to, and not farther than three (3) feet (914 mm) from the manhole. No flexible compression joints shall be embedded in the manhole base.

1108.0 Controlled-Flow Roof Drainage. This section is not adopted.

AMENDATORY SECTION (Amending WSR 02-01-114, filed 12/18/01, effective 7/1/02)

WAC 51-56-1300 Chapter 13—Health care facilities and medical gas and vacuum systems.

~~((1302 Medical Gas and Vacuum Piping Systems. The installation of medical gas and vacuum piping systems shall be in accordance with the requirements of this chapter and/or the appropriate standards adopted by the administrative authority, for additional standards see Table 14-1. The administrative authority shall require evidence of the competency of the installers.))~~

Part II Medical Gas and Vacuum Systems

1309.0 Scope.

1309.1 The provisions herein shall apply to the design, installation, testing, and verification of medical gas, medical vacuum systems, and related permanent equipment ~~((for safe use))~~ ~~((patient care))~~ hospitals, clinics, and other health care facilities.

1309.2 The purpose of this chapter is to provide minimum requirements for the design, installation, testing and verification of medical gas, medical vacuum systems, and related permanent equipment, from the central supply system to the station outlets or inlets.

~~((1310.0 Definitions.~~

~~**1310.1 Building Supply**—The pipe from the source of supply to a building or structure.~~

~~**1310.2 Critical Care Area**—An area in a medical facility where special care is provided, including intensive care units, coronary care units, recovery rooms, and respiratory care units.~~

~~**1310.3 Installer Performance Testing**—Testing conducted by the installer or representative prior to system verification using oil free, dry nitrogen as stated in Chapter 14.~~

~~**1310.4 Manifold**—A device for connecting outlets of one or more gas cylinders to the central piping system for that specific gas.~~

~~**1310.5 Medical Air**—Compressed air used in a medical facility.~~

~~**1310.6 Medical Gas**—Gases used in a medical facility, including oxygen, nitrous oxide, nitrogen, carbon dioxide, helium, medical air, and mixtures of these gases. Standards of purity apply.~~

1310.7 Medical Gas System—A system consisting of a central supply system (manifold, bulk, or compressors), including control equipment and piping extending to station outlets in the facility where medical gases may be required.

1310.8 Medical Vacuum System—A system consisting of central vacuum-producing equipment with vacuum switches and operating controls, shutoff valves, alarm warning systems, gauges, and a network of piping extending to and terminating with station inlets at locations where patient suction may be required. Includes surgical vacuum systems, waste anesthesia gas disposal (as scavenging systems), and bedside suction systems.

1310.9 Purge, Flow—The removal of oxygen from a system by oil free dry nitrogen during brazing.

1310.10 Purge, System—The removal of nitrogen from a system with the medical gas required for that system.

1310.11 SCFM—Standard cubic feet per minute, the unit measure for a volume of gas at standard conditions (68 degrees F (20 degrees C) and 1 atmosphere of pressure).

1310.12 Special Hazard Area—An area, such as a kitchen or electrical switch gear room.

1310.13 Station Inlet—An inlet in a vacuum piping system at which the user makes connections and disconnections.

1310.14 Station Outlet—An outlet point in a medical gas piping system at which the user makes connections and disconnections.

1310.15 System Verification—Testing conducted by a qualified party other than the installer or material vendor after the installer performance testing and prior to the medical gas system being put into service.

1310.16 Use Point—A room or area within a room, where medical gases are dispensed to a patient for medical purposes.

1310.17 User Outlet—See station outlet.

1310.18 Valve, Isolation—A valve which isolates one piece of equipment from another.

1310.19 Valve, Riser—A valve at the base of a vertical riser, which isolates that riser.

1310.20 Valve, Service—A valve serving horizontal piping extending from a riser to a station outlet or inlet.

1310.21 Valve, Source—A single valve at the source which controls a number of units that make up the total source.

1310.22 Valve, Zone—A valve which controls the gas or vacuum to a particular area.

1311.3 The administrative authority shall require evidence of the competency of the installers.

1311.4 Delete paragraph.

1313.0 System Installation and Installer Performance Testing.

1313.1 Medical gas and medical vacuum systems shall be designed and installed in accordance with the requirements of this chapter and the installation requirements of this code, specifically Chapter 14 of this code.

1313.2 A report of completion of the installer performance testing which includes the specific items in Chapter 14 shall be furnished to the administrative authority prior to system verification.

1314.0 System Verification.

1314.1 Prior to any medical gas system being placed in service, each and every system shall be verified as described in Chapter 14. This verification shall be accomplished by an independent third party verification agency which is approved by the administrative authority.

1314.2 A report which includes at least the specific items in Chapter 14 shall be furnished to the administrative authority prior to final acceptance of the system.

Sections 1315 through 1331 are not adopted.) **1313.3 Minimum Station Outlets/Inlets.** Station outlets and inlets for medical gas and medical vacuum systems shall be provided as listed in WAC 246-320-525.

1331.0 System Verification.

1331.1 Prior to any medical gas system being placed in service, each and every system shall be verified as described in section 1331.2.

1331.1.1 Verification tests shall be performed only after all tests required in section 1329.0, Installer Performed Tests, have been completed.

Testing shall be conducted by a party technically competent and experienced in the field of medical gas and vacuum pipeline testing and meeting the requirements of ANSI/ASSE Standard 6030, Medical Gas Verifiers Professional Qualifications Standard.

Testing shall be performed by a party other than the installing contractor or material vendor.

When systems have been installed by in-house personnel, testing shall be permitted by personnel of that organization who meet the requirements of this section.

AMENDATORY SECTION (Amending WSR 02-01-114, filed 12/18/01, effective 7/1/02)

WAC 51-56-1400 Chapter 14—Referenced standards.

TABLE 14-1
Standards for Materials, Equipment, Joints and Connections

Where more than one standard has been listed for the same material or method, the relevant portions of all such standards shall apply.

((Standard Number	Standard Title	Application	Indicate if Not-Approved in the-UPC
AHAM DW 1-92	Household Electric Dishwashers	Appliances	
AHAM DW 2PR-86	Plumbing Requirements for Household Dishwashers	Appliances	
AHAM FWD 1-83	Food Waste Disposers	Appliances	
AHAM HLW 2 PR 86	Plumbing Requirements for Home Laundry Equipment- Appliances		
ANSI A13.1-81(R93)	Scheme for the Identification of Piping Systems Piping		
ANSI A21.10-93	Ductile Iron and Gray Iron Fittings, 3 in. Through 48 in. (75 mm Through 1200 mm), for Water and Other Liquids (same as AWWA C110)	Piping, Ferrous	
ANSI A21.11-90	Rubber Gasket Joints for Ductile Iron Pressure Pipe and Fittings (same as AWWA C111)	Piping, Ferrous	
ANSI A21.51-91	Ductile Iron Pipe, Centrifugally Cast, for Water (same as AWWA C151)	Piping, Ferrous	
ANSI A21.53-88	Ductile Iron Compact Fittings, 3 in. Through 24 in. (76 mm Through 610 mm) and 54 in. Through 64 in. (1,400 mm Through 1,600 mm), for Water Service (same as AWWA C153)	Piping, Ferrous	
ANSI A40.3-93	Stainless steel	Piping, Ferrous	
ANSI A106.6-70	Vitrified Clay Pipe (now CSA A60.1M1976(C1992))	Piping, Nonmetallic	
ANSI A106.6-77	Silver brazing joints for wrought and cast bronze solder joint fittings	Joints	
ANSI A112.14.1-75 (R90)	Backwater Valves	Valves	
ANSI A112.19.5-79	Trim for Water Closet Bowls, Tanks and Urinals	Fixtures	
ANSI A112.21.2M-83	Roof Drains	DWV Components	
ANSI A118.10-93	Load Bearing, Bonded, Waterproof Membranes for Thin Set Ceramic Tile and Dimension Stone Installations	Fixtures	
ANSI B2.1-90	Pipe Threads (Except Dryseal) (replaced by ASME B1.20.1-98)	Joints	
ANSI B125.1-84	Steel pipe (galvanized)	Piping, Ferrous	
ANSI B125.2-72	Steel pipe (galvanized)	Piping, Ferrous	
ANSI Z21.10.1a-94	Gas Water Heaters—Volume I—Storage Water Heaters with Input Ratings of 75,000 BTU per Hour or Less (22 kW)	Appliances	
ANSI Z21.10.1b-92	Gas Water Heaters—Volume I—Storage Water Heaters with Input Ratings of 75,000 BTU per Hour or Less (22 kW)	Appliances	
ANSI Z21.10.3-90	Gas Water Heaters—Volume III—Storage, with Input Ratings Above 75,000 Btu per Hour, Circulating and Instantaneous Water Heaters	Appliances	

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((Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
ANSI Z21.10.3a-94	"	Appliances	
ANSI Z21.10.3b-92	"	Appliances	
ANSI Z21.12-90	Draft Hoods	Appliances	
ANSI Z21.13-91	Gas-Fired Low-Pressure Steam and Hot Water Boilers and Addenda	Appliances	
ANSI Z21.15-92	Manually Operated Gas Valves for Appliances, Appliance Connector Valves and Hose End Valves	Valves	
ANSI Z21.22a-90	Relief Valves and Automatic Gas Shutoff Devices for Hot Water Supply Systems	Valves	
ANSI Z21.24-93	Metal Connectors for Gas Appliances	Appliances	
ANSI Z21.41-89	Quick Disconnect Devices for Use with Gas Fuel	Joints	
ANSI Z21.56-98	Gas-Fired Pool Heaters	Swimming Pools and Spas	
ANSI Z21.69-1997-CSA 6.16-M97	Connectors for Moveable Gas Appliances	Appliances	
ANSI Z21.70-81	Earthquake-Actuated Automatic Gas Shutoff Systems (withdrawn from ANSI June, 1992)	Valves	
ANSI Z21.80-1997-CSA 6.22-M97	Line Pressure Regulators	Fuel Gas	
ANSI Z21.81-1997-CSA 6.25-M97	Cylinder Connection Devices	Fuel Gas	
ANSI Z21.86-CSA 2.32-M98	Vented Gas-Fired Space Heating Appliances	Appliances	
ANSI Z34.1-93	Certification—Third-Party Certification Programs for Products, Processes, and Services	Certification	
ANSI Z124.1-95	Plastic Bathtub Units	Fixtures	
ANSI Z124.2-95	Plastic Shower Receptors and Shower Stalls	Fixtures	
ANSI Z124.3-95	Plastic Lavatories	Fixtures	
ANSI Z124.4-96	Plastic Water Closet Bowls and Tanks	Fixtures	
ANSI Z124.5-97	Plastic Toilet (Water Closet) Seats	Fixtures	
ANSI Z124.6-97	Plastic Sinks	Fixtures	
ANSI Z124.7-97	Prefabricated Plastic Spa Shells	Fixtures	
ANSI Z124.8-90	Plastic Bathtub Liners	Fixtures	
ANSI Z124.9-94	Plastic Urinal Fixtures (Note 1)	Fixtures	
ANSI Z223.1-99	National Fuel Gas Code	Fuel Gas	
ARI 1010-84	Drinking Fountains and Self-Contained, Mechanically Refrigerated Drinking Water Coolers	Appliances	
ASHRAE 90.1-89	Energy Efficient Design of New Buildings Except Low-Rise Residential Buildings	Miscellaneous	
ASME A112.1.2-96	Air Gaps in Plumbing Systems	Piping	
ASME A112.3.1-93	Stainless Steel Drainage Systems for Sanitary Storm and Chemical Application, Above and Below Ground (Note 1)	Piping, Ferrous	X
ASME A112.4.1-93	Water Heater Relief Valve Drain Tubes	Appliances	
ASME A112.6.1M-97	Floor-Affixed Supports for Off-the-Floor Plumbing Fixtures for Public Use	Fixtures	
ASME A112.18.1M-96	Plumbing Fixture Fittings	Valves	

((Standard Number	Standard Title	Application	Indicate if Not-Approved in the-UPC
ASME A112.18.6-99	Flexible Water Connectors	Piping	
ASME A112.18.3-96	Performance Requirements for Backflow Protection Devices and Systems in Plumbing Fixture Fittings (Note 8)	Valves	
ASME A112.19.1M-94	Enameled Cast Iron Plumbing Fixtures (Supplement 1-1998)	Fixtures	
ASME A112.19.2M-98	Vitreous China Plumbing Fixtures	Fixtures	
ASME A112.19.3M-87	Stainless Steel Plumbing Fixtures (Designed for Residential Use)	Fixtures	
ASME A112.19.4M-94	Porcelain Enameled Formed Steel Plumbing Fixtures (Supplement 1-1998)	Fixtures	
ASME A112.19.6-95	Hydraulic Performance Requirements for Water Closets and Urinals	Fixtures	
ASME A112.19.7M-95	Whirlpool Bathtub Appliances	Fixtures	
ASME A112.19.8M-87	Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, Hot Tubs, and Whirlpool Bathtub Appliances	Swimming Pools and Spas	
ASME A112.19.9M-91	Nonvitreous Ceramic Plumbing Fixtures	Fixtures	
ASME A112.21.1M-91	Floor Drains (Note 1)	DWV Components	
ASME A112.21.3M-85	Hydrants for Utility and Maintenance Use (Note 1)	Valves	
ASME A112.26.1M-84	Water Hammer Arresters	Piping	
ASME A112.36.2M-91	Cleanouts (Note 1)	DWV Components	
ASME B1.20.1-83 (R1992)	Pipe Threads, General Purpose (Inch)	Joints	
ASME B1.20.3-76 (R82/91/98)	Dryseal Pipe Threads, Inch	Joints	
ASME B16.1-89	Cast Iron Pipe Flanges and Flanged Fittings, Class 25, 125, 250, and 800	Piping, Ferrous	
ASME B16.3-92	Malleable Iron Threaded Fittings	Piping, Ferrous	
ASME B16.4-92	Gray Iron Threaded Fittings (includes Revision Services)	Piping, Ferrous	
ASME B16.5-88	Pipe Flanges and Flanged Fittings	Joints	
ASME B16.12-91	Iron Threaded Drainage Fittings (Note 1)	Piping, Ferrous	
ASME B16.15-85 (R1994)	Cast Bronze Threaded Fittings, Classes 125 and 250	Piping, Copper Alloy	
ASME B16.18-84	Cast Copper Alloy Solder Joint Pressure Fittings (Note 1)	Piping, Copper Alloy	
ASME B16.21-92	Nonmetallic Flat Gaskets for Pipe Flanges	Joints	
ASME B16.22-95	Wrought Copper and Copper Alloy Solder Joint Pressure Fittings Alloy	Piping, Copper	
ASME B16.23-92	Cast Copper Alloy Solder Joint Drainage Fittings—DWV Alloy	Piping, Copper	
ASME B16.24-91	Cast Copper Alloy Pipe Flanges and Flanged Fittings Alloy	Piping, Copper	
ASME B16.26-88	Cast copper alloy fittings for flared copper tubes Alloy	Piping, Copper	
ASME B16.29-86	Wrought Copper and Wrought Copper Alloy Solder Joint Drainage Fittings DWV Alloy (Note 1)	Piping, Copper	

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ASME B16.32-92	Cast Copper Alloy Solder Joint Fittings for Solvent-Drainage Systems Alloy	Piping, Copper	
ASME B16.33-90	Manually Operated Metallic Gas Valves for Use in Gas Piping Systems up to 125 psig.	Valves	
ASME B16.34-88	Valves—Flanged, Threaded and Welding End	Valves	
ASME B16.38-85	Large Metallic Valves for Gas Distribution (Manually Operated, NPS 2-1/2 to 12, 125 psig Maximum)	Valves	
ASME B16.39-86	Pipe Unions, Malleable Iron Threaded (Includes Revision (R1994) Services)	Piping, Ferrous	
ASME B16.47-90	Large Diameter Steel Flanges	Piping, Ferrous	
ASME B36.10M-85	Welded and Seamless Wrought Steel Pipe	Piping, Ferrous	
ASME Section IX	Welding and Brazing Procedures, Welders, Brazers, and Welding and Brazing Operators	Certification	
ASSE 1001-90	Pipe Applied Atmospheric Type Vacuum Breakers	Backflow Protection	
ASSE 1002-86	Water Closet Flush Tank Ballcocks	Backflow Protection	
ASSE 1003-95	Water Pressure Reducing Valves for Domestic Water Supply Systems	Valves	
ASSE 1004-90	Backflow Prevention Requirements for Commercial Dishwashing Machines	Backflow Protection	
ASSE 1006-89	Residential Use Dishwashers	Appliances	
ASSE 1007-92	Home Laundry Equipment	Appliances	
ASSE 1008-89	Household Food Waste Disposer Units	Appliances	
ASSE 1009-90	Commercial Food Waste Grinder Units	Appliances	
ASSE 1010-98	Performance Requirements for Water Hammer Arrestors	Piping	
ASSE 1011-95	Hose Connection Vacuum Breakers	Backflow Protection	
ASSE 1013-93	Reduced Pressure Principle Backflow Preventers	Backflow Protection	
ASSE 1014-90	Hand Held Showers	Fixtures	
ASSE 1015-93	Double Check Backflow Prevention Assembly	Backflow Protection	
ASSE 1016-96	Individual, Thermostatic Pressure Balancing and Thermostatic Control Valves for Individual Fixtures	Valves	
ASSE 1017-86	Thermostatic Mixing Valves, Self Actuated for Primary Domestic Use	Valves	
ASSE 1018-86	Trap Seal Primer Valves (water supply fed)	Valves	
ASSE 1019-95	Performance Requirements for Vacuum Breaker Wall Hydrant, Freeze Resistant Automatic Draining Type	Backflow Protection	
ASSE 1020-90	Pressure Vacuum Breaker Assembly	Backflow Protection	
ASSE 1021-77	Dishwasher Air Gaps for Domestic Dishwasher Applications	Backflow Protection	
ASSE 1023-79	Hot Water Dispensers Household Storage Type Electrical	Appliances	
ASSE 1025-78	Diverters for Plumbing Faucets with Hose Spray, Anti-Siphon Type, Residential Applications	Valves	
ASSE 1028-81	Automatic Flow Controllers	Valves	
ASSE 1032-80	Dual Check Valve Type Backflow Preventers for Carbonated Beverage Dispensers—Post Mix Types	Backflow Protection	X
ASSE 1034-81	Fixed Flow Restrictors	Piping	

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ASSE 1035-95	Laboratory Faucet Backflow Preventer	Backflow Protection	
ASSE 1037-90	Pressurized Flushing Devices (Flushometers) for Plumbing Fixtures	Backflow Protection	
ASSE 1052-94	Hose Connection Backflow Preventers	Backflow Protection	
ASSE 1055-97	Chemical Dispensing Systems	Backflow Protection	
ASSE 1056-95	Back Siphonage Backflow Vacuum Breakers	Backflow Protection	
ASSE 1062-97	Temperature Actuated, Flow Reduction Valves for Individual Fixture Fittings	Valves	
ASSE 1066-97	Individual Pressure Balancing In-Line Valves for Individual Fixture Fittings (Note 9)	Valves	
ASSE 6000-98	Medical Gas Systems Installers, Inspectors and Verifiers	Certification	
ASTM A 47-90 (R95)	Ferritic Malleable Iron Castings	Piping, Ferrous	
ASTM A 53-96 (97)	Pipe, Steel, Black and Hot-Dipped, Zinc-Coated-Welded, and Seamless	Piping, Ferrous	
ASTM A 74-98	Cast Iron Soil Pipe and Fittings (Note 1)	Piping, Ferrous	
ASTM A 120-84 [D]	Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, (Galvanized) Welded, and Seamless for Ordinary Uses (replaced by A 53)	Piping, Ferrous	
ASTM A 126-95	Gray Iron Castings for Valves, Flanges, and Pipe Fittings	Piping, Ferrous	
ASTM A 197-87 (R-92)	Cupola Malleable Iron [Metric]	Piping, Ferrous	
ASTM A 312-93	Seamless and Welded Austenitic Stainless Steel Pipes	Piping, Ferrous	
ASTM A 377-95	Ductile Iron Pressure Pipe	Piping, Ferrous	
ASTM A 518-92a	Corrosion-Resistant High-Silicon Iron Castings [Metric]	Piping, Ferrous	
ASTM A 536-84 (R-93)	Ductile Iron Castings	Piping, Ferrous	
ASTM A 653-96	Steel Sheet, Zinc-Coated (Galvanized) or Zinc-Iron-Alloy-Coated (Galvannealed) by the Hot-Dip Process	Piping, Ferrous	
ASTM A 733-93	Welded and Seamless Carbon Steel and Austenitic-Stainless Steel Pipe Nipples	Piping, Ferrous	
ASTM A 861-94a	High-Silicon Iron Pipe and Fittings (Note 1)	Piping, Ferrous	
ASTM B 29-92	Pig Lead	Joints	
ASTM B 32-96	Solder Metal (Note 4)	Joints	
ASTM B 42-96	Seamless Copper Pipe, Standards Sizes	Piping, Copper-Alloy	
ASTM B 43-96	Seamless Red Brass Pipe, Standards Sizes	Piping, Copper-Alloy	
ASTM B 75-95a	Seamless Copper Tube	Piping, Copper-Alloy	
ASTM B 88-96	Seamless Copper Water Tube	Piping, Copper-Alloy	
ASTM B 135-96	Seamless Brass Tube	Piping, Copper-Alloy	
ASTM B 152-97	Copper Sheet, Strip, Plate, and Rolled Bar	Miscellaneous	
ASTM B 251-97	General Requirements for Wrought Seamless Copper-Copper-Alloy Tube	Piping, Copper-Alloy	

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ASTM B 280-95a	Seamless Copper Tube for Air Conditioning and Refrigeration Field Service	Piping, Copper-Alloy	
ASTM B 302-97	Threadless Copper Pipe	Piping, Copper-Alloy	
ASTM B 306-96	Copper Drainage Tube (DWV)	Piping, Copper-Alloy	
ASTM B 370-92a†	Copper Sheet and Strip for Building Construction	Miscellaneous	
ASTM B 447-97	Welded Copper Tube	Piping, Copper-Alloy	
ASTM B 584-96	Copper Alloy Sand Casting for General Applications (Note 5)	Piping, Copper-Alloy	
ASTM B 587-96	Welded Brass Tube	Piping, Copper-Alloy	
ASTM B 641-93	Seamless and Welded Copper Distribution Tube (Type D)	Piping, Copper-Alloy	
ASTM B 642-88 [D]	Welded Copper Alloy UNS C21000 Water Tube (discontinued 1994)	Piping, Copper-Alloy	
ASTM B 687-96	Brass, Copper, and Chromium-Plated Pipe Nipples	Piping, Copper-Alloy	
ASTM B 716-93 [D]	Welded Copper Water Tube (discontinued 1994)	Piping, Copper-Alloy	
ASTM B 813-93	Liquid and Paste Fluxes for Soldering Applications of Copper and Copper Alloy Tube	Joints	
ASTM B 819-95	Seamless Copper Tube for Medical Gas Systems	Piping, Copper-Alloy	
ASTM B 828-92a†	Making Capillary Joints by Soldering of Copper and Copper Alloy Tube and Fittings	Joints	
ASTM C 14-95	Concrete Sewer, Storm Drain and Culvert Pipe	Piping, Nonmetallic	
ASTM C 296-93	Asbestos-Cement Pressure Pipe	Piping, Nonmetallic	
ASTM C 412-94	Concrete Drain Tile	Piping, Nonmetallic	
ASTM C 425-96	Compression Joints for Vitrified Clay Pipe and Fittings	Joints	
ASTM C 428-92	Asbestos-Cement Nonpressure Sewer Pipe (Notes 6 & 7)	Piping, Nonmetallic	
ASTM C 443-94	Joints for Circular Concrete Sewer and Culvert Pipe, Using Rubber Gaskets	Joints	
ASTM C 478-96	Precast Reinforced Concrete Manholes Sections	Miscellaneous	
ASTM C 564-95a	Rubber Gaskets for Cast Iron Soil Pipe and Fittings (Note 1)	Joints	
ASTM C 700-96	Vitrified Clay Pipe, Extra Strength, Standard Strength, and Perforated	Piping, Nonmetallic	
ASTM C 1053-90 (R95)	Borosilicate Glass Pipe and Fittings for Drain, Waste and Vent (DWV) Applications (Note 1)	Piping, Nonmetallic	
ASTM C 1173-95	Flexible Transition Couplings for Underground Piping Systems	Joints	
ASTM C 1277-94	Shielded Couplings Joining Hubless Cast Iron Soil Pipe and Fittings	Piping, Ferrous	
ASTM D 396-97	Specification for Fuel Oil	Miscellaneous	

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((Standard Number	Standard Title	Application	Indicate if Not-Approved in the UPC
ASTM D 1527-96a	Acrylonitrile-Butadiene-Styrene (ABS) Plastic Pipe Sch. 40 and 80	Piping, Plastic	
ASTM D 1785-96a ¹	Poly (Vinyl Chloride) (PVC) Plastic Pipe Sch. 40, 80 and 120	Piping, Plastic	
ASTM D 1869-95	Rubber O-rings for Asbestos-Cement Pipe	Joints	
ASTM D 2104-95	Polyethylene (PE) Plastic Pipe, Sch. 40	Piping, Plastic	
ASTM D 2146-82 [D]	Polypropylene Plastic Molding and Extrusion Materials (replaced by ASTM D 4101)	Piping, Plastic	
ASTM D 2235-96a	Solvent cement for Acrylonitrile-Butadiene-Styrene (ABS) plastic pipe and fittings	Joints	
ASTM D 2239-96a	Polyethylene (PE) Plastic Pipe, (SDR-PR) Based on Controlled Inside Diameter	Piping, Plastic	
ASTM D 2241-96a	Poly(Vinyl Chloride) (PVC) Pressure-Rated pipe (SDR-Series)	Piping, Plastic	
ASTM D 2282-96a	Acrylonitrile-Butadiene-Styrene (ABS) Plastic Pipe (SDR-PR)	Piping, Plastic	
ASTM D 2321-89 (R95)	Underground Installation of Thermoplastic Pipe for Sewers and Other Gravity Flow Applications	Piping, Plastic	
ASTM D 2447-95	Polyethylene (PE) Plastic Pipe, Sch. 40 and 80 Based on Controlled Outside Diameter	Piping, Plastic	
ASTM D 2464-96a	Threaded Poly(Vinyl Chloride) (PVC) Plastic Pipe Fittings, Sch. 80 (Note 1)	Piping, Plastic	
ASTM D 2465-73[D]	Threaded Acrylonitrile-Butadiene-Styrene (ABS) Plastic Pipe Fittings, Schedule 80 (discontinued 1986)	Piping, Plastic	
ASTM D 2466-96a	Poly(Vinyl Chloride) (PVC) Plastic Pipe Fittings, Sch. 40 (Note 1)	Piping, Plastic	
ASTM D 2467-96a	Poly(Vinyl Chloride) (PVC) Plastic Pipe Fittings, Sch. 80 (Note 1)	Piping, Plastic	
ASTM D 2468-96a	Acrylonitrile-Butadiene-Styrene (ABS) Plastic Pipe-Fittings (Sch. 40)	Piping, Plastic	
ASTM D 2469-76[D]	Socket-Type Acrylonitrile-Butadiene-Styrene (ABS) Plastic Pipe Fittings, Schedule 80 (discontinued 1986)	Piping, Plastic	
ASTM D 2513-96a	Thermoplastic Gas Pressure Pipe Tubing, and Fittings (Note 1)	Piping, Plastic	
ASTM D 2564-96a	Solvent Cements for Poly(Vinyl Chloride) (PVC) Plastic Piping Systems	Joints	
ASTM D 2609-96a	Plastic Insert Fittings for Polyethylene (PE) Plastic Pipe (Note 1)	Piping, Plastic	
ASTM D 2657-96	Practice for Heating Fusion Joining of Polyolefin Pipe and Fittings	Joints	
ASTM D 2661-96	Acrylonitrile-Butadiene-Styrene (ABS) Sch. 40 Plastic Drain, Waste and Vent Pipe and Fittings (Note 1)	Piping, Plastic	
ASTM D 2665-97a	Poly (Vinyl Chloride) (PVC) Plastic Drain, Waste and Vent Pipe and Fittings	Piping, Plastic	
ASTM D 2672-96a	Joints for IPS PVC Pipe Using Solvent Cement	Joints	
ASTM D 2680-95a	Acrylonitrile-Butadiene-Styrene (ABS) and Poly(Vinyl Chloride) (PVC) Composite Sewer Piping	Piping, Plastic	

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ASTM D 2729-96	Poly (Vinyl Chloride) (PVC) Sewer Pipe and Fittings (Note 1)	Piping, Plastic	
ASTM D 2737-96a	Polyethylene (PE) Plastic Tubing	Piping, Plastic	
ASTM D 2740-89 e1 [D]	Poly (Vinyl Chloride) (PVC) Plastic Tubing (discontinued 1991)	Piping, Plastic	
ASTM D 2751-96	Acrylonitrile-Butadiene-Styrene (ABS) Sewer Pipe and Fittings (Note 1)	Piping, Plastic	
ASTM D 2846-96a	Chlorinated Poly (Vinyl Chloride) (CPVC) Plastic Hot and Cold Water Distribution Systems	Piping, Plastic	
ASTM D 2855-96	Making Solvent-Cemented Joints with Poly (Vinyl Chloride) (PVC) Pipe and Fittings	Joints	
ASTM D 2996-95	Filament-Wound Fiberglass (Glass-Fiber-Reinforced-Thermosetting Resin)-pipe	Piping, Plastic	
ASTM D 3033-85 [D]	Type PSP Poly (Vinyl Chloride) (PVC) Sewer Pipe and Fittings (discontinued 1989)	Piping, Plastic	
ASTM D 3034-96	Type PSM Poly (Vinyl Chloride) (PVC) Sewer Pipe and Fittings	Piping, Plastic	
ASTM D 3036-73 [D]	Poly (Vinyl Chloride) (PVC) Plastic Line Couplings (discontinued 1986)	Piping, Plastic	
ASTM D 3065-94	Rigid Acrylonitrile-Butadiene-Styrene (ABS) Materials for Pipe and Fittings	Piping, Plastic	
ASTM D 3122-95	Solvent Cements for Styrene-Rubber (SR) Plastic Pipe and Fittings	Joints	
ASTM D 3139-96a	Joints for Plastic Pressure Pipes Using Flexible Elastomeric Seals	Joints	
ASTM D 3140-90	Flaring Polyolefin Pipe and Tubing	Joints	
ASTM D 3212-96a	Joints for Drain and Sewer Plastic Pipes Using Flexible Elastomeric Seals	Joints	
ASTM D 3298-81 [D]	Perforated Styrene-Rubber (SR) Plastic Drain Pipe (discontinued 1989)	Piping, Plastic	
ASTM D 3311-94	Drain, Waste, and Vent (DWV) Plastic Fittings Patterns (Note 1)	Piping, Plastic	
ASTM D 3965-94	Rigid Acrylonitrile-Butadiene-Styrene (ABS) Compounds for Pipe and Fittings	Piping, Plastic	
ASTM D 4068-96 e1	Chlorinated Polyethylene (CPE) Sheeting for Concealed Water Containment Membrane	Fixtures	
ASTM D 4101-96a	Propylene Plastic Injection and Extrusion Materials	Miscellaneous	
ASTM D 4551-96	Poly (Vinyl Chloride) (PVC) Plastic Flexible Concealed Water Containment Membrane	Fixtures	
ASTM E 84-97a	Standard Test Method for Surface Burning Characteristics of Building Materials	Miscellaneous	
ASTM E 119-97	Standard Test Method for Fire Tests of Building Construction and Materials	Miscellaneous	
ASTM E 814-94b	Standard Test Method for Fire Tests of Through-Penetration Fire Stops	Miscellaneous	
ASTM F 402-93	Safe Handling of Solvent Cements, Primers, and Cleaners Used for Joining Thermoplastic Pipe and Fittings	Joints	

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ASTM F 405-96	Corrugated polyethylene (PE) Tubing and Fittings	Piping, Plastic	
ASTM F 409-96a	Thermoplastic Accessible and Replaceable Plastic-Tube and Tubular Fittings (Note 1)	Piping, Plastic	
ASTM F 437-96a	Threaded Chlorinated Poly(Vinyl Chloride) (CPVC)-Plastic Pipe Fittings, Sch. 80	Piping, Plastic	
ASTM F 438-96a	Socket Type Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe Fittings, Sch. 40	Piping, Plastic	
ASTM F 439-96b	Socket Type Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe Fittings, Sch. 80	Piping, Plastic	
ASTM F 441-96b	Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe, Sch. 40 and 80	Piping, Plastic	
ASTM F 442-96b	Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe (SDR-PR)	Piping, Plastic	
ASTM F 443-77 e1 [D]	Bell End Chlorinated Poly (Vinyl Chloride) (CPVC)-Pipe, Schedule 40 (discontinued 1987)	Piping, Plastic	
ASTM F 480-95	Thermoplastic Well Casing Pipe and Couplings Made in Standard Dimension Ratios (SDR) Schedule 40 and Schedule 80	Piping, Plastic	
ASTM F 493-97	Solvent Cements for Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe and Fittings	Joints	
ASTM F 628-96	Acrylonitrile-Butadiene-Styrene (ABS) Sch. 40 Plastic Drain, Waste and Vent Pipe with a Foam Core (Notes 1 & 3)	Piping, Plastic	
ASTM F 656-96a	Primers for Use in Solvent Cement Joints of Poly(Vinyl Chloride) (PVC) Plastic Pipe and Fittings	Joints	
ASTM F 667-95	Large Diameter Corrugated Polyethylene Tubing and Fittings	Piping, Plastic	
ASTM F 789-95a	Type PS-46 and type PS-115 Poly(Vinyl Chloride) (PVC) Plastic Gravity Flow Sewer Pipe and Fittings (Note 1)	Piping, Plastic	
ASTM F 794-95a	Poly(Vinyl Chloride) (PVC) Profile Gravity Sewer Pipe and Fittings Based on Controlled Inside Diameter	Piping, Plastic	
ASTM F 810-93	Smoothwall Polyethylene (PE) Pipe for Use in Drainage and Waste Disposal Absorption Fields	Piping, Plastic	
ASTM F 845-95	Plastic Insert Fittings For Polybutylene (PB) Tubing	Piping, Plastic	X
ASTM F 876-97	Crosslinked Polyethylene (PEX) Tubing	Piping, Plastic	
ASTM F 877-96a	Crosslinked Polyethylene (PEX) Plastic Hot and Cold Water Distribution Systems	Piping, Plastic	
ASTM F 891-96	Coextruded Poly(Vinyl Chloride) (PVC) Plastic Pipe with a Cellular Core	Piping, Plastic	
ASTM F 949-96a	Poly(Vinyl Chloride) (PVC) Corrugated Sewer Pipe with a Smooth Interior and Fittings	Piping, Plastic	
ASTM F 1216-93	Rehabilitation of Existing Pipelines and Conduits by the Inversion and Curing of a Resin Impregnated Tube	Piping, Plastic	
ASTM F 1281-98	Crosslinked Polyethylene/ Aluminum/ Crosslinked Polyethylene (PEX-Al-PEX) Pressure Pipe	Piping, Plastic	X
ASTM F 1282-98	Polyethylene/ Aluminum/ Polyethylene (PE-Al-PE) Composite Pressure Pipe	Piping, Plastic	X

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((Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
ASTM F 1412-96	Polyolefin Pipe and Fittings for Corrosive Waste-Drainage Systems	Piping, Plastic	
ASTM F 1673-95	Polyvinylidene Fluoride (PVDF) Corrosive Waste-Drainage Systems	Piping, Plastic	
ASTM F 1743-96	Rehabilitation of Existing Pipelines and Conduits by Pulled-In-Place Installation of Cured-In-Place Thermosetting Resin Pipe (CIPP)	Piping, Plastic	
ASTM F 1807-97	Metal Insert Fittings w/ Copper Crimp Ring for SDR-9 Crosslinked Polyethylene (PEX) tubing	Piping, Plastic	
ASTM F 1866-98	Poly (Vinyl Chloride) PVC Schedule 40 Drainage and DWV Fabricated Fittings	Piping, Plastic	
ASTM F 1960-99	Cold Expansion Fittings with PEX Reinforcing Rings for Use with Cross-linked Polyethylene (PEX) Tubing	Piping, Plastic	
ASTM F 1961-99	Metal Cold Flare Compression Fittings with Disk Springs for Cross Linked Polyethylene (PEX) Tubing	Piping, Plastic	
ASTM F 1974-99	Metal Insert Fittings for Polyethylene/Aluminum/Polyethylene and Crosslinked Polyethylene/Aluminum/Crosslinked Polyethylene Composite Pressure Pipe	Piping, Plastic	
AWS A5.8-92	Filler Metals for Brazing and Braze Welding Joints-AWS B2.2-91 Brazing Procedure and Performance Qualification	Certification	
AWS B2.2-91	Brazing Procedure and Performance Qualification	Certification	
AWWA C110	Ductile Iron and Gray Iron Fittings, 3 in. Through 48 in. (75 mm Through 1200 mm), for Water and Other Liquids (same as ANSI A21.10-93)	Piping, Ferrous	
AWWA C111	Rubber Gasket Joints for Ductile Iron Pressure Pipe and Fittings (same as ANSI A21.11-90)	Piping, Ferrous	
AWWA C151	Ductile Iron Pipe, Centrifugally Cast, for Water (same as ANSI A21.51-91)	Piping, Ferrous	
AWWA C153	Ductile Iron Compact Fittings, 3 in. Through 24 in. (76 mm Through 610 mm) and 54 in. Through 64 in. (1,400 mm Through 1,600 mm), for Water Service (same as ANSI A21.53-88)	Piping, Ferrous	
AWWA C203-91	Coal Tar Protective Coatings and Linings for Steel-Water Pipelines—Enamelled and Tape—Hot Applied Piping AWWA C213-96 Fusion Bonded Epoxy Coating for the Interior and Exterior of Steel Water Pipelines	Piping, Ferrous	
AWWA C213-96	Fusion Bonded Epoxy Coating for the Interior and Exterior of Steel Water Pipelines	Piping, Ferrous	
AWWA C215-94	Extruded Polyolefin Coatings for the Exterior of Steel Water Pipelines	Piping, Ferrous	
AWWA C400-93	Asbestos-Cement Distribution Pipe, 4 in. Through 16 in. (100 mm Through 400 mm) for Water Distribution Systems	Piping, Nonmetallic	
AWWA C500-93	Metal Seated Gate Valves for Water Supply Service	Valves	
AWWA C504-88	Rubber Seated Butterfly Valves	Valves	

((Standard Number	Standard Title	Application	Indicate if Not-Approved in the-UPC
AWWA C507-91	Ball Valves, 6 in. Through 48 in. (152 mm Through 1200 mm)	Valves	
AWWA C510-92	Double Check Valve Backflow Prevention Assembly	Backflow Protection	
AWWA C511-92	Reduced Pressure Principle Backflow Prevention Assemblies	Backflow Protection	
AWWA C606-87	Grooved and Shouldered Joints	Joints	
AWWA C900-89	Polyvinyl Chloride (PVC) Pressure Pipe, 4 in. Through 12 in., for Water Distribution	Piping, Plastic	
AWWA C901-88	Polyethylene (PE) Pressure Pipe and Tubing, 1/2 in. (13 mm) Through 3 in. (76 mm), for Water	Piping, Plastic	
AWWA C902-88	Polybutylene (PB) Pipe, Tubing, and Fittings, 1/2 in. Through 3 in., for Water	Piping, Plastic	X
CABO A117.1-92	Specifications to Make Buildings and Facilities Accessible and Usable	Miscellaneous	
CISPI 301-97	Hubless Cast Iron Soil Pipe and Fittings for Sanitary and Storm Drain, Waste, and Vent Piping Applications (Note 1)	Piping, Ferrous	
CISPI HSN-85	Neoprene Rubber Gaskets for Hub and Spigot Cast Iron Soil Pipe and Fittings	Joints	
CISPI 310-97	Couplings for Use in Connection with Hubless Cast Iron Soil Pipe and Fittings for Sanitary and Storm Drain, Waste, and Vent Piping Applications	Joints	
FS A-A 51145C	Flux, Soldering, Nonelectronic, Paste and Liquid	Joints	
FS K65.59-71	Acrylonitrile-Butadiene-Styrene (ABS) sewer pipe and fittings	Piping, Plastic	
FS M265-811	Acrylonitrile-Butadiene-Styrene (ABS) Sch. 40 plastic drain, waste and vent pipe and fittings	Piping, Plastic	
FS O-F 499D-85	Flux-brazing	Joints	
FS O-F 506C-72 (D)	Flux, soldering	Joints	
FS OOL-201 f-70	Shower pans-sheet lead, grade B, 4 lb.-min.	Miscellaneous	
FS QQ-R-571C-69 [D]	Copper and nickel alloys (rods)	Miscellaneous	
FS TT-S-1732-71	Seal compound pipe joint and thread	Joints	
FS WW-P-325B-76	Lead pipe and bends	Piping	
FS WW-P-521F-77	Copper alloy (bronze) unions	Piping, Copper-Alloy	
FS WW-P-541-E-Gen-1980	Plumbing fixtures, general specification	Fixtures	
FS WW-U-516A-74(b)	Copper alloy (bronze) unions	Piping, Copper-Alloy	
FS WW-V-54d	Valve, Gate, Bronze (125, 150 and 200 Pound, Screwed Flange, Solder End, for Land Use)	Valves	
FS WW-V-58b	Valves, Gate, Cast Iron; 125 and 250 Pound, Screwed and Flanged (for Land Use)	Valves	
IAPMO IS-1-91-e1	Nonmetallic Building Sewers	Piping, Nonmetallic	
IAPMO IS-2-90	Tile Lined Roman Bathtubs	Fixtures	
IAPMO IS-3-93-e1	Copper Plumbing Tube, Pipe and Fittings	Piping, Copper-Alloy	
IAPMO IS-4-96	Tile Lined Shower Receptors (and Replacements)	Fixtures	

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((Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
IAPMO IS 5-92 e1	ABS Building Drain, Waste, and Vent Pipe and Fittings	Piping, Plastic	
IAPMO IS 6-95	Hubless Cast Iron Sanitary and Rainwater Systems	Piping, Ferrous	
IAPMO IS 7-90 e1	Polyethylene (PE) cold Water Building Supply	Piping, Plastic	
IAPMO IS 8-95 e1	PVC Cold Water Building Supply and Yard Piping	Piping, Plastic	
IAPMO IS 9-95 e1	PVC Building Drain, Waste and Vent Pipe Fittings	Piping, Plastic	
IAPMO IS 11-87 e1	ABS Sewer Pipe and Fittings	Piping, Plastic	
IAPMO IS 12-93 e1	Polyethylene (PE) for Gas Yard Piping	Piping, Plastic	
IAPMO IS 13-91 e1	Protectively Coated	Pipe Piping	
IAPMO IS 15-82	Asbestos Cement Pressure Pipe for Water Service and Yard Piping	Piping, Nonmetallic	
IAPMO IS 16-84	Low Pressure Air Test for Building Sewers	Piping	
IAPMO IS 18-85 e1	Extra Strength Vitrified Clay Pipe in Building Drains	Piping, Nonmetallic	
IAPMO IS 20-98	CPVC Solvent Cemented Hot and Cold Water Distribution Systems	Piping, Plastic	
IAPMO IS 21-89 e1	Welded Copper and Copper Alloy Water Tube	Piping, Copper Alloy	
IAPMO IS 26-99	Trenchless Polyethylene (PE) Pipe for Sewer Laterals	Piping, Plastic	
IAPMO PS 1-99	Prefabricated Septic Tanks	DWV Components	
IAPMO PS 2-89	Cast Brass and Tubing P-Traps	Piping, Copper Alloy	
IAPMO PS 4-99	Drains for Prefabricated and Precast Showers	Fixtures	
IAPMO PS 7-84	Tubing Trap Wall Adapters	DWV Components	
IAPMO PS 9-84	Diversion Tees and Twin Waste Elbows	DWV Components	
IAPMO PS 13-89	Testing and Rating Procedure for Grease Traps (Note 2)	DWV Components	
IAPMO PS 14-99	Flexible Metallic Water Connectors	Piping	
IAPMO PS 16-97	Subdrains for Built Up Shower Pans	Fixtures	
IAPMO PS 23-89	Dishwasher Drain Airgaps	Backflow Protection	
IAPMO PS 25-84	Fittings for Joining Polyethylene Pipe for Water Service and Yard Piping	Joints	
IAPMO PS 31-95	Backflow Prevention Assemblies	Backflow Protection	
IAPMO PS 34-96	Polyethylene Encasement Sleeve for Potable Water Pipe and Tubing	Piping	
IAPMO PS 36-90	Lead Free Sealing Compounds for Threaded Joints	Joints	
IAPMO PS 37-90	Black Plastic PVC or PE Pressure Sensitive Corrosion Preventive Tape	Piping	
IAPMO PS 38-99	ABS and PVC Backwater Valves	DWV Components	
IAPMO PS 39-91	Testing Mechanical Fittings Composed of Multiple Components For Various Fitting Configuration For Use With Thermoplastic Gas Pressure Pipe	Fuel Gas	
IAPMO PS 40-91	Anodeless Transition Riser for Use with Polyethylene and PVC Gas Yard Piping	Fuel Gas	
IAPMO PS 41-99	Copper and Other Metallic Roof/Deck/Balcony Drains	DWV Components	
IAPMO PS 42-96	Pipe Alignment and Secondary Support Systems	Piping	
IAPMO PS 43-91	Cushioned Bathtubs And Whirlpool Bathtub Appliances	Fixtures	

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((Standard Number	Standard Title	Application	Indicate if Not-Approved in the-UPC
IAPMO PS 44-92	Shielded Transition Couplings for Use with Dissimilar DWV Pipe and Fittings Above Ground	Joints	
IAPMO PS 45-91	Bathtub Three-Way Diverter Valves with Backflow-Protection	Valves	
IAPMO PS 47-99	Plastic Roof Drains	DWV Components	
IAPMO PS 48-92	Material Safety Data Verification For Plumbing Products	Miscellaneous	
IAPMO PS 49-92	Backflow Prevention Requirements for Fixture Fittings with Hose Connected Singular Moveable Outlets	Backflow Protection	
IAPMO PS 50-92	Dual Flush Devices For Water Closets	Fixtures	
IAPMO PS 51-98	Plastic and Metallic Expansion Joints	Joints	
IAPMO PS 52-99	Sumps and Sewage Ejector Tanks	DWV Components	
IAPMO PS 53-92	Grooved Mechanical Pipe Couplings and Grooved End-Fittings	Joints	
IAPMO PS 54-99	Metallic and Plastic Utility Boxes	Miscellaneous	
IAPMO PS 55-92	Bathwaste Strainer Drains	Fixtures	
IAPMO PS 57-92	PVC Hydraulically Actuated Diaphragm Type Water-Control Valves	Valves	
IAPMO PS 58-92	Supports for Off-the-Floor Plumbing Fixtures With or Without Concealed Tanks	Fixtures	
IAPMO PS 59-92	Septic Effluent and Waste Water Diverter Valves	DWV Components	
IAPMO PS 60-96	Sewage Holding Tank Containing Sewage Ejector-Pump for Direct Mounted Water Closet	DWV Components	
IAPMO PS 61-92	Fabricated Stainless Steel Security Water Closets	Fixtures	
IAPMO PS 62-93	Enameled Cast Iron Sanitary Floor Sinks	Fixtures	
IAPMO PS 63-99	Plastic Leaching Chambers	DWV Components	
IAPMO PS 64-98	Pipe Flashings	Piping	
IAPMO PS 65-93	Airgap Units for Water Conditioning Equipment Installation	Backflow Protection	
IAPMO PS 66-93	Dielectric Waterway Fittings	Piping	
IAPMO PS 67-93	Early Closure Replacement Flappers or Early Closure Replacement Flapper With Mechanical Assemblies	Fixtures	
IAPMO PS 69-98	Plastic Bathwaste and Overflow Assemblies	Piping, Plastic	
IAPMO PS 70-93	Bathtub/Whirlpool Bathtubs with Pressure Sealed-Doors	Fixtures	
IAPMO PS 71-93	Electronic Controlled Showers	Fixtures	
IAPMO PS 72-93	Valves with Atmospheric Vacuum Breakers	Valves	
IAPMO PS 73-93	Dental Vacuum Pumps	Miscellaneous	
IAPMO PS 74-99	Reinforced Flexible Water Connectors	Piping	
IAPMO PS 76-95	Ballecock or Flushometer Valve Tailpiece Trap Primers and Trap Primer Receptors/Adapters	DWV Components	
IAPMO PS 77-99	Electrohydraulic Water Closets	Fixtures	
IAPMO PS 78-95	Dual Flush for Electrohydraulic and Gravity 6 Liter (1.6 Gallons) Water Closet	Fixtures	
IAPMO PS 79-95	Multiport Electronic Trap Primer	DWV Components	
IAPMO PS 80-95	Grease Interceptors and Clarifiers	DWV Components	
IAPMO PS 81-95	Precast Concrete Seepage Pit Liners and Covers	DWV Components	

PERMANENT

((Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
IAPMO PS 82-95	Fiberglass (Glass Fiber Reinforced Thermosetting-Resin) Fittings	Piping, Plastic	
IAPMO PS 83-95	Epoxy Coated Cast Iron Sanitary Floor Sinks	Fixtures	
IAPMO PS 84-95	PVC Plastic Sanitary Floor Sinks	Fixtures	
IAPMO PS 85-95	Tools for Mechanically Formed Tee Connections in Copper Tubing	Piping	
IAPMO PS 86-95	Rainwater Diverter Valve for Nonroofed Area Slabs	DWV Components	
IAPMO PS 87-95	Diverter and Shut-Off Valves for Pool/Spas	Valves	
IAPMO PS 88-95	Pre-Pressurized Potable Water Tanks	Miscellaneous	
IAPMO PS 89-95	Soaking and Hydrotherapy (Whirlpool) Bathtubs with Hydraulic Seatlift	Fixtures	
IAPMO PS 90-95	Elastomeric Test Caps/Cleanout Caps	DWV Components	
IAPMO PS 91-95	Plastic Stabilizers for Use with Plastic Closet Bends	Piping, Plastic	
IAPMO PS 92-95	Heat Exchangers	Miscellaneous	
IAPMO PS 93-99	Water Closet Seats with Spray	Fixtures	
IAPMO PS 94-96	P-Trap, Supply Stop and Riser Insulated Protector	Miscellaneous	
IAPMO PS 95-98	Drain, Waste, and Vent Hangers and Plastic Pipe Support Hooks	Piping	
IAPMO PS 96-96	Passive Direct Solar Water Heaters	Miscellaneous	
IAPMO PS 97-97	Mechanical Cast Iron Closet Flanges	Piping, Ferrous	
IAPMO PS 98-96	Prefabricated Fiberglass Church Baptistries	Fixtures	
IAPMO PS 99-96	Terrazzo Plumbing Fixtures	Fixtures	
IAPMO PS 100-96	Porous Filter Protector for Sub-Drain Weep Holes	DWV Components	
IAPMO PS 101-97	Suction Relief Valves	Valves	
IAPMO PS 102-97	Short Pattern Fixture Trap	DWV Components	
IAPMO PS 103-97	Water Heater Stands With or Without Pans	Appliances	
IAPMO PS 104-97	Pressure Relief Connection for Dispensing Equipment	Valves	
IAPMO PS 105-97	Polyethylene Distribution Boxes	DWV Components	
IAPMO PS 106-98	Pre-Fabricated, Tileable Shower Receptors	Fixtures	
IAPMO PS 107-98	Aramid Reinforced Rubber Hose for Use in Nonpotable Water Radiant Heating and Snowmelting	Piping, Plastic	X
IAPMO PS 108-98	Grease Fire Suppression Systems	Appliances	
IAPMO PS 109-96	Rigid Unshielded Mechanical Couplings for Use with Plain End Drain, Waste, and Vent (DWV) Pipe and Plain End Sewer Pipe	Joints	
IAPMO PS 110-99	PVC Cold Water Compression Fittings	Fittings	
IAPMO PS 111-99	PVC Cold Water Gripper Fittings	Fittings	
IAPMO PS 112-99	PVC Plastic Valves for Cold Water Distribution Systems Outside a Building and CPVC Plastic Valves for Hot and Cold Water Distribution Systems	Valves	
IAPMO PS 113-99	Hydraulically Powered Household Food Waster Grinders	Appliances	
IAPMO PS 114-99	Remote, Floor Box Industrial Water Supply, Air Supply, Drainage	Miscellaneous	
IAPMO PS 115-99	Hot Water Demand or Automatic Activated Hot Water Pumping Systems	Miscellaneous	

((Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
IAPMO PS 116-99	Hot Water Circulating Devices Which Do Not Use a Pump	Miscellaneous	
IAPMO SPS 3-93	Skimmers (Spas, Hot Tubs and Swimming Pools)	Swimming Pools and Spas	
IAPMO SPS 4-89	Special Use Suction Fittings for Swimming Pools, Spas and Hot Tubs (For Suction Side Automatic Swimming Pool Cleaners)	Swimming Pools and Spas	
IAS LC 1-97	Fuel Gas Piping Systems Using Corrugated Stainless Steel Tubing (CSST) (same as CSA 6.26 M97)	Fuel Gas	X
MIL F 1183 H 83 [D]	Fittings, Pipe, Cast Bronze, Silver Brazing	Piping, Copper Alloy	
MIL F 18180C1	Flanges and Flanged Fittings, Pipe, Steel (150, 300, 400, 600, 900, 1500, and 2500 pounds)	Piping, Ferrous	
MIL P 17552	Pumps, Centrifugal, Water, Horizontal, General Service; and Pumps, Centrifugal Water, Horizontal, Boiler Feed; Electric Motor or Steam Driven	Pumps	
MIL P 21214B-92	Vertical sump pumps	Pumps	
SSPMA 85	Plumping Units, Sewage, Duplex, Automatic, Wet Pit Type	Pumps	
MIL P 21251C	Glass (standard cancelled per Department of Defense)	Miscellaneous	
MIL V 29193-80(D)	Pressurized flushing devices	Fixtures	
MIL P 52407	Pump, Centrifugal, Electric Motor Driven, Shallow (A)-1976 (D) Well (for Water)	Pumps	
MIL P 62156	Submersible, axial flow, electric motor driven	Pumps	
MIL P B 81 (D)	(1) 1983 (D)		
SSPMA 85	Sewage pumps	Pumps	
MSS SP 25-93	Standard Marking System for Valves, Fittings, Flanges and Unions	Piping	
MSS SP 42-90 (R95)	Class 150 Corrosion Resistant Gate, Globe, Angle and Check Valves with Flanged and Butt Weld Ends	Piping, Ferrous	
MSS SP 44-91	Steel Pipeline Flanges	Piping, Ferrous	
MSS SP 58-93	Pipe Hangers And Supports—Materials, Design and Manufacture	Piping	
MSS SP 67-90	Butterfly Valves	Valves	
MSS SP 70-90	Cast Iron Gate Valves, Flanged and Threaded Ends	Valves	
MSS SP 71-90	Cast Iron Swing Check Valves, Flanged and Threaded Ends	Valves	
MSS SP 72-92	Ball Valves with Flanged or Butt Welding Ends for General Service	Valves	
MSS SP 73-91	Brazing Joints for Wrought and Cast Copper Alloy Solder Joint Pressure Fittings	Joints	
MSS SP 78-87 (R92)	Cast Iron Plug Valves, Flanged and Threaded Ends	Valves	
MSS SP 80-87	Bronze Gate, Globe, Angle and Check Valves	Valves	
MSS SP 83-87	Steel Pipe Unions Socket Welding and Threaded	Piping, Ferrous	
MSS SP 84 [D]	Steel Valves—Socket Welding Ends and Threaded Ends (discontinued)	Valves	

PERMANENT

((Standard Number	Standard Title	Application	Indicate if Not-Approved in the UPC
NFPA 13R-1996	Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height	Miscellaneous	
NFPA 13D-1996	Installation of Sprinkler Systems in One and Two-Family Dwellings and Manufactured Homes	Miscellaneous	
NFPA 31-97	Installation of Oil-Burning Equipment	Miscellaneous	
NFPA 54-96	National Fuel Gas Code	Fuel Gas	
NFPA 58-98	Storage and Handling of Liquefied Petroleum Gases	Fuel Gas	
NFPA 99-99 (Ch. 2 & 4)	Medical Gas Systems	Piping	
NFPA 99-99 (Ch. 2 & 4)	Gas and Vacuum Systems	Piping	
NFPA 211-96	Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances	Miscellaneous	
NFPA 8501-97	Single Burner Boiler Operation	Appliances	
NSF 3-96	Commercial Spray-Type Dishwashing and Glasswashing Machines	Appliances	
NSF 12-93	Automatic Ice Making Equipment	Appliances	
NSF 14-98	Plastic Piping Components and Related Materials	Piping, Plastic	
NSF 18-96	Manual Food and Beverage Dispensing Equipment	Appliances	
NSF 24-96	Plumbing System Components for Manufactured Homes and Recreational Vehicles	Miscellaneous	
NSF 29-93	Chemical Feeders for Commercial Dishwashers	Appliances	
NSF 40-99	Residential Wastewater Treatment Systems	DWV Components	
NSF 41-98	Nonliquid Saturated Treatment Systems	DWV Components	
NSF 42-98	Drinking Water Treatment Units—Aesthetic Effects	Appliances	
NSF 44-98	Cation-Exchange Water Softeners	Appliances	
NSF 46-97	Evaluation of Components and Devices Used in Wastewater Treatment Systems	DWV Components	
NSF 53-98	Drinking Water Treatment Units—Health Effects	Appliances	
NSF 58-98	Reverse Osmosis Drinking Water Treatment Systems	Appliances	
NSF 61-98	Drinking Water System Components—Health Effects	Miscellaneous	
NSF 62-97	Water Distillation Systems	Appliances	
NSPI 1-1991	Public Swimming Pools	Swimming Pools and Spas	
PDI G-101-85	Testing and Rating Procedure for Grease Interceptors with Appendix of Sizing and Installation Data	DWV Components	
PDI WH-201-92	Water Hammer Arresters	Piping	
SAE J1670-93	Type "F" Clamps for Plumbing Applications	Joints	
SAMA-LF6a	Medical Care Facility Brassware	Miscellaneous	
UL 80-96	Steel Inside Tanks for Oil-Burner Fuel	Miscellaneous	
UL 103-95	Factory-Built Chimneys for Residential Type and Building Heating Appliances	Miscellaneous	
UL 125-97	Valves for Anhydrous Ammonia and LP Gas (Other than Safety Relief)	Valves	
UL 132-97	Safety Relief Valves for Anhydrous Ammonia and LP Gas	Valves	
UL 144-99	LP Gas Regulators	Valves	
UL 174-96	Household Electric Storage Tank Water Heaters	Appliances	
UL 343-97	Pumps for Oil-Burning Appliances	Pumps	

PERMANENT

((Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
UL 352-97	Constant Level Oil Valves	Valves	
UL 378-93	Draft Equipment	Miscellaneous	
UL 399-93	Drinking Water Coolers	Appliances	
UL 430-94	Waste Disposers	Appliances	
UL 441-96	Gas Vents	Miscellaneous	
UL 443-95	Steel Auxiliary Tanks for Oil Burner Fuel	Miscellaneous	
UL 499-97	Electrical Heating Appliances	Appliances	
UL 563-95	Ice Makers	Appliances	
UL 569-95	Pigtails and Flexible Hose Connectors for LP Gas	Fuel Gas	
UL 723-96	Test for Surface Burning Characteristics of Building Materials	Miscellaneous	
UL 726-95	Oil Fired Boiler Assemblies	Appliances	
UL 732-95	Oil Fired Storage Tank Water Heaters	Appliances	
UL 749-97	Household Dishwashers	Appliances	
UL 778-96	Motor Operated Water Pumps	Pumps	
UL 834-95	Heating, Water Supply, and Power Boilers Electric	Appliances	
UL 921-96	Commercial Electric Dishwashers	Appliances	
UL 1453-95	Electric Booster and Commercial Storage Tank Water Heaters	Appliances	
WAC 246-290-490	Washington State Department of Health Cross Connection Control Requirements	Backflow Protection	
WQA S 100-95	Household, Commercial and Portable Exchange Water Softeners (replaced by NSF 44-98)	Appliances	
WQA S 200-93	Household and Commercial Water Filters	Appliances	
WQA S 300-91	Point of Use Low Pressure Reverse Osmosis Drinking Water Systems	Appliances	
3-CP 28	Fuel Oil, Canadian Government Specification Board	Miscellaneous	

Footnotes:

1. Although this standard is referenced in Table 14-1, some of the pipe, tubing, fittings, valves, or fixtures included in the standard are not acceptable for use under the provisions of the Uniform Plumbing Code.
2. PDI Standard G101 by reference.
3. Additional Requirements for Inner and Outer Layers.
4. See Section 316.1.3 for restriction.
5. Alley C85200 for cleanout plugs.
6. Limited to domestic sewage.
7. Type II only.
8. Fixture fittings with hose connected singular moveable outlets shall have two check valves and an atmospheric vacuum breaker.
9. ASSE 1066 is not intended to limit the maximum outlet temperature at point of use.
10. See section 315.0 for Trenching, Excavation, and Backfilling requirements when installing building drains and sewers. Engineers may wish to consult ASTM D2321 when preparing plans and specifications for sewer mains or specific projects.)

Add the following standard to those listed in Table 14-1:

Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
WAC 246-290-490	Washington State Department of Health Cross-connection Control Requirements	Backflow Protection	

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.

PERMANENT

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 51-56-201300 Appendix M—Storm drainage.

Chapter 51-57 WAC

STATE BUILDING CODE ADOPTION AND AMENDMENT OF APPENDIX A, B AND APPENDIX I OF THE ((2000)) 2003 EDITION OF THE UNIFORM PLUMBING CODE

AMENDATORY SECTION (Amending WSR 02-01-114, filed 12/18/01, effective 7/1/02)

WAC 51-57-003 Uniform Plumbing Code Standards. The ((2000)) 2003 edition of the Uniform Plumbing Code Standards (Appendixes A, B and I), published by the International Association of Plumbing and Mechanical Officials are hereby adopted by reference.

AMENDATORY SECTION (Amending WSR 02-01-114, filed 12/18/01, effective 7/1/02)

WAC 51-57-008 Implementation. The Uniform Plumbing Code Standards adopted by chapter 19.27 RCW shall become effective in all counties and cities of this state on July 1, ((2002)) 2004, unless local government residential amendments have been approved by the state building code council.

NEW SECTION

WAC 51-57-202000 Installation standard 20-200—CPVC solvent cemented hot and cold water distribution systems.

301.1.1 Materials. Materials shall comply with the following:

Materials	ASTM Std
Raw Material - CPVC 23447-B	D1784-95
IPS pipe Sch 40 (1/2 in., 3/4 in., and 1 in.)	F 441-89 ^{e1}
Sch 80 (1/2 in. - 2 in.)	F 441-94
Tubing SDR 11 (1/2 in. - 2 in.)	D2846-93
Fittings Sch 40 (1/2 in., 3/4 in., and 1 in.)	F 438-93
Sch 80 (1/2 in. - 2 in.)	F 439-93a
Tube Fittings (1/2 in. - 2 in.)	D2846-93

Primer. Listed primers shall be used that are compatible with the type of listed CPVC cement and pipe used. The primer shall be a true solvent for CPVC, containing no slow-drying ingredient. Cleaners shall not be allowed to be used as a substitute or equivalent for a listed primer.

EXCEPTION: Listed solvent cements that do not require the use of primer shall be permitted for use with CPVC pipe and fittings, manufactured in accordance with ASTM D2845 (1/2 in. - 2 in.).

WSR 04-01-117

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 03-02—Filed December 17, 2003, 3:18 p.m.]

Date of Adoption: December 17, 2003.

Purpose: To adopt new Shoreline Master Program (SMP) Guidelines that implement the Shoreline Management Act of 1971. The new SMP guidelines will replace existing Parts 3 and 4 of chapter 173-26 WAC which were invalidated after administrative review. Among other things, new guidelines establish planning and regulatory definitions and standards for future shoreline development and uses, requirements for protection of shoreline ecological functions and restoration planning, guidance on the limitations of regulatory authority and guidance on shorelines and growth management act integration. Existing WAC 173-26-360 Ocean management is relocated unchanged from Part V to Part IV.

Citation of Existing Rules Affected by this Order: Repealing WAC 173-26-170, 173-26-180, 173-26-190, 173-26-200, 173-26-210, 173-26-220, 173-26-230, 173-26-240, 173-26-250, 173-26-270, 173-26-280, 173-26-290, 173-26-300, 173-26-310, 173-26-320, 173-26-330, 173-26-340, 173-26-350; and amending WAC 173-26-010 and 173-26-020.

Statutory Authority for Adoption: RCW 90.58.060 and 90.58.200.

Adopted under notice filed as WSR 03-13-108 on June 17, 2003.

Changes Other than Editing from Proposed to Adopted Version: See Concise Explanatory Statement.

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 11, Amended 2, Repealed 18.

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 17, 2003

Linda Hoffman
Interim Director

PERMANENT

Chapter 173-26 WAC

**STATE MASTER PROGRAM
APPROVAL/AMENDMENT PROCEDURES AND
(SHORELINE) MASTER PROGRAM GUIDELINES**

AMENDATORY SECTION (Amending Order 95-17a, filed 11/29/00, effective 12/30/00)

WAC 173-26-010 Authority and purpose. The provisions of this chapter implement the requirements of chapter 90.58 RCW, the Shoreline Management Act of 1971. RCW 90.58.200 authorizes the adoption of rules by the department as necessary and appropriate to carry out the provisions of the act. RCW 90.58.080 directs local governments to develop and administer local shoreline master programs for regulation of uses on shorelines of the state. Such local programs should be integrated with other local government systems for administration and enforcement of land use regulations. RCW 36.70A.480 provides that the goals and policies contained in a local shoreline master program shall be considered an element of the local comprehensive plan required by the Growth Management Act. All other portions of the local shoreline master program, including the use regulations, are considered a part of the local development regulations required by the Growth Management Act.

This chapter is drafted to also reflect RCW 90.58.050 which provides that the Shoreline Management Act is intended to be a cooperative program between local government and the state. It is the intent of this chapter to provide minimum procedural requirements as necessary to comply with the statutory requirements while providing latitude for local government to establish procedural systems based on local needs and circumstances.

Pursuant to the Shoreline Management Act, the department must approve master programs prepared by local governments or adopt them by rule consistent with the act. In order to facilitate this process, Part I of this chapter establishes a recordkeeping system for the department and defines the contents of the state master program. Part II sets forth procedures for approving and adopting master programs and amendments thereto. Part ~~(s)~~ III ~~(and IV)~~ comprises the guidelines pursuant to RCW 90.58.060 and provides ~~(alternative approaches to)~~ guidance for developing the content of shoreline master programs. Part ~~(v)~~ IV - addresses the requirements of the state Ocean Resources Management Act.

AMENDATORY SECTION (Amending Order 95-17a, filed 11/29/00, effective 12/30/00)

WAC 173-26-020 Definitions. In addition to the definitions and concepts set forth in RCW 90.58.030, as amended, and the other implementing rules for the SMA, as used herein, the following words and phrases shall have the following meanings:

(1) "Act" means the Washington State Shoreline Management Act, chapter 90.58 RCW.

(2) ~~("Adaptive management" means the modification of management practices to address changing conditions and new knowledge. Adaptive management is an approach that~~

~~incorporates monitoring and research to allow projects and activities, including projects designed to produce environmental benefits, to go forward in the face of some uncertainty regarding consequences. The key provision of adaptive management is the responsibility to change adaptively in response to new understanding or information after an action is initiated.~~

(3)) "Adoption by rule" means an official action by the department to make a local government shoreline master program effective through rule consistent with the requirements of the Administrative Procedure Act, chapter 34.05 RCW, thereby incorporating the adopted shoreline master program or amendment into the state master program.

(3)(a) "Agricultural activities" means agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation;

(b) "Agricultural products" includes, but is not limited to, horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including, but not limited to, meat, upland finfish, poultry and poultry products, and dairy products;

(c) "Agricultural equipment" and "agricultural facilities" includes, but is not limited to:

(i) The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including, but not limited to, pumps, pipes, tapes, canals, ditches, and drains;

(ii) Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands;

(iii) Farm residences and associated equipment, lands, and facilities; and

(iv) Roadside stands and on-farm markets for marketing fruit or vegetables; and

(d) "Agricultural land" means those specific land areas on which agricultural activities are conducted as of the date of adoption of a local master program pursuant to these guidelines as evidenced by aerial photography or other documentation. After the effective date of the master program, land converted to agricultural use is subject to compliance with the requirements of the master program.

(4) "Amendment" means a revision, update, addition, deletion, and/or reenactment to an existing shoreline master program.

(5) "Approval" means an official action by a local government legislative body agreeing to submit a proposed shoreline master program or amendments to the department for review and official action pursuant to this chapter; or an official action by the department to make a local government shoreline master program effective, thereby incorporating the approved shoreline master program or amendment into the state master program.

(6) ("~~Aquatic~~" means ~~pertaining to those areas waterward of the ordinary high water mark.~~

(7) "~~Bank full width~~" means ~~the horizontal projection of bank full depth to the stream bank. Bank full depth means the elevation of the water surface of a stream flow having a return period of approximately 1.5 years measured from the line of maximum depth of the stream or thalweg. Most river channels are bordered by a relatively flat area or valley floor. When the water fills the channel completely, or is at bank full stage, this surface is level with the flood plain. The stream cuts down or builds up as climate and watershed conditions change because there is a new relation between discharge and sediment transport and storage. The channel will erode or modify its flood plain in response to changes in discharge and sediment. The former flood plain it had been constructing is thus abandoned. An abandoned flood plain is called a terrace. While a terrace is flooded on occasion, the active flood plain is frequently flooded by discharges that occur approximately every 1.5 years to 2.0 years in the annual flood series. In those valleys that narrowly confine the channel such that no flood plain can be built, this bank full stage projection still applies.~~

(8)) "Channel migration zone (CMZ)" means the ((lateral extent of likely movement along a stream reach with evidence of active stream channel movement over the past one hundred years. Evidence of active movement can be provided from aerial photos or specific channel and valley bottom characteristics. A time frame of one hundred years was chosen because aerial photos and field evidence can be used to evaluate movement in this time frame. Also, this time span typically represents the time it takes to grow mature trees that can provide functional large woody debris to most streams. In large meandering rivers a more detailed analysis can be conducted to relate bank erosion processes and the time required to grow trees that function as stable large woody debris.

With the exception of shorelands in or meeting the criteria for the "natural" and "rural conservancy" environments, areas separated from the active channel by legally existing artificial channel constraints that limit bank erosion and channel avulsion without hydraulic connections shall not be considered within the CMZ. All areas, including areas within the "natural" and "rural conservancy" environments, separated from the natural channel by legally existing structures designed to withstand the 100 year flood shall not be considered within the CMZ. A tributary stream or other hydraulic connection allowing T&E species fish passage draining through a dike or other constricting structure shall be considered part of the CMZ)) area along a river within which the channel(s) can be reasonably predicted to migrate over time

as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.

((9)) (7) "Department" means the state department of ecology.

((10) "~~Developed shorelines~~" means ~~those shoreline areas that are characterized by existing development or permanent structures located within shoreline jurisdiction.~~

(11)) (8) "Development regulations" means the controls placed on development or land uses by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under chapter 90.58 RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto.

((12)) (9) "Document of record" means the most current shoreline master program officially approved or adopted by rule by the department for a given local government jurisdiction, including any changes resulting from appeals filed pursuant to RCW 90.58.190.

((13)) (10) "Drift cell," "drift sector," or "littoral cell" means a particular reach of marine shore in which littoral drift may occur without significant interruption and which contains any natural sources of such drift and also accretion shore forms created by such drift.

((14)) (11) "Ecological functions" or "shoreline functions" means the ((physical, chemical, and biological processes that contribute to the proper maintenance of the aquatic and terrestrial environments that constitute the shoreline ecosystem. Ecological functions relevant to specific shoreline ecological systems include, but are not limited to:

(a) Riverine:

▲ Hydrologic processes: Maintaining a natural range of flow variability, sideflow and overflow channel functions, reducing peak flows and downstream erosion, and helping to maintain base flows.

▲ Water quality: Temperature; removing excessive nutrients and toxic compounds.

▲ Dynamic sediment processes: Sediment removal, stabilization, transport, deposition, and providing spawning gravels.

▲ Habitat for: Threatened, endangered, and priority species (whatever they may be in the jurisdiction); aquatic and shoreline dependent birds, invertebrates, and mammals; amphibians; and anadromous and resident native fish. Habitat functions may include, but are not limited to, shade, litter and woody debris recruitment, refugia, and food production.

▲ Hyporheic functions: Water quality, water storage, vegetation base, and sediment storage.

(b) Lacustrine:

▲ Water quality: Removing excessive nutrients and toxic compounds and removing and/or stabilizing sediments.

▲ Habitat for: Threatened, endangered, and priority species (whatever they may be in the jurisdiction); aquatic and shoreline dependent birds, invertebrates, and mammals; amphibians; and anadromous and resident native fish. Habitat functions may include, but are not limited to, shade, litter and woody debris recruitment, refugia, and food production.

(c) Marine:

▲ **Water quality:** Removing excessive nutrients and toxic compounds.

▲ **Dynamic sediment processes:** Sediment removal, stabilization, transport, deposition, and providing spawning gravels.

▲ **Wave attenuation.**

▲ **Habitat for:** Threatened, endangered, and priority species (whatever they may be in the jurisdiction); aquatic and shoreline-dependent birds, invertebrates, and mammals; amphibians; and anadromous and resident native fish. Habitat functions may include, but are not limited to, shade, litter and woody debris recruitment, refugia, and food production.

(d) **Wetlands:**

▲ **Flood attenuation.**

▲ **Water quality:** Removing excessive sediment, nutrients, and toxic compounds.

▲ **Ground-water recharge.**

▲ **Maintenance of base flows.**

▲ **Nutrient filtering.**

▲ **Habitat for:** Threatened, endangered, and priority species (whatever they may be in the jurisdiction); aquatic and shoreline-dependent birds, invertebrates, and mammals; amphibians; and anadromous and resident native fish. Habitat functions may include, but are not limited to, shade, litter and woody debris recruitment, refugia, and food production.

When used in Part IV, sections 270 through 350 of this chapter, the term "ecological functions" shall include all functions necessary for properly functioning condition for T&E species.

(15) "Ecologically altered shorelines" means those shorelines where humans have directly or indirectly modified the vegetation or shoreline configuration in a manner that significantly influences or reduces the natural shoreline functions.

(16) "Ecologically intact shorelines" means those shoreline areas that retain the majority of their natural shoreline functions, as evidenced by the shoreline configuration and the presence of native vegetation. Generally, but not necessarily, ecologically intact shorelines are free of structural shoreline modifications, structures, and intensive human uses. In unmanaged forested areas, they generally include native vegetation with diverse plant communities, multiple canopy layers, and the presence of large woody debris available for recruitment to adjacent water bodies.

Recognizing that there is a continuum of ecological conditions ranging from near natural conditions to totally degraded and contaminated sites, this term is intended to delineate those shoreline areas that provide valuable functions for the larger aquatic and terrestrial environments which could be lost or significantly reduced by human development. Whether or not a shoreline is ecologically intact is determined on a case-by-case basis.

The term "ecologically intact shorelines" applies to all shoreline areas meeting the above criteria ranging from larger reaches that may include multiple properties to small areas located within a single property.

(17) "Ecosystem-wide processes" means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition and specific chemical processes (e.g., flocculation) that shape landforms within a specific

shoreline ecosystem and determine both the types of habitat that are present and the associated ecological functions and their processes. Ecosystem-wide processes include, but are not limited to:

(a) **Riverine processes:** Landform and channel erosion; sediment transport and load in channel and overbank; channel dynamics, including channel gradation and migration; and changes in channel form during flooding.

(b) **Lacustrine, tidal, wave, and current processes:** Wave erosion (including refraction), littoral drift, vertical transport, and tidal erosion and deposition)) work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem. See WAC 173-26-200 (2)(c).

(12) "Ecosystem-wide processes" means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

((18)) (13) "Feasible" means, for the purpose of this chapter, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

(a) The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;

(b) The action provides a reasonable likelihood of achieving its intended purpose; and

(c) The action does not physically preclude achieving the project's primary intended legal use.

In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant.

In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames. ((For the provisions of Part IV, this evaluation shall give special consideration and precedence to protecting PFC for T&E species.

((19)) (14) "Fill" means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

((20)) (15) "Flood plain" is synonymous with one hundred-year ((floodplain)) flood plain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the act.

((21)) (16) "Geotechnical report" or "geotechnical analysis" means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on

geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers ((f)) or geologists ((g)) who have professional expertise about the regional and local shoreline geology and processes.

((22)) (17) "Grading" means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

((23)) (18) "Guidelines" means those standards adopted by the department to implement the policy of chapter 90.58 RCW for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria for local governments and the department in developing and amending master programs.

((24)) "In stream structure" means a structure placed by humans within a stream or river waterward of the bank full width that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.

(25) "Lacustrine" means pertaining to a lake.

(26) "Letter of exemption" means a letter or other official certificate issued by a local government to indicate that a proposed development is exempted from the requirement to obtain a shoreline permit as provided in WAC 173-27-050. Letters of exemption may include conditions or other provisions placed on the proposal in order to ensure consistency with the Shoreline Management Act, this chapter, and the applicable master program.

((27)) (19) "Local government" means any county, incorporated city or town which contains within its boundaries shorelines of the state subject to chapter 90.58 RCW.

((28)) (20) "Marine" means pertaining to tidally influenced waters, including oceans, sounds, straits, marine channels, and estuaries, including the Pacific Ocean, Puget Sound, Straits of Georgia and Juan de Fuca, and the bays, estuaries and inlets associated therewith.

((29)) (21) "May" means the action is acceptable, provided it conforms to the provisions of this chapter.

((30)) "Mitigation" or "mitigation sequencing" means the following sequence of steps listed in order of priority, with (a) of this subsection being top priority:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action;

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(d) Reducing or eliminating the impact over time by preservation and maintenance operations;

(e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

(f) Monitoring the impact and the compensation projects and taking appropriate corrective measures.

((31)) (22) "Must" means a mandate; the action is required.

((32)) "Nonpoint pollution" 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.

((33)) (23) "Nonwater-oriented uses" means those uses that are not water-dependent, water-related, or water-enjoyment.

((34)) (24) "Priority habitat" means a habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes:

- Comparatively high fish or wildlife density;
- Comparatively high fish or wildlife species diversity;
- Fish spawning habitat;
- Important wildlife habitat;
- Important fish or wildlife seasonal range;
- Important fish or wildlife movement corridor;
- Rearing and foraging habitat;
- Important marine mammal haul-out;
- Refugia habitat;
- Limited availability;
- High vulnerability to habitat alteration;
- Unique or dependent species; or
- Shellfish bed.

A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands or eelgrass meadows). A priority habitat may also be described by a successional stage (such as, old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife.

((35)) (25) "Priority species" means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

(a) Criterion 1. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the department of fish and wildlife (POLM-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.

(b) Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.

(c) Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.

(d) Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

~~((36)) "Properly functioning condition" or "PFC" means conditions that create and sustain natural habitat-affecting processes (such as sediment routing, riverine community succession, precipitation runoff patterns, a natural range of flow variability and channel migration) over the full range of environmental variation and that support productivity at a viable population level of T&E species. The term "properly functioning condition" indicates a level of performance for a subset of the more broadly defined "ecological functions," reflecting what is necessary for the recovery of T&E species.~~

~~(37)) (26) "Provisions" means policies, regulations, standards, guideline criteria or environment designations.~~

~~((38)) (27) "Restore," "restoration" or "ecological restoration" means the ((significant)) reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures ((such as)) including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not ((necessarily)) imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.~~

~~((39)) "Restore" means to significantly reestablish or upgrade shoreline ecological functions through measures such as revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic sediments. To restore does not necessarily imply returning the shoreline area to aboriginal or pre-European settlement conditions.~~

~~(40) "Riverine" means pertaining to a river or stream system, including associated lakes and wetlands.~~

~~(41)) (28) "Shall" means a mandate; the action must be done.~~

~~((42)) (29) "Shoreline areas" and "shoreline jurisdiction" means all "shorelines of the state" and "shorelands" as defined in RCW 90.58.030.~~

~~((43)) (30) "Shoreline master program" or "master program" means the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020.~~

As provided in RCW 36.70A.480, the goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted

under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations((;and)).

~~((44)) (31) "Shoreline modifications" means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.~~

~~((45)) "Shoreline property" means an individual property wholly or partially within shoreline jurisdiction.~~

~~(46)) (32) "Should" means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action.~~

~~((47)) "Significant ecological impact" means an effect or consequence of a human-caused action if any of the following apply:~~

~~(a) The action degrades or changes an ecological function or ecosystem-wide process to such a degree that the ecosystem can no longer perform the function at levels within its natural range of variability or that the performance of the function falls outside the range needed to maintain the integrity of other ecological processes in shoreline areas. As used in this definition, the normal range of variability does not include alterations caused by catastrophic events.~~

~~(b) Scientific evidence or objective analysis indicates that the action could cause degradation or change to those ecological functions or ecosystem-wide processes described in (a) of this subsection under foreseeable conditions.~~

~~(c) Scientific evidence indicates that the action could contribute to degradation or change to ecological functions or ecosystem-wide processes described in (a) of this subsection as part of cumulative impacts, due to similar actions that are occurring or are likely to occur.~~

~~Significant ecological impacts do not include impacts that are inconsequential to attaining the objectives of the act or to the protection and restoration of shoreline ecological functions or ecosystem-wide processes.~~

~~(48)) (33) "Significant vegetation removal" means the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.~~

~~((49)) "Site potential tree height" means the average height, at age one hundred years, of the tallest mature native tree species that is capable of growing in the soils found at the site and for which height measurements are noted in the soil survey reports published by the natural resource conservation service and other sources. Each local natural resource conservation service field office maintains the surveys for its area.~~

~~(a) West of the Cascade summit, the site potential tree height will generally be based on either Douglas fir or western hemlock, unless based on another species due to local conditions. East of the summit, the species could be ponderosa pine.~~

rosa pine, lodgepole pine, western larch, Englemann spruce, subalpine fir, grand fir, or Douglas fir.

(b) For sites that historically supported cottonwoods as the largest tree, the site potential tree height generally is the average height, at age seventy-five years, of a black cottonwood tree growing under those site conditions.

~~((50))~~ (34) "State master program" means the cumulative total of all shoreline master programs and amendments thereto approved or adopted by rule by the department.

~~((51))~~ "Storm water" means that portion of precipitation that does not normally percolate into the ground or evaporate but flows via overland flow, interflow, channels, or pipes into a defined surface water channel or constructed infiltration facility.

~~((52))~~ (35) "Substantially degrade" means to cause significant ecological impact.

~~((53))~~ "Threatened and endangered species" or "T&E species" means those native species that are listed in rule by the Washington state department of fish and wildlife pursuant to RCW 77.12.020 as threatened (WAC 232-12-011) or endangered (WAC 232-12-014), or that are listed as threatened or endangered species under the federal Endangered Species Act, 16 U.S.C. 1533.

~~((54))~~ (36) "Water-dependent use" means a use or portion of a use which cannot exist in a location that is not adjacent to the water ~~((but))~~ and which is dependent on the water by reason of the intrinsic nature of its operations. ~~((Examples of water dependent uses include ship cargo terminal loading areas, fishing, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, aquaculture, float plane facilities, hydroelectric dams, surface water intake, and sewer outfalls.~~

~~((55))~~ (37) "Water-enjoyment use" means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. ~~((Primary water enjoyment uses may include, but are not limited to:~~

- ~~• Parks with activities enhanced by proximity to the water;~~
- ~~• Piers and other improvements that facilitate public access to shorelines of the state;~~
- ~~• Restaurants with water views and public access improvements;~~
- ~~• Museums with an orientation to shoreline topics;~~
- ~~• Aquariums;~~
- ~~• Scientific/ecological reserves;~~
- ~~• Resorts with uses open to the public and public access to the shoreline; and any combination of those uses listed above.~~

~~((56))~~ (38) "Water-oriented use" means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

~~((57))~~ (39) "Water quality" means the physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this chapter, the term "water quantity" refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

~~((58))~~ (40) "Water-related use" means a use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

(a) The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or

(b) The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

~~((Water related uses include manufacturing of ship parts large enough that transportation becomes a significant factor in the product's cost, professional services serving primarily water dependent uses, and storage of water transported foods. Other examples of water related uses include the warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker, and upland log storage for water borne transportation.~~

~~In addition, the definitions and concepts set forth in RCW 90.58.030, as amended, and implementing rules shall also apply as used herein.)~~

PART III GUIDELINES(~~—DEFAULT APPROACH~~)

NEW SECTION

WAC 173-26-171 Authority, purpose and effects of guidelines. (1) **Authority.** RCW 90.58.090 authorizes and directs the department to adopt "guidelines consistent with RCW 90.58.020, containing the elements specified in RCW 90.58.100" for development of local master programs for regulation of the uses of "shorelines" and "shorelines of statewide significance." RCW 90.58.200 authorizes the department and local governments "to adopt such rules as are necessary and appropriate to carry out the provisions of" the Shoreline Management Act.

(2) **Purpose.** The general purpose of the guidelines is to implement the "cooperative program of shoreline management between local government and the state." Local government shall have the primary responsibility for initiating the planning required by the Shoreline Management Act and "administering the regulatory program consistent with the policy and provisions" of the act. "The department shall act primarily in a supportive and review capacity with an emphasis on providing assistance to local government and insuring

compliance with the policy and provisions" of the act. RCW 90.58.050.

In keeping with the relationship between state and local governments prescribed by the act, the guidelines have three specific purposes: To assist local governments in developing master programs; to serve as standards for the regulation of shoreline development in the absence of a master program along with the policy and provisions of the act and, to be used along with the policy of RCW 90.58.020, as criteria for state review of local master programs under RCW 90.58.090.

(3) Effect.

(a) The guidelines are guiding parameters, standards, and review criteria for local master programs. The guidelines allow local governments substantial discretion to adopt master programs reflecting local circumstances and other local regulatory and nonregulatory programs related to the policy goals of shoreline management as provided in the policy statements of RCW 90.58.020, WAC 173-26-176 and 173-26-181. The policy of RCW 90.58.020 and these guidelines constitute standards and criteria to be used by the department in reviewing the adoption and amendment of local master programs under RCW 90.58.090 and by the growth management hearings board and shorelines hearings board adjudicating appeals of department decisions to approve, reject, or modify proposed master programs and amendments under RCW 90.58.190.

(b) Under RCW 90.58.340, the guidelines, along with the policy of the act and the master programs, also shall be standards of review and criteria to be used by state agencies, counties, and public and municipal corporations in determining whether the use of lands under their respective jurisdictions adjacent to the shorelines of the state are subject to planning policies consistent with the policies and regulations applicable to shorelines of the state.

(c) The guidelines do not regulate development on shorelines of the state in counties and cities where approved master programs are in effect. In local jurisdictions without approved master programs, development on the shorelines of the state must be consistent with the policy of RCW 90.58.020 and the applicable guidelines under RCW 90.58.140.

(d) As provided in RCW 90.58.060, the department is charged with periodic review and update of these guidelines to address technical and procedural issues that arise as from the review of shoreline master programs (SMPs) as well as compliance of the guidelines with statutory provisions. As a part of this process, ecology will compile information concerning the effectiveness and efficiency of these guidelines and the master programs adopted pursuant thereto with regard to accomplishment of the policies of the Shoreline Management Act and the corresponding principles and specific requirements set forth in these guidelines.

NEW SECTION

WAC 173-26-176 General policy goals of the act and guidelines for shorelines of the state. (1) The guidelines are designed to assist local governments in developing, adopting, and amending master programs that are consistent with the policy and provisions of the act. Thus, the policy goals of the

act are the policy goals of the guidelines. The policy goals of the act are derived from the policy statement of RCW 90.58.020 and the description of the elements to be included in master programs under RCW 90.58.100.

(2) The policy goals for the management of shorelines harbor potential for conflict. The act recognizes that the shorelines and the waters they encompass are "among the most valuable and fragile" of the state's natural resources. They are valuable for economically productive industrial and commercial uses, recreation, navigation, residential amenity, scientific research and education. They are fragile because they depend upon balanced physical, biological, and chemical systems that may be adversely altered by natural forces (earthquakes, volcanic eruptions, landslides, storms, droughts, floods) and human conduct (industrial, commercial, residential, recreation, navigational). Unbridled use of shorelines ultimately could destroy their utility and value. The prohibition of all use of shorelines also could eliminate their human utility and value. Thus, the policy goals of the act relate both to utilization and protection of the extremely valuable and vulnerable shoreline resources of the state. The act calls for the accommodation of "all reasonable and appropriate uses" consistent with "protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life" and consistent with "public rights of navigation." The act's policy of achieving both shoreline utilization and protection is reflected in the provision that "permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, in so far as practical, any resultant damage to the ecology and environment of the shoreline area and the public's use of the water." RCW 90.58.020.

(3) The act's policy of protecting ecological functions, fostering reasonable utilization and maintaining the public right of navigation and corollary uses encompasses the following general policy goals for shorelines of the state. The statement of each policy goal is followed by the statutory language from which the policy goal is derived.

(a) The utilization of shorelines for economically productive uses that are particularly dependent on shoreline location or use.

RCW 90.58.020:

"The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration and preservation."

"It is the policy of the state to provide for the management of the shorelines by planning for and fostering all reasonable and appropriate uses."

"Uses shall be preferred which are . . . unique to or dependent upon use of the state's shoreline."

"Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single-family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an

opportunity for substantial numbers of the people to enjoy the shorelines of the state."

RCW 90.58.100:

"(2) The master programs shall include, when appropriate, the following:

(a) An economic development element for the location and design of industries, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state; . . .

(d) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shorelines use element.

(e) A use element which considers the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land; . . .

(b) The utilization of shorelines and the waters they encompass for public access and recreation.

RCW 90.58.020:

"The public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally."

"Alterations of the natural conditions of the shorelines of the state, in those limited instances when authorized, shall be given priority for . . . development that will provide an opportunity for substantial numbers of people to enjoy the shorelines of the state."

RCW 90.58.100:

"(2) The master programs shall include, when appropriate, the following:

(b) A public access element making provisions for public access to publicly owned areas;

(c) A recreational element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas; . . ."

"(4) Master programs will reflect that state-owned shorelines of the state are particularly adapted to providing wilderness beaches, ecological study areas, and other recreational activities for the public and will give appropriate special consideration to same."

(c) Protection and restoration of the ecological functions of shoreline natural resources.

RCW 90.58.020:

"The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization protection, restoration, and preservation."

"This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life. . ."

"To this end uses shall be preferred which are consistent with the control of pollution and prevention of damage to the natural environment."

"Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area. . ."

RCW 90.58.100:

"(2) The master programs shall include, when appropriate, the following:

(f) A conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection;

(g) An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values; . . ."

(d) Protection of the public right of navigation and corollary uses of waters of the state.

RCW 90.58.020:

"This policy contemplates protecting. . . generally public rights of navigation and corollary rights incidental thereto."

"Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, . . . any interference with the public's use of the water."

(e) The protection and restoration of buildings and sites having historic, cultural and educational value.

RCW 90.58.100:

"(2) The master programs shall include, when appropriate, the following:

(g) An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values; . . ."

(f) Planning for public facilities and utilities correlated with other shorelines uses.

RCW 90.58.100:

"(2) The master programs shall include, when appropriate, the following:

(d) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element."

(g) Prevention and minimization of flood damages.

RCW 90.58.100:

"(2) The master programs shall include, when appropriate, the following:

(h) An element that gives consideration to the statewide interest in the prevention and minimization of flood damages."

(h) Recognizing and protecting private property rights.

RCW 90.58.020:

"The legislature further finds that much of the shorelines of the state and the uplands adjacent thereto are in private ownership; . . . and, therefore coordinated planning is

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necessary. . .while, at the same time, recognizing and protecting private rights consistent with the public interest."

(i) Preferential accommodation of single-family uses.

RCW 90.58.020:

"Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single-family residences and their appurtenant structures. . ."

RCW 90.58.100:

"(6) Each master program shall contain standards governing the protection of single-family residences and appurtenant structures against damage or loss due to shoreline erosion. The standards shall govern the issuance of substantial development permits for shoreline protection, including structural methods such as construction of bulkheads, and nonstructural methods of protection. The standards shall provide for methods which achieve effective and timely protection against loss or damage to single-family residences and appurtenant structures due to shoreline erosion. The standards shall provide a preference for permit issuance for measures to protect single-family residences occupied prior to January 1, 1992, where the proposed measure is designed to minimize harm to the shoreline natural environment."

(j) Coordination of shoreline management with other relevant local, state, and federal programs.

RCW 90.58.020:

"In addition. . ." the legislature ". . .finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state."

". . .and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state. . ."

"There is, therefor, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines."

RCW 90.58.100:

"In preparing the master programs, and any amendments thereto, the department and local governments shall to the extent feasible:

(a) Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts;

(b) Consult with and obtain the comments of any federal, state, regional, or local agency having any special expertise with respect to any environmental impact;

(c) Consider all plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by private individuals, or by organizations dealing with pertinent shorelines of the state;

(d) Conduct or support such further research, studies, surveys, and interviews as are deemed necessary;

(e) Utilize all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data;

(f) Employ, when feasible, all appropriate modern scientific data processing and computer techniques to store, index, analyze, and manage the information gathered."

NEW SECTION

WAC 173-26-181 Special policy goals of the act and guidelines for shorelines of statewide significance. In accordance with RCW 90.58.020, the "department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:

(1) Recognize and protect the statewide interest over local interest;

(2) Preserve the natural character of the shoreline;

(3) Result in long term over short term benefit;

(4) Protect the resources and ecology of the shoreline;

(5) Increase public access to publicly owned areas of the shorelines;

(6) Increase recreational opportunities for the public in the shoreline;

(7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary."

NEW SECTION

WAC 173-26-186 Governing principles of the guidelines. The governing principles listed below are intended to articulate a set of foundational concepts that underpin the guidelines, guide the development of the planning policies and regulatory provisions of master programs, and provide direction to the department in reviewing and approving master programs. These governing principles, along with the policy statement of RCW 90.58.020, other relevant provisions of the act, the regulatory reform policies and provisions of RCW 34.05.328, and the policy goals set forth in WAC 173-26-176 and 173-26-181 should be used to assist in interpretation of any ambiguous provisions and reconciliation of any conflicting provisions of the guidelines.

(1) The guidelines are subordinate to the act. Any inconsistency between the guidelines and the act must be resolved in accordance with the act.

(2) The guidelines are intended to reflect the policy goals of the act, as described in WAC 173-26-176 and 173-26-181.

(3) All relevant policy goals must be addressed in the planning policies of master programs.

(4) The planning policies of master programs (as distinguished from the development regulations of master programs) may be achieved by a number of means, only one of which is the regulation of development. Other means, as authorized by RCW 90.58.240, include, but are not limited to: The acquisition of lands and easements within shorelines of the state by purchase, lease, or gift, either alone or in concert with other local governments; and accepting grants, contributions, and appropriations from any public or private agency or individual. Additional other means may include, but are not limited to, public facility and park planning, watershed planning, voluntary salmon recovery projects and incentive programs.

(5) The policy goals of the act, implemented by the planning policies of master programs, may not be achievable by development regulation alone. Planning policies should be pursued through the regulation of development of private property only to an extent that is consistent with all relevant constitutional and other legal limitations (where applicable, statutory limitations such as those contained in chapter 82.02 RCW and RCW 43.21C.060) on the regulation of private property. Local government should use a process designed to assure that proposed regulatory or administrative actions do not unconstitutionally infringe upon private property rights. A process established for this purpose, related to the constitutional takings limitation, is set forth in a publication entitled, "State of Washington, Attorney General's Recommended Process for Evaluation of Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property," first published in February 1992. The attorney general is required to review and update this process on at least an annual basis to maintain consistency with changes in case law by RCW 36.70A.370.

(6) The territorial jurisdictions of the master program's planning function and regulatory function are legally distinct. The planning function may, and in some circumstances must, look beyond the territorial limits of shorelines of the state. RCW 90.58.340. The regulatory function is limited to the territorial limits of shorelines of the state, RCW 90.58.140(1), as defined in RCW 90.58.030(2).

(7) The planning policies and regulatory provisions of master programs and the comprehensive plans and development regulations, adopted under RCW 36.70A.040 shall be integrated and coordinated in accordance with RCW 90.58.340, 36.70A.480, 34.05.328 (1)(h), and section 1, chapter 347, Laws of 1995.

(8) Through numerous references to and emphasis on the maintenance, protection, restoration, and preservation of "fragile" shoreline "natural resources," "public health," "the land and its vegetation and wildlife," "the waters and their aquatic life," "ecology," and "environment," the act makes protection of the shoreline environment an essential state-wide policy goal consistent with the other policy goals of the act. It is recognized that shoreline ecological functions may be impaired not only by shoreline development subject to the substantial development permit requirement of the act but also by past actions, unregulated activities, and development that is exempt from the act's permit requirements. The principle regarding protecting shoreline ecological systems is accomplished by these guidelines in several ways, and in the context of related principles. These include:

(a) Local government is guided in its review and amendment of local master programs so that it uses a process that identifies, inventories, and ensures meaningful understanding of current and potential ecological functions provided by affected shorelines.

(b) Local master programs shall include policies and regulations designed to achieve no net loss of those ecological functions.

(i) Local master programs shall include regulations and mitigation standards ensuring that each permitted development will not cause a net loss of ecological functions of the shoreline; local government shall design and implement such

regulations and mitigation standards in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property.

(ii) Local master programs shall include regulations ensuring that exempt development in the aggregate will not cause a net loss of ecological functions of the shoreline.

(c) For counties and cities containing any shorelines with impaired ecological functions, master programs shall include goals and policies that provide for restoration of such impaired ecological functions. These master program provisions shall identify existing policies and programs that contribute to planned restoration goals and identify any additional policies and programs that local government will implement to achieve its goals. These master program elements regarding restoration should make real and meaningful use of established or funded nonregulatory policies and programs that contribute to restoration of ecological functions, and should appropriately consider the direct or indirect effects of other regulatory or nonregulatory programs under other local, state, and federal laws, as well as any restoration effects that may flow indirectly from shoreline development regulations and mitigation standards.

(d) Local master programs shall evaluate and consider cumulative impacts of reasonably foreseeable future development on shoreline ecological functions and other shoreline functions fostered by the policy goals of the act. To ensure no net loss of ecological functions and protection of other shoreline functions and/or uses, master programs shall contain policies, programs, and regulations that address adverse cumulative impacts and fairly allocate the burden of addressing cumulative impacts among development opportunities. Evaluation of such cumulative impacts should consider:

(i) Current circumstances affecting the shorelines and relevant natural processes;

(ii) Reasonably foreseeable future development and use of the shoreline; and

(iii) Beneficial effects of any established regulatory programs under other local, state, and federal laws.

It is recognized that methods of determining reasonably foreseeable future development may vary according to local circumstances, including demographic and economic characteristics and the nature and extent of local shorelines.

(e) The guidelines are not intended to limit the use of regulatory incentives, voluntary modification of development proposals, and voluntary mitigation measures that are designed to restore as well as protect shoreline ecological functions.

(9) To the extent consistent with the policy and use preference of RCW 90.58.020, this chapter (chapter 173-26 WAC), and these principles, local governments have reasonable discretion to balance the various policy goals of this chapter, in light of other relevant local, state, and federal regulatory and nonregulatory programs, and to modify master programs to reflect changing circumstances.

(10) Local governments, in adopting and amending master programs and the department in its review capacity shall, to the extent feasible, as required by RCW 90.58.100(1):

"(a) Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts;

(b) Consult with and obtain the comments of any federal, state, regional, or local agency having any special expertise with respect to any environmental impact;

(c) Consider all plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by private individuals, or by organizations dealing with pertinent shorelines of the state;

(d) Conduct or support such further research, studies, surveys, and interviews as are deemed necessary;

(e) Utilize all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data;

(f) Employ, when feasible, all appropriate, modern scientific data processing and computer techniques to store, index, analyze, and manage the information gathered."

(11) In reviewing and approving local government actions under RCW 90.58.090, the department shall insure that the state's interest in shorelines is protected, including compliance with the policy and provisions of RCW 90.58.020.

NEW SECTION

WAC 173-26-191 Master program contents. (1) **Master program concepts.** The following concepts are the basis for effective shoreline master programs.

(a) **Master program policies and regulations.** Shoreline master programs are both planning and regulatory tools. Master programs serve a planning function in several ways. First, they balance and integrate the objectives and interests of local citizens. Therefore, the preparation and amending of master programs shall involve active public participation, as called for in WAC 173-26-201(3). Second, they address the full variety of conditions on the shoreline. Third, they consider and, where necessary to achieve the objectives of chapter 90.58 RCW, influence planning and regulatory measures for adjacent land. For jurisdictions planning under chapter 36.70A RCW, the Growth Management Act, the requirements for consistency between shoreline and adjacent land planning are more specific and are described in WAC 173-26-191 (1)(e). Fourth, master programs address conditions and opportunities of specific shoreline segments by classifying the shorelines into "environment designations" as described in WAC 173-26-211.

The results of shoreline planning are summarized in shoreline master program policies that establish broad shoreline management directives. The policies are the basis for regulations that govern use and development along the shoreline. Some master program policies may not be fully attainable by regulatory means due to the constitutional and other legal limitations on the regulation of private property. The policies may be pursued by other means as provided in RCW 90.58.240. Some development requires a shoreline permit prior to construction. A local government evaluates a permit application with respect to the shoreline master program policies and regulations and approves a permit only after determining that the development conforms to them. The regulations apply to all uses and development within shoreline jurisdiction, whether or not a shoreline permit is required,

and are implemented through an administrative process established by local government pursuant to RCW 90.58.050 and 90.58.140 and enforcement pursuant to RCW 90.58.210 through 90.58.230.

(b) **Master program elements.** RCW 90.58.100(2) states that the master programs shall, when appropriate, include the following elements:

"(a) An economic development element for the location and design of industries, industrial projects of statewide significance, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of shorelines of the state;

(b) A public access element making provision for public access to publicly owned areas;

(c) A recreational element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas;

(d) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element;

(e) A use element which considers the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land;

(f) A conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection;

(g) An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values;

(h) An element that gives consideration to the statewide interest in the prevention and minimization of flood damages; and

(i) Any other element deemed appropriate or necessary to effectuate the policy of this chapter."

The Growth Management Act (chapter 36.70A RCW) also uses the word "element" for discrete components of a comprehensive plan. To avoid confusion, "master program element" refers to the definition in the Shoreline Management Act as cited above. Local jurisdictions are not required to address the master program elements listed in the Shoreline Management Act as discrete sections. The elements may be addressed throughout master program provisions rather than used as a means to organize the master program.

(c) **Shorelines of statewide significance.** The Shoreline Management Act identifies certain shorelines as "shorelines of statewide significance" and raises their status by setting use priorities and requiring "optimum implementation" of the act's policy. WAC 173-26-251 describes methods to provide for the priorities listed in RCW 90.58.020 and to achieve "optimum implementation" as called for in RCW 90.58.090 (4).

(d) **Shoreline environment designations.** Shoreline management must address a wide range of physical conditions and development settings along shoreline areas. Effective shoreline management requires that the shoreline master program prescribe different sets of environmental protection measures, allowable use provisions, and development standards for each of these shoreline segments.

The method for local government to account for different shoreline conditions is to assign an environment designation to each distinct shoreline section in its jurisdiction. The environment designation assignments provide the framework for implementing shoreline policies and regulatory measures specific to the environment designation. WAC 173-26-211 presents guidelines for environment designations in greater detail.

(e) **Consistency with comprehensive planning and other development regulations.** Shoreline management is most effective and efficient when accomplished within the context of comprehensive planning. For cities and counties planning under the Growth Management Act, chapter 36.70A RCW requires mutual and internal consistency between the comprehensive plan elements and implementing development regulations (including master programs). The requirement for consistency is amplified in WAC 365-195-500:

"Each comprehensive plan shall be an internally consistent document and all elements shall be consistent with the future land use map. This means that each part of the plan should be integrated with all other parts and that all should be capable of implementation together. Internal consistency involves at least two aspects:

(1) Ability of physical aspects of the plan to coexist on the available land.

(2) Ability of the plan to provide that adequate public facilities are available when the impacts of development occur (concurrency).

Each plan should provide mechanisms for ongoing review of its implementation and adjustment of its terms whenever internal conflicts become apparent."

The Growth Management Act also calls for coordination and consistency of comprehensive plans among local jurisdictions. RCW 36.70A.100 states:

"The comprehensive plan of each county or city that is adopted pursuant to RCW 36.70A.040 shall be coordinated with, and consistent with, the comprehensive plans adopted pursuant to RCW 36.70A.040 of other counties or cities with which the county or city has, in part, common borders or related regional issues."

Since master program goals and policies are an element of the local comprehensive plan, the requirement for internal and intergovernmental plan consistency may be satisfied by watershed-wide or regional planning.

Legislative findings provided in section 1, chapter 347, Laws of 1995 (see RCW 36.70A.470 notes) state:

"The legislature recognizes by this act that the growth management act is a fundamental building block of regulatory reform. The state and local governments have invested considerable resources in an act that should serve as the integrating framework for all other land-use related laws. The growth management act provides the means to effectively combine certainty for development decisions, reasonable

environmental protection, long-range planning for cost-effective infrastructure, and orderly growth and development."

And RCW 36.70A.480(1) (The Growth Management Act) states:

"For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 are added as one of the goals of this chapter as set forth in RCW 36.70A.020 without creating an order of priority among the fourteen goals. The goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations."

Furthermore, RCW 36.70A.481 states:

"Nothing in RCW 36.70A.480 shall be construed to authorize a county or city to adopt regulations applicable to shorelands as defined in RCW 90.58.030 that are inconsistent with the provisions of chapter 90.58 RCW."

The Shoreline Management Act addresses the issue of consistency in RCW 90.58.340, which states:

"All state agencies, counties, and public and municipal corporations shall review administrative and management policies, regulations, plans, and ordinances relative to lands under their respective jurisdictions adjacent to the shorelines of the state so as the [to] achieve a use policy on said land consistent with the policy of this chapter, the guidelines, and the master programs for the shorelines of the state. The department may develop recommendations for land use control for such lands. Local governments shall, in developing use regulations for such areas, take into consideration any recommendations developed by the department as well as any other state agencies or units of local government. [1971 ex.s. c 286 § 34.]"

Pursuant to the statutes cited above, the intent of these guidelines is to assist local governments in preparing and amending master programs that fit within the framework of applicable comprehensive plans, facilitate consistent, efficient review of projects and permits, and effectively implement the Shoreline Management Act. It should be noted the ecology's authority under the Shoreline Management Act is limited to review of shoreline master programs based solely on consistency with the SMA and these guidelines. It is the responsibility of the local government to assure consistency between the master program and other elements of the comprehensive plan and development regulations.

Several sections in these guidelines include methods to achieve the consistency required by both the Shoreline Management Act and the Growth Management Act.

First, WAC 173-26-191 (2)(b) and (c) describe optional methods to integrate master programs and other development regulations and the local comprehensive plan.

Second, WAC 173-26-221 through 173-26-251 translate the broad policy goals in the Shoreline Management Act into more specific policies. They also provide a more defined policy basis on which to frame local shoreline master program provisions and to evaluate the consistency of applicable

sections of a local comprehensive plan with the Shoreline Management Act.

Finally, WAC 173-26-211(3) presents specific methods for testing consistency between shoreline environment designations and comprehensive plan land use designations.

(2) **Basic requirements.** This chapter describes the basic components and content required in a master program. A master program must be sufficient and complete to implement the Shoreline Management Act and the provisions of this chapter. A master program shall contain policies and regulations as necessary for reviewers to evaluate proposed shoreline uses and developments for conformance to the Shoreline Management Act. As indicated in WAC 173-26-020, for this chapter: The terms "shall," "must," and "are required" and the imperative voice, mean a mandate; the action is required; the term "should" means that the particular action is required unless there is a demonstrated, sufficient reason, based on a policy of the Shoreline Management Act and this chapter, for not taking the action; and the term "may" indicates that the action is within discretion and authority, provided it satisfies all other provisions in this chapter.

(a) **Master program contents.** Master programs shall include the following contents:

(i) **Master program policies.** Master programs shall provide clear, consistent policies that translate broad statewide policy goals set forth in WAC 173-26-176 and 173-26-181 into local directives. Policies are statements of intent directing or authorizing a course of action or specifying criteria for regulatory and nonregulatory actions by a local government. Master program policies provide a comprehensive foundation for the shoreline master program regulations, which are more specific, standards used to evaluate shoreline development. Master program policies also are to be pursued and provide guidance for public investment and other non-regulatory initiatives to assure consistency with the overall goals of the master program.

Shoreline policies shall be developed through an open comprehensive shoreline planning process. For governments planning under the Growth Management Act, the master program policies are considered a shoreline element of the local comprehensive plan and shall be consistent with the planning goals of RCW 36.70A.020, as well as the act's general and special policy goals set forth in WAC 173-26-176 and 173-26-181.

At a minimum, shoreline master program policies shall:

(A) Be consistent with state shoreline management policy goals and specific policies listed in this chapter and the policies of the Shoreline Management Act;

(B) Address the master program elements of RCW 90.58.100;

(C) Include policies for environment designations as described in WAC 173-26-211. The policies shall be accompanied by a map or physical description of the schematic environment designation boundaries in sufficient detail to compare with comprehensive plan land use designations; and

(D) Be designed and implemented in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property.

(ii) **Master program regulations.** RCW 90.58.100 states:

"The master programs provided for in this chapter, when adopted or approved by the department shall constitute use regulations for the various shorelines of the state."

In order to implement the directives of the Shoreline Management Act, master program regulations shall:

(A) Be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies of this chapter, and local master program policies;

(B) Include environment designation regulations that apply to specific environments consistent with WAC 173-26-210;

(C) Include general regulations, use regulations that address issues of concern in regard to specific uses, and shoreline modification regulations; and

(D) Design and implement regulations and mitigation standards in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property.

(iii) **Administrative provisions.**

(A) **Statement of applicability.** The Shoreline Management Act's provisions are intended to provide for the management of all development and uses within its jurisdiction, whether or not a shoreline permit is required. Many activities that may not require a substantial development permit, such as clearing vegetation or construction of a residential bulkhead, can, individually or cumulatively, adversely impact adjacent properties and natural resources, including those held in public trust. Local governments have the authority and responsibility to enforce master program regulations on all uses and development in the shoreline area. There has been, historically, some public confusion regarding the Shoreline Management Act's applicability in this regard. Therefore, all master programs shall include the following statement:

"All proposed uses and development occurring within shoreline jurisdiction must conform to chapter 90.58 RCW, the Shoreline Management Act, and this master program."

In addition to the requirements of the SMA, permit review, implementation, and enforcement procedures affecting private property must be conducted in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property. Administrative procedures should include provisions insuring that these requirements and limitations are considered and followed in all such decisions.

While the master program is a comprehensive use regulation applicable to all land and water areas within the jurisdiction described in the act, its effect is generally on future development and changes in land use. Local government may find it necessary to regulate existing uses to avoid severe harm to public health and safety or the environment and in doing so should be cognizant of constitutional and other legal limitations on the regulation of private property. In some circumstances existing uses and properties may become non-conforming with regard to the regulations and master programs should include provisions to address these situations in a manner consistent with achievement of the policy of the act and consistent with constitutional and other legal limitations.

(B) Conditional use and variance provisions.

RCW 90.58.100(5) states:

"Each master program shall contain provisions to allow for the varying of the application of use regulations of the program, including provisions for permits for conditional uses and variances, to insure that strict implementation of a program will not create unnecessary hardships or thwart the policy enumerated in RCW 90.58.020. Any such varying shall be allowed only if extraordinary circumstances are shown and the public interest suffers no substantial detrimental effect. The concept of this subsection shall be incorporated in the rules adopted by the department relating to the establishment of a permit system as provided in RCW 90.58.140(3)."

All master programs shall include standards for reviewing conditional use permits and variances which conform to chapter 173-27 WAC.

(C) Administrative permit review and enforcement procedures.

RCW 90.58.140(3) states:

"The local government shall establish a program, consistent with rules adopted by the department, for the administration and enforcement of the permit system provided in this section. The administration of the system so established shall be performed exclusively by the local government."

Local governments may include administrative, enforcement, and permit review procedures in the master program or the procedures may be defined by a local government ordinance separate from the master program. In either case, these procedures shall conform to the Shoreline Management Act, specifically RCW 90.58.140, 90.58.143, 90.58.210 and 90.58.220 and to chapter 173-27 WAC.

Adopting review and enforcement procedures separate from the master program allows local governments to more expeditiously revise their shoreline permit review procedures and to integrate them with other permit processing activities.

(D) Documentation of project review actions and changing conditions in shoreline areas.

Master programs or other local permit review ordinances addressing shoreline project review shall include a mechanism for documenting all project review actions in shoreline areas. Local governments shall also identify a process for periodically evaluating the cumulative effects of authorized development on shoreline conditions. This process could involve a joint effort by local governments, state resource agencies, affected Indian tribes, and other parties.

(b) Including other documents in a master program by reference. Shoreline master program provisions sometimes address similar issues as other comprehensive plan elements and development regulations, such as the zoning code and critical area ordinance. For the purposes of completeness and consistency, local governments may include other locally adopted policies and regulations within their master programs. For example, a local government may include its critical area ordinance in the master program to provide for compliance with the requirements of RCW 90.58.090(4), provided the critical area ordinance is also consistent with this chapter. This can ensure that local master programs are consistent with other regulations.

Shoreline master programs may include other policies and regulations by referencing a specific, dated edition.

When including referenced regulations within a master program, local governments shall ensure that the public has an opportunity to participate in the formulation of the regulations or in their incorporation into the master program, as called for in WAC 173-26-201 (3)(b)(i). In the approval process the department will review the referenced development regulation sections as part of the master program. A copy of the referenced regulations shall be submitted to the department with the proposed master program or amendment. If the development regulation is amended, the edition referenced within the master program will still be the operative regulation in the master program. Changing the referenced regulations in the master program to the new edition will require a master program amendment.

(c) Incorporating master program provisions into other plans and regulations. Local governments may integrate master program policies and regulations into their comprehensive plan policies and implementing development regulations rather than preparing a discrete master program in a single document. Master program provisions that are integrated into such plans and development regulations shall be clearly identified so that the department can review these provisions for approval and evaluate development proposals for compliance. RCW 90.58.120 requires that all adopted regulations, designations, and master programs be available for public inspection at the department or the applicable county or city. Local governments shall identify all documents which contain master program provisions and which provisions constitute part of the master program. Clear identification of master program provisions is also necessary so that interested persons and entities may be involved in master program preparation and amendment, as called for in RCW 90.58.130.

Local governments integrating all or portions of their master program provisions into other plans and regulations shall submit to the department a listing and copies of all provisions that constitute the master program. The master program shall also be sufficiently complete and defined to provide:

(i) Clear directions to applicants applying for shoreline permits and exemptions; and

(ii) Clear evaluation criteria and standards to the local governments, the department, other agencies, and the public for reviewing permit applications with respect to state and local shoreline management provisions.

(d) Multijurisdictional master program. Two or more adjacent local governments are encouraged to jointly prepare master programs. Jointly proposed master programs may offer opportunities to effectively and efficiently manage natural resources, such as drift cells or watersheds, that cross jurisdictional boundaries. Local governments jointly preparing master programs shall provide the opportunity for public participation locally in each jurisdiction, as called for in WAC 173-26-201 (3)(b), and submit the multijurisdictional master program to the department for approval.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION**WAC 173-26-201 Comprehensive process to prepare or amend shoreline master programs. (1) Applicability.**

This section outlines a comprehensive process to prepare or amend a shoreline master program. Local governments shall incorporate the steps indicated if one or more of the following criteria apply:

(a) The master program amendments being considered represent a significant modification to shoreline management practices within the local jurisdiction, they modify more than one environment designation boundary, or significantly add, change or delete use regulations;

(b) Physical shoreline conditions have changed significantly, such as substantial changes in shoreline use or priority habitat integrity, since the last comprehensive master program amendment;

(c) The master program amendments being considered contain provisions that will affect a substantial portion of the local government's shoreline areas;

(d) There are substantive issues that must be addressed on a comprehensive basis. This may include issues such as salmon recovery, major use conflicts or public access;

(e) The current master program and the comprehensive plan are not mutually consistent;

(f) There has been no previous comprehensive master program amendment since the original master program adoption; or

(g) Monitoring and adaptive management indicate that changes are necessary to avoid loss of ecological functions.

Other revisions that do not meet the above criteria may be made without undertaking this comprehensive process provided that the process conforms to the requirements of WAC 173-26-030 through 173-26-160.

All master program amendments are subject to approval by the department as provided in RCW 90.58.090 (3) and (4).

(2) Basic concepts.

(a) **Use of scientific and technical information.** To satisfy the requirements for the use of scientific and technical information in RCW 90.58.100(1), local governments shall incorporate the following two steps into their master program development and amendment process.

First, identify and assemble the most current, accurate, and complete scientific and technical information available that is applicable to the issues of concern. The context, scope, magnitude, significance, and potential limitations of the scientific information should be considered. At a minimum, make use of and, where applicable, incorporate all available scientific information, aerial photography, inventory data, technical assistance materials, manuals and services from reliable sources of science. Local governments should also contact relevant state agencies, universities, affected Indian tribes, port districts and private parties for available information. While adequate scientific information and methodology necessary for development of a master program should be available, if any person, including local government, chooses to initiate scientific research with the expectation that it will be used as a basis for master program provisions, that research shall use accepted scientific methods, research procedures and review protocols. Local governments are encouraged to work interactively with neigh-

boring jurisdictions, state resource agencies, affected Indian tribes, and other local government entities such as port districts to address technical issues beyond the scope of existing information resources or locally initiated research.

Local governments should consult the technical assistance materials produced by the department. When relevant information is available and unless there is more current or specific information available, those technical assistance materials shall constitute an element of scientific and technical information as defined in these guidelines and the use of which is required by the act.

Second, base master program provisions on an analysis incorporating the most current, accurate, and complete scientific or technical information available. Local governments should be prepared to identify the following:

(i) Scientific information and management recommendations on which the master program provisions are based;

(ii) Assumptions made concerning, and data gaps in, the scientific information; and

(iii) Risks to ecological functions associated with master program provisions. Address potential risks as described in WAC 173-26-201 (3)(d).

The requirement to use scientific and technical information in these guidelines does not limit a local jurisdiction's authority to solicit and incorporate information, experience, and anecdotal evidence provided by interested parties as part of the master program amendment process. Such information should be solicited through the public participation process described in WAC 173-26-201 (3)(b). Where information collected by or provided to local governments conflicts or is inconsistent, the local government shall base master program provisions on a reasoned, objective evaluation of the relative merits of the conflicting data.

(b) **Adaptation of policies and regulations.** Effective shoreline management requires the evaluation of changing conditions and the modification of policies and regulations to address identified trends and new information. Local governments should monitor actions taken to implement the master program and shoreline conditions to facilitate appropriate updates of master program provisions to improve shoreline management over time. In reviewing proposals to amend master programs, the department shall evaluate whether the change promotes achievement of the policies of the master program and the act. As provided in WAC 173-26-171 (3)(d), ecology will periodically review these guidelines, based in part on information provided by local government, and through that process local government will receive additional guidance on significant shoreline management issues that may require amendments to master programs.

(c) **Protection of ecological functions of the shorelines.** This chapter implements the act's policy on protection of shoreline natural resources through protection and restoration of ecological functions necessary to sustain these natural resources. The concept of ecological functions recognizes that any ecological system is composed of a wide variety of interacting physical, chemical and biological components, that are interdependent in varying degrees and scales, and that produce the landscape and habitats as they exist at any time. Ecological functions are the work performed or role

played individually or collectively within ecosystems by these components.

As established in WAC 173-26-186(8), these guidelines are designed to assure, at minimum, no net loss of ecological functions necessary to sustain shoreline natural resources and to plan for restoration of ecological functions where they have been impaired. Managing shorelines for protection of their natural resources depends on sustaining the functions provided by:

- Ecosystem-wide processes such as those associated with the flow and movement of water, sediment and organic materials; the presence and movement of fish and wildlife and the maintenance of water quality.
- Individual components and localized processes such as those associated with shoreline vegetation, soils, water movement through the soil and across the land surface and the composition and configuration of the beds and banks of water bodies.

The loss or degradation of the functions associated with ecosystem-wide processes, individual components and localized processes can significantly impact shoreline natural resources and may also adversely impact human health and safety. Shoreline master programs shall address ecological functions associated with applicable ecosystem-wide processes, individual components and localized processes identified in the ecological systems analysis described in WAC 173-26-201 (3)(d)(i).

Nearly all shoreline areas, even substantially developed or degraded areas, retain important ecological functions. For example, an intensely developed harbor area may also serve as a fish migration corridor and feeding area critical to species survival. Also, ecosystems are interconnected. For example, the life cycle of anadromous fish depends upon the viability of freshwater, marine, and terrestrial shoreline ecosystems, and many wildlife species associated with the shoreline depend on the health of both terrestrial and aquatic environments. Therefore, the policies for protecting and restoring ecological functions generally apply to all shoreline areas, not just those that remain relatively unaltered.

Master programs shall contain policies and regulations that assure, at minimum, no net loss of ecological functions necessary to sustain shoreline natural resources. To achieve this standard while accommodating appropriate and necessary shoreline uses and development, master programs should establish and apply:

- Environment designations with appropriate use and development standards; and
- Provisions to address the impacts of specific common shoreline uses, development activities and modification actions; and
- Provisions for the protection of critical areas within the shoreline; and
- Provisions for mitigation measures and methods to address unanticipated impacts.

When based on the inventory and analysis requirements and completed consistent with the specific provisions of these guidelines, the master program should ensure that development will be protective of ecological functions necessary to sustain existing shoreline natural resources and meet the standard. The concept of "net" as used herein, recognizes

that any development has potential or actual, short-term or long-term impacts and that through application of appropriate development standards and employment of mitigation measures in accordance with the mitigation sequence, those impacts will be addressed in a manner necessary to assure that the end result will not diminish the shoreline resources and values as they currently exist. Where uses or development that impact ecological functions are necessary to achieve other objectives of RCW 90.58.020, master program provisions shall, to the greatest extent feasible, protect existing ecological functions and avoid new impacts to habitat and ecological functions before implementing other measures designed to achieve no net loss of ecological functions.

Master programs shall also include policies that promote restoration of ecological functions, as provided in WAC 173-26-201 (2)(f), where such functions are found to have been impaired based on analysis described in WAC 173-26-201 (3)(d)(i). It is intended that local government, through the master program, along with other regulatory and nonregulatory programs, contribute to restoration by planning for and fostering restoration and that such restoration occur through a combination of public and private programs and actions. Local government should identify restoration opportunities through the shoreline inventory process and authorize, coordinate and facilitate appropriate publicly and privately initiated restoration projects within their master programs. The goal of this effort is master programs which include planning elements that, when implemented, serve to improve the overall condition of habitat and resources within the shoreline area of each city and county.

(d) **Preferred uses.** As summarized in WAC 173-26-176, the act establishes policy that preference be given to uses that are unique to or dependent upon a shoreline location. Consistent with this policy, these guidelines use the terms "water-dependent," "water-related," and "water-enjoyment," as defined in WAC 173-26-020, when discussing appropriate uses for various shoreline areas.

Shoreline areas, being a limited ecological and economic resource, are the setting for competing uses and ecological protection and restoration activities. Consistent with RCW 90.58.020 and WAC 173-26-171 through 173-26-186, local governments shall, when determining allowable uses and resolving use conflicts on shorelines within their jurisdiction, apply the following preferences and priorities in the order listed below, starting with (d)(i) of this subsection. For shorelines of statewide significance, also apply the preferences as indicated in WAC 173-26-251(2).

(i) Reserve appropriate areas for protecting and restoring ecological functions to control pollution and prevent damage to the natural environment and public health.

(ii) Reserve shoreline areas for water-dependent and associated water-related uses. Harbor areas, established pursuant to Article XV of the state Constitution, and other areas that have reasonable commercial navigational accessibility and necessary support facilities such as transportation and utilities should be reserved for water-dependent and water-related uses that are associated with commercial navigation unless the local governments can demonstrate that adequate shoreline is reserved for future water-dependent and water-related uses and unless protection of the existing natural

resource values of such areas preclude such uses. Local governments may prepare master program provisions to allow mixed-use developments that include and support water-dependent uses and address specific conditions that affect water-dependent uses.

(iii) Reserve shoreline areas for other water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives.

(iv) Locate single-family residential uses where they are appropriate and can be developed without significant impact to ecological functions or displacement of water-dependent uses.

(v) Limit nonwater-oriented uses to those locations where the above described uses are inappropriate or where nonwater-oriented uses demonstrably contribute to the objectives of the Shoreline Management Act.

Evaluation pursuant to the above criteria, local economic and land use conditions, and policies and regulations that assure protection of shoreline resources, may result in determination that other uses are considered as necessary or appropriate and may be accommodated provided that the preferred uses are reasonably provided for in the jurisdiction.

(e) Environmental impact mitigation.

(i) To assure no net loss of shoreline ecological functions, master programs shall include provisions that require proposed individual uses and developments to analyze environmental impacts of the proposal and include measures to mitigate environmental impacts not otherwise avoided or mitigated by compliance with the master program and other applicable regulations. To the extent Washington's State Environmental Policy Act of 1971 (SEPA), chapter 43.21C RCW, is applicable, the analysis of such environmental impacts shall be conducted consistent with the rules implementing SEPA, which also address environmental impact mitigation in WAC 197-11-660 and define mitigation in WAC 197-11-768. Master programs shall indicate that, where required, mitigation measures shall be applied in the following sequence of steps listed in order of priority, with (e)(i)(A) of this subsection being top priority.

(A) Avoiding the impact altogether by not taking a certain action or parts of an action;

(B) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;

(C) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(D) Reducing or eliminating the impact over time by preservation and maintenance operations;

(E) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

(F) Monitoring the impact and the compensation projects and taking appropriate corrective measures.

(ii) In determining appropriate mitigation measures applicable to shoreline development, lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.

Consistent with WAC 173-26-186 (5) and (8), master programs shall also provide direction with regard to mitigation for the impact of the development so that:

(A) Application of the mitigation sequence achieves no net loss of ecological functions for each new development and does not result in required mitigation in excess of that necessary to assure that development will result in no net loss of shoreline ecological functions and not have a significant adverse impact on other shoreline functions fostered by the policy of the act.

(B) When compensatory measures are appropriate pursuant to the mitigation priority sequence above, preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. However, alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact may be authorized. Authorization of compensatory mitigation measures may require appropriate safeguards, terms or conditions as necessary to ensure no net loss of ecological functions.

(f) **Shoreline restoration planning.** Consistent with principle WAC 173-26-186 (8)(c), master programs shall include goals, policies and actions for restoration of impaired shoreline ecological functions. These master program provisions should be designed to achieve overall improvements in shoreline ecological functions over time, when compared to the status upon adoption of the master program. The approach to restoration planning may vary significantly among local jurisdictions, depending on:

- The size of the jurisdiction;
- The extent and condition of shorelines in the jurisdiction;
- The availability of grants, volunteer programs or other tools for restoration; and
- The nature of the ecological functions to be addressed by restoration planning.

Master program restoration plans shall consider and address the following subjects:

(i) Identify degraded areas, impaired ecological functions, and sites with potential for ecological restoration;

(ii) Establish overall goals and priorities for restoration of degraded areas and impaired ecological functions;

(iii) Identify existing and ongoing projects and programs that are currently being implemented, or are reasonably assured of being implemented (based on an evaluation of funding likely in the foreseeable future), which are designed to contribute to local restoration goals;

(iv) Identify additional projects and programs needed to achieve local restoration goals, and implementation strategies including identifying prospective funding sources for those projects and programs;

(v) Identify timelines and benchmarks for implementing restoration projects and programs and achieving local restoration goals;

(vi) Provide for mechanisms or strategies to ensure that restoration projects and programs will be implemented according to plans and to appropriately review the effectiveness of the projects and programs in meeting the overall restoration goals.

(3) **Steps in preparing and amending a master program.**

(a) **Process overview.** This section provides a generalized process to prepare or comprehensively amend a shoreline master program. Local governments may modify the timing of the various steps, integrate the process into other planning activities, add steps to the process, or work jointly with other jurisdictions or regional efforts, provided the provisions of this chapter are met.

The department will provide a shoreline master program amendment checklist to help local governments identify issues to address. The checklist will not create new or additional requirements beyond the provisions of this chapter. The checklist is intended to aid the preparation and review of master program amendments. Local governments shall submit the completed checklist with the proposed master program amendments.

(b) **Participation process.**

(i) **Participation requirements.** Local government shall comply with the provisions of RCW 90.58.130 which states:

"To insure that all persons and entities having an interest in the guidelines and master programs developed under this chapter are provided with a full opportunity for involvement in both their development and implementation, the department and local governments shall:

(1) Make reasonable efforts to inform the people of the state about the shoreline management program of this chapter and in the performance of the responsibilities provided in this chapter, shall not only invite but actively encourage participation by all persons and private groups and entities showing an interest in shoreline management programs of this chapter; and

(2) Invite and encourage participation by all agencies of federal, state, and local government, including municipal and public corporations, having interests or responsibilities relating to the shorelines of the state. State and local agencies are directed to participate fully to insure that their interests are fully considered by the department and local governments."

Additionally, the provisions of WAC 173-26-100 apply and include provisions to assure proper public participation and, for local governments planning under the Growth Management Act, the provisions of RCW 36.70A.140 also apply.

At a minimum, all local governments shall be prepared to describe and document their methods to ensure that all interested parties have a meaningful opportunity to participate.

(ii) **Communication with state agencies.** Before undertaking substantial work, local governments shall notify applicable state agencies to identify state interests, relevant regional and statewide efforts, available information, and methods for coordination and input. Contact the department for a list of applicable agencies to be notified.

(iii) **Communication with affected Indian tribes.** Prior to undertaking substantial work, local governments shall notify affected Indian tribes to identify tribal interests, relevant tribal efforts, available information and methods for coordination and input. Contact the individual tribes or coordinating bodies such as the Northwest Indian Fisheries Commission, for a list of affected Indian tribes to be notified.

(c) **Inventory shoreline conditions.** Gather and incorporate all pertinent and available information, existing inventory data and materials from state agencies, affected Indian tribes, watershed management planning, port districts and other appropriate sources. Ensure that, whenever possible, inventory methods and protocols are consistent with those of neighboring jurisdictions and state efforts. The department will provide, to the extent possible, services and resources for inventory work. Contact the department to determine information sources and other relevant efforts. Map inventory information at an appropriate scale.

Local governments shall be prepared to demonstrate how the inventory information was used in preparing their local master program amendments.

Collection of additional inventory information is encouraged and should be coordinated with other watershed, regional, or statewide inventory and planning efforts in order to ensure consistent methods and data protocol as well as effective use of fiscal and human resources. Local governments should be prepared to demonstrate that they have coordinated with applicable interjurisdictional shoreline inventory and planning programs where they exist. Two or more local governments are encouraged to jointly conduct an inventory in order to increase the efficiency of data gathering and comprehensiveness of inventory information. Data from interjurisdictional, watershed, or regional inventories may be substituted for an inventory conducted by an individual jurisdiction, provided it meets the requirements of this section.

Local government shall, at a minimum, and to the extent such information is relevant and reasonably available, collect the following information:

(i) Shoreline and adjacent land use patterns and transportation and utility facilities, including the extent of existing structures, impervious surfaces, vegetation and shoreline modifications in shoreline jurisdiction. Special attention should be paid to identification of water-oriented uses and related navigation, transportation and utility facilities.

(ii) Critical areas, including wetlands, aquifer recharge areas, fish and wildlife conservation areas, geologically hazardous areas, and frequently flooded areas. See also WAC 173-26-221.

(iii) Degraded areas and sites with potential for ecological restoration.

(iv) Areas of special interest, such as priority habitats, developing or redeveloping harbors and waterfronts, previously identified toxic or hazardous material clean-up sites, dredged material disposal sites, or eroding shorelines, to be addressed through new master program provisions.

(v) Conditions and regulations in shoreland and adjacent areas that affect shorelines, such as surface water management and land use regulations. This information may be useful in achieving mutual consistency between the master program and other development regulations.

(vi) Existing and potential shoreline public access sites, including public rights of way and utility corridors.

(vii) General location of channel migration zones, and flood plains.

(viii) Gaps in existing information. During the initial inventory, local governments should identify what additional

information may be necessary for more effective shoreline management.

(ix) If the shoreline is rapidly developing or subject to substantial human changes such as clearing and grading, past and current records or historical aerial photographs may be necessary to identify cumulative impacts, such as bulkhead construction, intrusive development on priority habitats, and conversion of harbor areas to nonwater-oriented uses.

(x) If archaeological or historic resources have been identified in shoreline jurisdiction, consult with the state historic preservation office and local affected Indian tribes regarding existing archaeological and historical information.

(d) **Analyze shoreline issues of concern.** Before establishing specific master program provisions, local governments shall analyze the information gathered in (c) of this subsection and as necessary to ensure effective shoreline management provisions, address the topics below, where applicable.

(i) **Characterization of functions and ecosystem-wide processes.**

(A) Prepare a characterization of shoreline ecosystems and their associated ecological functions. The characterization consists of three steps:

(I) Identify the ecosystem-wide processes and ecological functions based on the list in (d)(i)(C) of this subsection that apply to the shoreline(s) of the jurisdiction.

(II) Assess the ecosystem-wide processes to determine their relationship to ecological functions present within the jurisdiction and identify which ecological functions are healthy, which have been significantly altered and/or adversely impacted and which functions may have previously existed and are missing based on the values identified in (d)(i)(D) of this subsection; and

(III) Identify specific measures necessary to protect and/or restore the ecological functions and ecosystem-wide processes.

(B) The characterization of shoreline ecological systems may be achieved by using one or more of the approaches below:

(I) If a regional environmental management plan, such as a watershed plan or coastal erosion study, is ongoing or has been completed, then conduct the characterization either within the framework of the regional plan or use the data provided in the regional plan. This methodology is intended to contribute to an in-depth and comprehensive assessment and characterization.

(II) If a regional environmental management plan has not been completed, use available scientific and technical information, including flood studies, habitat evaluations and studies, water quality studies, and data and information from environmental impact statements. This characterization of ecosystem-wide processes and the impact upon the functions of specific habitats and human health and safety objectives may be of a generalized nature.

(III) One or more local governments may pursue a characterization which includes a greater scope and complexity than listed in (d)(i)(B)(I) and (II) of this subsection.

(C) Shoreline ecological functions include, but are not limited to:

In rivers and streams and associated flood plains:

Hydrologic: Transport of water and sediment across the natural range of flow variability; attenuating flow energy; developing pools, riffles, gravel bars, recruitment and transport of large woody debris and other organic material.

Shoreline vegetation: Maintaining temperature; removing excessive nutrients and toxic compound, sediment removal and stabilization; attenuation of flow energy; and provision of large woody debris and other organic matter.

Hyporheic functions: Removing excessive nutrients and toxic compound, water storage, support of vegetation, and sediment storage and maintenance of base flows.

Habitat for native aquatic and shoreline-dependent birds, invertebrates, mammals; amphibians; and anadromous and resident native fish: Habitat functions may include, but are not limited to, space or conditions for reproduction; resting, hiding and migration; and food production and delivery.

In lakes:

Hydrologic: Storing water and sediment, attenuating wave energy, removing excessive nutrients and toxic compounds, recruitment of large woody debris and other organic material.

Shoreline vegetation: Maintaining temperature; removing excessive nutrients and toxic compound, attenuating wave energy, sediment removal and stabilization; and providing woody debris and other organic matter.

Hyporheic functions: Removing excessive nutrients and toxic compound, water storage, support of vegetation, and sediment storage and maintenance of base flows.

Habitat for aquatic and shoreline-dependent birds, invertebrates, mammals; amphibians; and anadromous and resident native fish: Habitat functions may include, but are not limited to, space or conditions for reproduction, resting, hiding and migration; and food production and delivery.

In marine waters:

Hydrologic: Transporting and stabilizing sediment, attenuating wave and tidal energy, removing excessive nutrients and toxic compounds; recruitment, redistribution and reduction of woody debris and other organic material.

Vegetation: Maintaining temperature; removing excessive nutrients and toxic compound, attenuating wave energy, sediment removal and stabilization; and providing woody debris and other organic matter.

Habitat for aquatic and shoreline-dependent birds, invertebrates, mammals; amphibians; and anadromous and resident native fish: Habitat functions may include, but are not limited to, space or conditions for reproduction, resting, hiding and migration; and food production and delivery.

Wetlands:

Hydrological: Storing water and sediment, attenuating wave energy, removing excessive nutrients and toxic compounds, recruiting woody debris and other organic material.

Vegetation: Maintaining temperature; removing excessive nutrients and toxic compound, attenuating wave energy, removing and stabilizing sediment; and providing woody debris and other organic matter.

Hyporheic functions: Removing excessive nutrients and toxic compound, storing water and maintaining base flows, storing sediment and support of vegetation.

Habitat for aquatic and shoreline-dependent birds, invertebrates, mammals; amphibians; and anadromous and resi-

dent native fish: Habitat functions may include, but are not limited to, space or conditions for reproduction, resting, hiding and migration; and food production and delivery.

(D) The overall condition of habitat and shoreline resources are determined by the following ecosystem-wide processes and ecological functions:

The distribution, diversity, and complexity of the watersheds, marine environments, and landscape-scale features that form the aquatic systems to which species, populations, and communities are uniquely adapted.

The spatial and temporal connectivity within and between watersheds and along marine shorelines. Drainage network connections include flood plains, wetlands, upslope areas, headwater tributaries, and naturally functioning routes to areas critical for fulfilling life history requirements of aquatic and riverine-dependent species.

The shorelines, beaches, banks, marine near-shore habitats, and bottom configurations that provide the physical framework of the aquatic system.

The timing, volume, and distribution of woody debris recruitment in rivers, streams and marine habitat areas.

The water quality necessary to maintain the biological, physical, and chemical integrity of the system and support survival, growth, reproduction, and migration of individuals composing aquatic and riverine communities.

The sediment regime under which aquatic ecosystems evolved. Elements of the sediment regime include the timing, volume, rate, and character of sediment input, storage, and transport.

The range of flow variability sufficient to create and sustain fluvial, aquatic, and wetland habitats, the patterns of sediment, nutrient, and wood routing. The timing, magnitude, duration, and spatial distribution of peak, high, and low flows, and duration of flood plain inundation and water table elevation in meadows and wetlands.

The species composition and structural diversity of plant communities in river and stream areas and wetlands that provides summer and winter thermal regulation, nutrient filtering, appropriate rates of surface erosion, bank erosion, and channel migration and to supply amounts and distributions of woody debris sufficient to sustain physical complexity and stability.

(E) Local governments should use the characterization and analysis called for in this section to prepare master program policies and regulations designed to achieve no net loss of ecological functions necessary to support shoreline resources and to plan for the restoration of the ecosystem-wide processes and individual ecological functions on a comprehensive basis over time.

(ii) **Shoreline use analysis and priorities.** Conduct an analysis to estimate the future demand for shoreline space and potential use conflicts. Characterize current shoreline use patterns and projected trends to ensure appropriate uses consistent with chapter 90.58 RCW and WAC 173-26-201 (2)(d) and 173-26-211(5).

If the jurisdiction includes a designated harbor area or urban waterfront with intensive uses or significant development or redevelopment issues, work with the Washington state department of natural resources and port authorities to ensure consistency with harbor area statutes and regulations,

and to address port plans. Identify measures and strategies to encourage appropriate use of these shoreline areas in accordance with the use priorities of chapter 90.58 RCW and WAC 173-26-201 (2)(d) while pursuing opportunities for ecological restoration.

(iii) **Addressing cumulative impacts in developing master programs.** The principle that regulation of development shall achieve no net loss of ecological function requires that master program policies and regulations address the cumulative impacts on shoreline ecological functions that would result from future shoreline development and uses that are reasonably foreseeable from proposed master programs. To comply with the general obligation to assure no net loss of shoreline ecological function, the process of developing the policies and regulations of a shoreline master program requires assessment of how proposed policies and regulations cause and avoid such cumulative impacts.

Evaluating and addressing cumulative impacts shall be consistent with the guiding principle in WAC 173-26-186 (8)(d). An appropriate evaluation of cumulative impacts on ecological functions will consider the factors identified in WAC 173-26-186 (8)(d)(i) through (iii) and the effect on the ecological functions of the shoreline that are caused by unregulated activities, development exempt from permitting, effects such as the incremental impact of residential bulkheads, residential piers, or runoff from newly developed properties. Accordingly, particular attention should be paid to policies and regulations that address platting or subdividing of property, laying of utilities, and mapping of streets that establish a pattern for future development that is to be regulated by the master program.

There are practical limits when evaluating impacts that are prospective and sometimes indirect. Local government should rely on the assistance of state agencies and appropriate parties using evaluation, measurement, estimation, or quantification of impact consistent with the guidance of RCW 90.58.100(1) and WAC 173-26-201 (2)(a). Policies and regulations of a master program are not inconsistent with these guidelines for failing to address cumulative impacts where a purported impact is not susceptible to being addressed using an approach consistent with RCW 90.58.100 (1).

Complying with the above guidelines is the way that master program policies and regulations should be developed to assure that the commonly occurring and foreseeable cumulative impacts do not cause a net loss of ecological functions of the shoreline. For such commonly occurring and planned development, policies and regulations should be designed without reliance on an individualized cumulative impacts analysis. Local government shall fairly allocate the burden of addressing cumulative impacts.

For development projects that may have unanticipated or uncommon impacts that cannot be reasonably identified at the time of master program development, the master program policies and regulations should use the permitting or conditional use permitting processes to ensure that all impacts are addressed and that there is no net loss of ecological function of the shoreline after mitigation.

Similarly, local government shall consider and address cumulative impacts on other functions and uses of the shore-

line that are consistent with the act. For example, a cumulative impact of allowing development of docks or piers could be interference with navigation on a water body.

(iv) **Shorelines of statewide significance.** If the area contains shorelines of statewide significance, undertake the steps outlined in WAC 173-26-251.

(v) **Public access.** Identify public access needs and opportunities within the jurisdiction and explore actions to enhance shoreline recreation facilities, as described in WAC 173-26-221(4).

(vi) **Enforcement and coordination with other regulatory programs.** Local governments planning under the Growth Management Act shall review their comprehensive plan policies and development regulations to ensure mutual consistency. In order to effectively administer and enforce master program provisions, local governments should also review their current permit review and inspection practices to identify ways to increase efficiency and effectiveness and to ensure consistency.

(vii) **Water quality and quantity.** Identify water quality and quantity issues relevant to master program provisions, including those that affect human health and safety. At a minimum, consult with appropriate federal, state, tribal, and local agencies.

(viii) **Vegetation conservation.** Identify how existing shoreline vegetation provides ecological functions and determine methods to ensure protection of those functions. Identify important ecological functions that have been degraded through loss of vegetation. Consider the amount of vegetated shoreline area necessary to achieve ecological objectives. While there may be less vegetation remaining in urbanized areas than in rural areas, the importance of this vegetation, in terms of the ecological functions it provides, is often as great or even greater than in rural areas due to its scarcity. Identify measures to ensure that new development meets vegetation conservation objectives.

(ix) **Special area planning.** Some shoreline sites or areas require more focused attention than is possible in the overall master program development process due to complex shoreline ecological issues, changing uses, or other unique features or issues. In these circumstances, the local government is encouraged to undertake special area planning. Special area planning also may be used to address: Public access, vegetation conservation, shoreline use compatibility, port development master planning, ecological restoration, or other issues best addressed on a comprehensive basis.

The resultant plans may serve as the basis for facilitating state and local government coordination and permit review. Special area planning shall provide for public and affected Indian tribe participation and compliance with all applicable provisions of the act and WAC 173-26-090 through 173-26-120.

(e) **Establish shoreline policies.** Address all of the elements listed in RCW 90.58.100(2) and all applicable provisions of these guidelines in policies. These policies should be reviewed for mutual consistency with the comprehensive plan policies. If there are shorelines of statewide significance, ensure that the other comprehensive plan policies affecting shoreline jurisdiction are consistent with the objectives of RCW 90.58.020 and 90.58.090(4).

(f) **Establish environment designations.** Establish environment designations and identify permitted uses and development standards for each environment designation.

Based on the inventory in (c) of this subsection and the analysis in (d) of this subsection, assign each shoreline segment an environment designation.

Prepare specific environment designation policies and regulations.

Review the environment designations for mutual consistency with comprehensive plan land use designations as indicated in WAC 173-26-211(3).

In determining the boundaries and classifications of environment designations, adhere to the criteria in WAC 173-26-211(5).

(g) **Prepare other shoreline regulations.** Prepare other shoreline regulations based on the policies and the analyses described in this section as necessary to assure consistency with the guidelines of this chapter. The level of detail of inventory information and planning analysis will be a consideration in setting shoreline regulations. As a general rule, the less known about existing resources, the more protective shoreline master program provisions should be to avoid unanticipated impacts to shoreline resources. If there is a question about the extent or condition of an existing ecological resource, then the master program provisions shall be sufficient to reasonably assure that the resource is protected in a manner consistent with the policies of these guidelines. Local governments may accomplish this by including master program requirements for an on-site inventory at the time of project application and performance standard that assure appropriate protection.

(h) **Submit for review and approval.** Local governments are encouraged to work with department personnel during preparation of the master program and to submit draft master program provisions to the department for informal advice and guidance prior to formal submittal.

Local governments shall submit the completed checklist, as described in WAC 173-26-201 (3)(a), with their master program amendments proposed for adoption. Master program review and formal adoption procedures are described in Parts I and II of this chapter.

NEW SECTION

WAC 173-26-211 Environment designation system.

(1) **Applicability.** This section applies to the establishment of environment designation boundaries and provisions as described in WAC 173-26-191 (1)(d).

(2) **Basic requirements for environment designation classification and provisions.**

(a) Master programs shall contain a system to classify shoreline areas into specific environment designations. This classification system shall be based on the existing use pattern, the biological and physical character of the shoreline, and the goals and aspirations of the community as expressed through comprehensive plans as well as the criteria in this section. Each master program's classification system shall be consistent with that described in WAC 173-26-211 (4) and (5) unless the alternative proposed provides equal or better implementation of the act.

(b) An up-to-date and accurate map of the shoreline area delineating the environment designations and their boundaries shall be prepared and maintained in the local government office that administers shoreline permits. If it is not feasible to accurately designate individual parcels on a map, the master program text shall include a clear basis for identifying the boundaries, physical features, explicit criteria, or "common" boundary descriptions to accurately define and distinguish the environments on the ground. The master program should also make it clear that in the event of a mapping error, the jurisdiction will rely upon common boundary descriptions and the criteria contained in RCW 90.58.030(2) and chapter 173-22 WAC pertaining to determinations of shorelands, as amended, rather than the incorrect or outdated map.

(c) To facilitate consistency with land use planning, local governments planning under chapter 36.70A RCW are encouraged to illustrate shoreline designations on the com-

prehensive plan future land use map as described in WAC 365-195-300 (2)(d).

(d) Pursuant to RCW 90.58.040, the map should clearly illustrate what environment designations apply to all shorelines of the state as defined in RCW 90.58.030 (2)(c) within the local government's jurisdiction in a manner consistent with WAC 173-26-211 (4) and (5).

(e) The map and the master program should note that all areas within shoreline jurisdiction that are not mapped and/or designated are automatically assigned a "rural conservancy" designation, or "urban conservancy" designation if within a municipality or urban growth area, or the comparable environment designation of the applicable master program until the shoreline can be redesignated through a master program amendment.

(f) The following diagram summarizes the components of the environment designation provisions.

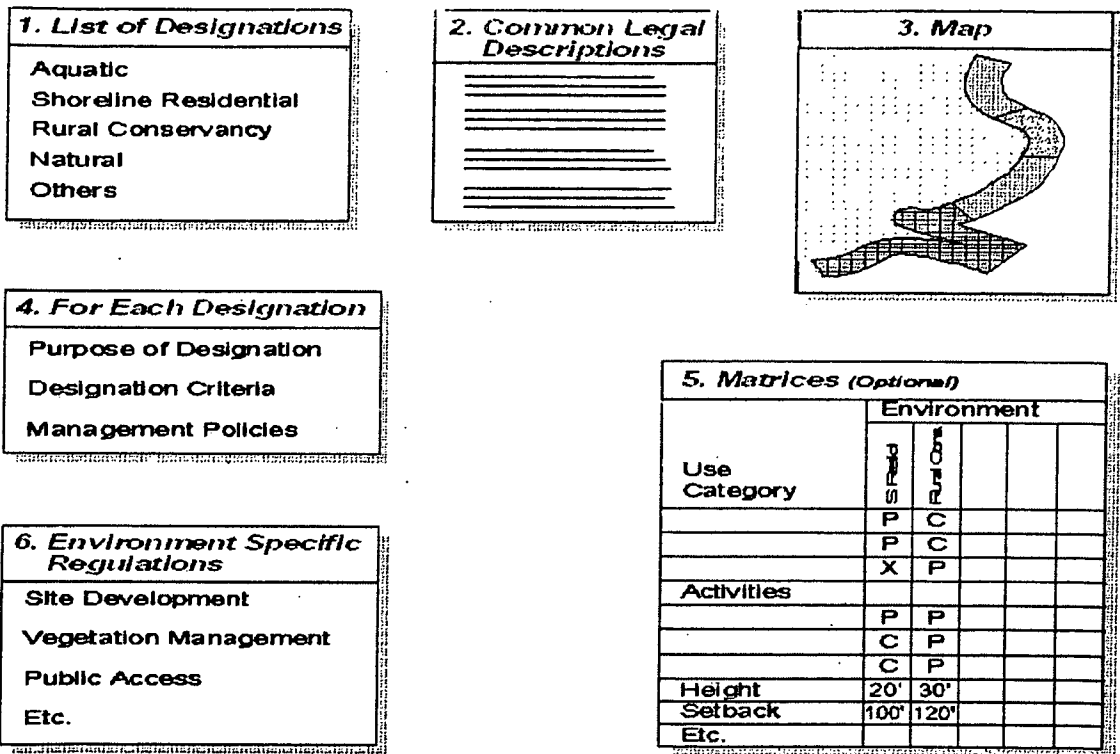


Diagram summarizing the components of the environment designation provisions. (This is for illustration purposes only and does not supplement or add to the language in the chapter text.)

(3) **Consistency between shoreline environment designations and the local comprehensive plan.** As noted in WAC 173-26-191 (1)(e), RCW 90.58.340 requires that policies for lands adjacent to the shorelines be consistent with the Shoreline Management Act, implementing rules, and the applicable master program. Conversely, local comprehensive plans constitute the underlying framework within which master program provisions should fit. The Growth Management Act, where applicable, designates shoreline master program policies as an element of the comprehensive plan and

requires that all elements be internally consistent. Chapter 36.70A RCW also requires development regulations to be consistent with the comprehensive plan.

The following criteria are intended to assist local governments in evaluating the consistency between master program environment designation provisions and the corresponding comprehensive plan elements and development regulations. In order for shoreline designation provisions, local comprehensive plan land use designations, and development regula-

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tions to be internally consistent, all three of the conditions below should be met:

(a) **Provisions not precluding one another.** The comprehensive plan provisions and shoreline environment designation provisions should not preclude one another. To meet this criteria, the provisions of both the comprehensive plan and the master program must be able to be met. Further, when considered together and applied to any one piece of property, the master program use policies and regulations and the local zoning or other use regulations should not conflict in a manner that all viable uses of the property are precluded.

(b) **Use compatibility.** Land use policies and regulations should protect preferred shoreline uses from being impacted by incompatible uses. The intent is to prevent water-oriented uses, especially water-dependent uses, from being restricted on shoreline areas because of impacts to nearby nonwater-oriented uses. To be consistent, master programs, comprehensive plans, and development regulations should prevent new uses that are not compatible with preferred uses from locating where they may restrict preferred uses or development.

(c) **Sufficient infrastructure.** Infrastructure and services provided in the comprehensive plan should be sufficient to support allowed shoreline uses. Shoreline uses should not be allowed where the comprehensive plan does not provide sufficient roads, utilities, and other services to support them. Infrastructure plans must also be mutually consistent with shoreline designations. Where they do exist, utility services routed through shoreline areas shall not be a sole justification for more intense development.

(4) **General environment designation provisions.**

(a) **Requirements.** For each environment designation, the shoreline master program shall describe:

(i) **Purpose statement.** The statement of purpose shall describe the shoreline management objectives of the designation in a manner that distinguishes it from other designations.

(ii) **Classification criteria.** Clearly stated criteria shall provide the basis for classifying or reclassifying a specific shoreline area with an environment designation.

(iii) **Management policies.** These policies shall be in sufficient detail to assist in the interpretation of the environment designation regulations and, for jurisdictions planning under chapter 36.70A RCW, to evaluate consistency with the local comprehensive plan.

(iv) **Regulations.** Environment-specific regulations shall address the following where necessary to account for different shoreline conditions:

(A) Types of shoreline uses permitted, conditionally permitted, and prohibited;

(B) Building or structure height and bulk limits, setbacks, maximum density or minimum frontage requirements, and site development standards; and

(C) Other topics not covered in general use regulations that are necessary to assure implementation of the purpose of the environment designation.

(b) **The recommended classification system.** The recommended classification system consists of six basic environments: "High-intensity," "shoreline residential," "urban conservancy," "rural conservancy," "natural," and "aquatic" as described in this section and WAC 173-26-211(5). Local

governments should assign all shoreline areas an environment designation consistent with the corresponding designation criteria provided for each environment. In delineating environment designations, local government should assure that existing shoreline ecological functions are protected with the proposed pattern and intensity of development. Such designations should also be consistent with policies for restoration of degraded shorelines.

(c) **Alternative systems.**

(i) Local governments may establish a different designation system or may retain their current environment designations, provided it is consistent with the purposes and policies of this section and WAC 173-26-211(5).

(ii) Local governments may use "parallel environments" where appropriate. Parallel environments divide shorelands into different sections generally running parallel to the shoreline or along a physical feature such as a bluff or railroad right of way. Such environments may be useful, for example, to accommodate resource protection near the shoreline and existing development further from the shoreline. Where parallel environments are used, developments and uses allowed in one environment should not be inconsistent with the achieving the purposes of the other.

(5) **The designations.**

(a) **"Natural" environment.**

(i) **Purpose.** The purpose of the "natural" environment is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. Consistent with the policies of the designation, local government should include planning for restoration of degraded shorelines within this environment.

(ii) **Management policies.**

(A) Any use that would substantially degrade the ecological functions or natural character of the shoreline area should not be allowed.

(B) The following new uses should not be allowed in the "natural" environment:

- Commercial uses.

- Industrial uses.

- Nonwater-oriented recreation.

- Roads, utility corridors, and parking areas that can be located outside of "natural" designated shorelines.

(C) Single-family residential development may be allowed as a conditional use within the "natural" environment if the density and intensity of such use is limited as necessary to protect ecological functions and be consistent with the purpose of the environment.

(D) Commercial forestry may be allowed as a conditional use in the "natural" environment provided it meets the conditions of the State Forest Practices Act and its implementing rules and is conducted in a manner consistent with the purpose of this environment designation.

(E) Agricultural uses of a very low intensity nature may be consistent with the natural environment when such use is subject to appropriate limitations or conditions to assure that the use does not expand or alter practices in a manner inconsistent with the purpose of the designation.

(F) Scientific, historical, cultural, educational research uses, and low-intensity water-oriented recreational access uses may be allowed provided that no significant ecological impact on the area will result.

(G) New development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed. Do not allow the subdivision of property in a configuration that, to achieve its intended purpose, will require significant vegetation removal or shoreline modification that adversely impacts ecological functions. That is, each new parcel must be able to support its intended development without significant ecological impacts to the shoreline ecological functions.

(iii) **Designation criteria.** A "natural" environment designation should be assigned to shoreline areas if any of the following characteristics apply:

(A) The shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity;

(B) The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest; or

(C) The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.

Such shoreline areas include largely undisturbed portions of shoreline areas such as wetlands, estuaries, unstable bluffs, coastal dunes, spits, and ecologically intact shoreline habitats. Shorelines inside or outside urban growth areas may be designated as "natural."

Ecologically intact shorelines, as used here, means those shoreline areas that retain the majority of their natural shoreline functions, as evidenced by the shoreline configuration and the presence of native vegetation. Generally, but not necessarily, ecologically intact shorelines are free of structural shoreline modifications, structures, and intensive human uses. In forested areas, they generally include native vegetation with diverse plant communities, multiple canopy layers, and the presence of large woody debris available for recruitment to adjacent water bodies. Recognizing that there is a continuum of ecological conditions ranging from near natural conditions to totally degraded and contaminated sites, this term is intended to delineate those shoreline areas that provide valuable functions for the larger aquatic and terrestrial environments which could be lost or significantly reduced by human development. Whether or not a shoreline is ecologically intact is determined on a case-by-case basis.

The term "ecologically intact shorelines" applies to all shoreline areas meeting the above criteria ranging from larger reaches that may include multiple properties to small areas located within a single property.

Areas with significant existing agriculture lands should not be included in the "natural" designation, except where the existing agricultural operations involve very low intensity uses where there is no significant impact on natural ecological functions, and where the intensity or impacts associated with such agriculture activities is unlikely to expand in a manner inconsistent with the "natural" designation.

(b) **"Rural conservancy" environment.**

(i) **Purpose.** The purpose of the "rural conservancy" environment is to protect ecological functions, conserve existing natural resources and valuable historic and cultural areas in order to provide for sustained resource use, achieve natural flood plain processes, and provide recreational opportunities. Examples of uses that are appropriate in a "rural conservancy" environment include low-impact outdoor recreation uses, timber harvesting on a sustained-yield basis, agricultural uses, aquaculture, low-intensity residential development and other natural resource-based low-intensity uses.

(ii) **Management policies.**

(A) Uses in the "rural conservancy" environment should be limited to those which sustain the shoreline area's physical and biological resources and uses of a nonpermanent nature that do not substantially degrade ecological functions or the rural or natural character of the shoreline area.

Except as noted, commercial and industrial uses should not be allowed. Agriculture, commercial forestry, and aquaculture when consistent with provisions of this chapter may be allowed. Low-intensity, water-oriented commercial and industrial uses may be permitted in the limited instances where those uses have located in the past or at unique sites in rural communities that possess shoreline conditions and services to support the development.

Water-dependent and water-enjoyment recreation facilities that do not deplete the resource over time, such as boating facilities, angling, hunting, wildlife viewing trails, and swimming beaches, are preferred uses, provided significant adverse impacts to the shoreline are mitigated.

Mining is a unique use as a result of its inherent linkage to geology. Therefore, mining and related activities may be an appropriate use within the rural conservancy environment when conducted in a manner consistent with the environment policies and the provisions of WAC 173-26-241 (3)(h) and when located consistent with mineral resource lands designation criteria pursuant to RCW 36.70A.170 and WAC 365-190-070.

(B) Developments and uses that would substantially degrade or permanently deplete the biological resources of the area should not be allowed.

(C) Construction of new structural shoreline stabilization and flood control works should only be allowed where there is a documented need to protect an existing structure or ecological functions and mitigation is applied, consistent with WAC 173-26-231. New development should be designed and located to preclude the need for such work.

(D) Residential development standards shall ensure no net loss of shoreline ecological functions and should preserve the existing character of the shoreline consistent with the purpose of the environment. As a general matter, meeting this provision will require density, lot coverage, vegetation conservation and other provisions.

Scientific studies support density or lot coverage limitation standards that assure that development will be limited to a maximum of ten percent total impervious surface area within the lot or parcel, will maintain the existing hydrologic character of the shoreline. However, an alternative standard developed based on scientific information that meets the pro-

visions of this chapter and accomplishes the purpose of the environment designation may be used.

Master programs may allow greater lot coverage to allow development of lots legally created prior to the adoption of a master program prepared under these guidelines. In these instances, master programs shall include measures to assure protection of ecological functions to the extent feasible such as requiring that lot coverage is minimized and vegetation is conserved.

(E) New shoreline stabilization, flood control measures, vegetation removal, and other shoreline modifications should be designed and managed consistent with these guidelines to ensure that the natural shoreline functions are protected. Such shoreline modification should not be inconsistent with planning provisions for restoration of shoreline ecological functions.

(iii) **Designation criteria.** Assign a "rural conservancy" environment designation to shoreline areas outside incorporated municipalities and outside urban growth areas, as defined by RCW 36.70A.110, if any of the following characteristics apply:

(A) The shoreline is currently supporting lesser-intensity resource-based uses, such as agriculture, forestry, or recreational uses, or is designated agricultural or forest lands pursuant to RCW 36.70A.170;

(B) The shoreline is currently accommodating residential uses outside urban growth areas and incorporated cities or towns;

(C) The shoreline is supporting human uses but subject to environmental limitations, such as properties that include or are adjacent to steep banks, feeder bluffs, or flood plains or other flood-prone areas;

(D) The shoreline is of high recreational value or with unique historic or cultural resources; or

(E) The shoreline has low-intensity water-dependent uses.

Areas designated in a local comprehensive plan as "rural areas of more intense development," as provided for in chapter 36.70A RCW, may be designated an alternate shoreline environment, provided it is consistent with the objectives of the Growth Management Act and this chapter. "Master planned resorts" as described in RCW 36.70A.360 may be designated an alternate shoreline environment, provided the applicable master program provisions do not allow significant ecological impacts.

Lands that may otherwise qualify for designation as rural conservancy and which are designated as "mineral resource lands" pursuant to RCW 36.70A.170 and WAC 365-190-070 may be assigned a designation within the "rural conservancy" environment that allows mining and associated uses in addition to other uses consistent with the rural conservancy environment.

(c) **"Aquatic" environment.**

(i) **Purpose.** The purpose of the "aquatic" environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high-water mark.

(ii) **Management policies.**

(A) Allow new over-water structures only for water-dependent uses, public access, or ecological restoration.

(B) The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.

(C) In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple use of over-water facilities should be encouraged.

(D) All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.

(E) Uses that adversely impact the ecological functions of critical saltwater and freshwater habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to the sequence described in WAC 173-26-201 (2)(e) as necessary to assure no net loss of ecological functions.

(F) Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

(iii) **Designation criteria.** Assign an "aquatic" environment designation to lands waterward of the ordinary high-water mark.

Local governments may designate submerged and intertidal lands with shoreland designations (e.g., "high-intensity" or "rural conservancy") if the management policies and objectives for aquatic areas are met. In this case, the designation system used must provide regulations for managing submerged and intertidal lands that are clear and consistent with the "aquatic" environment management policies in this chapter. Additionally, local governments may assign an "aquatic" environment designation to wetlands.

(d) **"High-intensity" environment.**

(i) **Purpose.** The purpose of the "high-intensity" environment is to provide for high-intensity water-oriented commercial, transportation, and industrial uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded.

(ii) **Management policies.**

(A) In regulating uses in the "high-intensity" environment, first priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses. Nonwater-oriented uses should not be allowed except as part of mixed use developments. Nonwater-oriented uses may also be allowed in limited situations where they do not conflict with or limit opportunities for water-oriented uses or on sites where there is no direct access to the shoreline. Such specific situations should be identified in shoreline use analysis or special area planning, as described in WAC 173-26-200 (3)(d).

If an analysis of water-dependent use needs as described in WAC 173-26-201 (3)(d)(ii) demonstrates the needs of existing and envisioned water-dependent uses for the planning period are met, then provisions allowing for a mix of water-dependent and nonwater-dependent uses may be established. If those shoreline areas also provide ecological functions, apply standards to assure no net loss of those functions.

(B) Full utilization of existing urban areas should be achieved before further expansion of intensive development is allowed. Reasonable long-range projections of regional economic need should guide the amount of shoreline designated "high-intensity." However, consideration should be given to the potential for displacement of nonwater-oriented uses with water-oriented uses when analyzing full utilization of urban waterfronts and before considering expansion of such areas.

(C) Policies and regulations shall assure no net loss of shoreline ecological functions as a result of new development. Where applicable, new development shall include environmental cleanup and restoration of the shoreline to comply in accordance with any relevant state and federal law.

(D) Where feasible, visual and physical public access should be required as provided for in WAC 173-26-221 (4)(d).

(E) Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers.

(iii) **Designation criteria.** Assign a "high-intensity" environment designation to shoreline areas within incorporated municipalities, urban growth areas, and industrial or commercial "rural areas of more intense development," as described by RCW 36.70A.070, if they currently support high-intensity uses related to commerce, transportation or navigation; or are suitable and planned for high-intensity water-oriented uses.

(e) **"Urban conservancy" environment.**

(i) **Purpose.** The purpose of the "urban conservancy" environment is to protect and restore ecological functions of open space, flood plain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.

(ii) **Management policies.**

(A) Uses that preserve the natural character of the area or promote preservation of open space, flood plain or sensitive lands either directly or over the long term should be the primary allowed uses. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and the setting.

(B) Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the "urban conservancy" designation. These standards shall ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values.

(C) Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.

(D) Water-oriented uses should be given priority over nonwater-oriented uses. For shoreline areas adjacent to commercially navigable waters, water-dependent uses should be given highest priority.

(E) Mining is a unique use as a result of its inherent linkage to geology. Therefore, mining and related activities may be an appropriate use within the urban conservancy environment when conducted in a manner consistent with the environment policies and the provisions of WAC 173-26-240

(3)(h) and when located consistent with mineral resource lands designation criteria pursuant to RCW 36.70A.170 and WAC 365-190-070.

(iii) **Designation criteria.** Assign an "urban conservancy" environment designation to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring of the ecological functions of the area, that are not generally suitable for water-dependent uses and that lie in incorporated municipalities, urban growth areas, or commercial or industrial "rural areas of more intense development" if any of the following characteristics apply:

(A) They are suitable for water-related or water-environment uses;

(B) They are open space, flood plain or other sensitive areas that should not be more intensively developed;

(C) They have potential for ecological restoration;

(D) They retain important ecological functions, even though partially developed; or

(E) They have the potential for development that is compatible with ecological restoration.

Lands that may otherwise qualify for designation as urban conservancy and which are designated as "mineral resource lands" pursuant to RCW 36.70A.170 and WAC 365-190-070 may be assigned a designation within the "urban conservancy" environment that allows mining and associated uses in addition to other uses consistent with the urban conservancy environment.

(f) **"Shoreline residential" environment.**

(i) **Purpose.** The purpose of the "shoreline residential" environment is to accommodate residential development and appurtenant structures that are consistent with this chapter. An additional purpose is to provide appropriate public access and recreational uses.

(ii) **Management policies.**

(A) Standards for density or minimum frontage width, setbacks, lot coverage limitations, buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality shall be set to assure no net loss of shoreline ecological functions, taking into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.

Local governments may establish two or more different "shoreline residential" environments to accommodate different shoreline densities or conditions, provided both environments adhere to the provisions in this chapter.

(B) Multifamily and multilot residential and recreational developments should provide public access and joint use for community recreational facilities.

(C) Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.

(D) Commercial development should be limited to water-oriented uses.

(iii) **Designation criteria.** Assign a "shoreline residential" environment designation to shoreline areas inside urban growth areas, as defined in RCW 36.70A.110, incorporated municipalities, "rural areas of more intense development," or "master planned resorts," as described in RCW 36.70A.360, if they are predominantly single-family or multifamily resi-

dential development or are planned and platted for residential development.

NEW SECTION

WAC 173-26-221 General master program provisions. The provisions of this section shall be applied either generally to all shoreline areas or to shoreline areas that meet the specified criteria of the provision without regard to environment designation. These provisions address certain elements as required by RCW 90.58.100(2) and implement the principles as established in WAC 173-26-186.

(1) *Archaeological and historic resources.*

(a) **Applicability.** The following provisions apply to archaeological and historic resources that are either recorded at the state historic preservation office and/or by local jurisdictions or have been inadvertently uncovered. Archaeological sites located both in and outside shoreline jurisdiction are subject to chapter 27.44 RCW (Indian graves and records) and chapter 27.53 RCW (Archaeological sites and records) and development or uses that may impact such sites shall comply with chapter 25-48 WAC as well as the provisions of this chapter.

(b) **Principles.** Due to the limited and irreplaceable nature of the resource(s), prevent the destruction of or damage to any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian tribes, and the office of archaeology and historic preservation.

(c) **Standards.** Local shoreline master programs shall include policies and regulations to protect historic, archaeological, and cultural features and qualities of shorelines and implement the following standards. A local government may reference historic inventories or regulations. Contact the office of archaeology and historic preservation and affected Indian tribes for additional information.

(i) Require that developers and property owners immediately stop work and notify the local government, the office of archaeology and historic preservation and affected Indian tribes if archaeological resources are uncovered during excavation.

(ii) Require that permits issued in areas documented to contain archaeological resources require a site inspection or evaluation by a professional archaeologist in coordination with affected Indian tribes.

(2) *Critical areas.*

(a) **Applicability.** Pursuant to the provisions of RCW 90.58.090(4) as amended by chapter 321, Laws of 2003 (ESHB 1933), shoreline master programs must provide for management of critical areas designated as such pursuant to RCW 36.70A.170 (1)(d) and required to be protected pursuant to RCW 36.70A.060(2) that are located within the shorelines of the state with policies and regulations that:

(i) Are consistent with the specific provisions of this subsection (2) critical areas and subsection (3) of this section flood hazard reduction, and these guidelines; and

(ii) Provide a level of protection to critical areas within the shoreline area that is at least equal to that provided by the local government's critical area regulations adopted pursuant

to the Growth Management Act for comparable areas other than shorelines.

When approved by ecology pursuant to RCW 90.58.090(4), a local government's SMP becomes regulations for protection of critical areas in the shorelines of the state in the jurisdiction of the adopting local government except as noted in RCW 36.70A.480 (3)(b) and (6).

The provisions of this section and subsection (3) of this section, flood hazard reduction, shall be applied to critical areas within the shorelines of the state. RCW 36.70A.030 defines critical areas as:

"Critical areas" include the following areas and ecosystems:

(a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable waters; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas."

The provisions of WAC 365-190-080, to the extent standards for certain types of critical areas are not provided by this section and subsection (3) of this section flood hazard reduction, and to the extent consistent with these guidelines are also applicable to and provide further definition of critical area categories and management policies.

As provided in RCW 90.58.030 (2)(f)(ii) and 36.70A.-480, as amended by chapter 321, Laws of 2003 (ESHB 1933), any city or county may also include in its master program land necessary for buffers for critical areas, as defined in chapter 36.70A RCW, that occur within shorelines of the state, provided that forest practices regulated under chapter 76.09 RCW, except conversions to nonforest land use, on lands subject to the provision of (f)(ii) of this subsection are not subject to additional regulations. If a local government does not include land necessary for buffers for critical areas that occur within shorelines of the state, as authorized above, then the local jurisdiction shall continue to regulate those critical areas and required buffers pursuant to RCW 36.70A.-060(2).

(b) **Principles.** Local master programs, when addressing critical areas, shall implement the following principles:

(i) Shoreline master programs shall adhere to the standards established in the following sections, unless it is demonstrated through scientific and technical information as provided in RCW 90.58.100(1) and as described in WAC 173-26-201 (2)(a) that an alternative approach provides better resource protection.

(ii) In addressing issues related to critical areas, use scientific and technical information, as described in WAC 173-26-201 (2)(a). The role of ecology in reviewing master program provisions for critical areas in shorelines of the state will be based on the Shoreline Management Act and these guidelines and a comparison with requirements in currently adopted critical area ordinances for comparable areas to ensure that the provisions are at least equal to the level of protection provided by the currently adopted critical area ordinance.

(iii) In protecting and restoring critical areas within shoreline jurisdiction, integrate the full spectrum of planning and regulatory measures, including the comprehensive plan, interlocal watershed plans, local development regulations, and state, tribal, and federal programs.

(iv) The planning objectives of shoreline management provisions for critical areas shall be the protection of existing ecological functions and ecosystem-wide processes and restoration of degraded ecological functions and ecosystem-wide processes. The regulatory provisions for critical areas shall protect existing ecological functions and ecosystem-wide processes.

(v) Promote human uses and values that are compatible with the other objectives of this section, such as public access and aesthetic values, provided they do not significantly adversely impact ecological functions.

(c) **Standards.** When preparing master program provisions for critical areas, local governments should implement the following standards and the provisions of WAC 365-190-080 and use scientific and technical information, as provided for in WAC 173-26-201 (2)(a).

In reviewing the critical areas segment of a master program, the department of ecology shall first assure consistency with the standards of this section Critical areas (WAC 173-26-221(2)), and with the Flood hazard reduction section (WAC 173-26-221(3)), and shall then assure that the master program also provides protection of comparable critical areas that is at least equal to the protection provided by the local governments adopted and valid critical area regulations in effect at the time of submittal of the SMP.

In conducting the review for equivalency with local regulations, the department shall not further evaluate the adequacy of the local critical area regulations. Incorporation of the adopted and valid critical area regulations in effect at the time of submittal by reference as provided in WAC 173-26-191 (2)(b) shall be deemed to meet the requirement for equivalency. However, a finding of equivalency does not constitute a finding of compliance with the requirements of this section and subsection (3) of this section flood hazard reduction, nor with the guidelines overall.

Note that provisions for frequently flooded areas are included in WAC 173-26-221(3).

(i) **Wetlands.**

(A) **Wetland use regulations.** Local governments should consult the department's technical guidance documents on wetlands.

Regulations shall address the following uses to achieve, at a minimum, no net loss of wetland area and functions, including lost time when the wetland does not perform the function:

- The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind;
- The dumping, discharging, or filling with any material, including discharges of storm water and domestic, commercial, or industrial wastewater;
- The draining, flooding, or disturbing of the water level, duration of inundation, or water table;
- The driving of pilings;
- The placing of obstructions;
- The construction, reconstruction, demolition, or expansion of any structure;
- Significant vegetation removal, provided that these activities are not part of a forest practice governed under chapter 76.09 RCW and its rules;

- Other uses or development that results in a significant ecological impact to the physical, chemical, or biological characteristics of wetlands; or

- Activities reducing the functions of buffers described in (c)(i)(D) of this subsection.

(B) **Wetland rating or categorization.** Wetlands shall be categorized based on the rarity, irreplaceability, or sensitivity to disturbance of a wetland and the functions the wetland provides. Local governments should either use the Washington state wetland rating system, Eastern or Western Washington version as appropriate, or they should develop their own, regionally specific, scientifically based method for categorizing wetlands. Wetlands should be categorized to reflect differences in wetland quality and function in order to tailor protection standards appropriately. A wetland categorization method is not a substitute for a function assessment method, where detailed information on wetland functions is needed.

(C) **Alterations to wetlands.** Master program provisions addressing alterations to wetlands shall be consistent with the policy of no net loss of wetland area and functions, wetland rating, scientific and technical information, and the mitigation priority sequence defined in WAC 173-26-201 (2)(e).

(D) **Buffers.** Master programs shall contain requirements for buffer zones around wetlands. Buffer requirements shall be adequate to ensure that wetland functions are protected and maintained in the long term. Requirements for buffer zone widths and management shall take into account the ecological functions of the wetland, the characteristics and setting of the buffer, the potential impacts associated with the adjacent land use, and other relevant factors.

(E) **Mitigation.** Master programs shall contain wetland mitigation requirements that are consistent with WAC 173-26-201 (2)(e) and which are based on the wetland rating.

(F) **Compensatory mitigation.** Compensatory mitigation shall be allowed only after mitigation sequencing is applied and higher priority means of mitigation are determined to be infeasible.

Requirements for compensatory mitigation must include provisions for:

(I) Mitigation replacement ratios or a similar method of addressing the following:

- The risk of failure of the compensatory mitigation action;
- The length of time it will take the compensatory mitigation action to adequately replace the impacted wetland functions and values;
- The gain or loss of the type, quality, and quantity of the ecological functions of the compensation wetland as compared with the impacted wetland.

(II) Establishment of performance standards for evaluating the success of compensatory mitigation actions;

(III) Establishment of long-term monitoring and reporting procedures to determine if performance standards are met; and

(IV) Establishment of long-term protection and management of compensatory mitigation sites.

Credits from a certified mitigation bank may be used to compensate for unavoidable impacts.

(ii) **Geologically hazardous areas.** Development in designated geologically hazardous areas shall be regulated in accordance with the following:

(A) Consult minimum guidelines for geologically hazardous areas, WAC 365-190-080(4).

(B) Do not allow new development or the creation of new lots that would cause foreseeable risk from geological conditions to people or improvements during the life of the development.

(C) Do not allow new development that would require structural shoreline stabilization over the life of the development. Exceptions may be made for the limited instances where stabilization is necessary to protect allowed uses where no alternative locations are available and no net loss of ecological functions will result. The stabilization measures shall conform to WAC 173-26-231.

(D) Where no alternatives, including relocation or reconstruction of existing structures, are found to be feasible, and less expensive than the proposed stabilization measure, stabilization structures or measures to protect existing primary residential structures may be allowed in strict conformance with WAC 173-26-231 requirements and then only if no net loss of ecological functions will result.

(iii) **Critical saltwater habitats.**

(A) **Applicability.** Critical saltwater habitats include all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sandlance; subsistence, commercial and recreational shellfish beds; mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association. Critical saltwater habitats require a higher level of protection due to the important ecological functions they provide. Ecological functions of marine shorelands can affect the viability of critical saltwater habitats. Therefore, effective protection and restoration of critical saltwater habitats should integrate management of shorelands as well as submerged areas.

(B) **Principles.** Master programs shall include policies and regulations to protect critical saltwater habitats and should implement planning policies and programs to restore such habitats. Planning for critical saltwater habitats shall incorporate the participation of state resource agencies to assure consistency with other legislatively created programs in addition to local and regional government entities with an interest such as port districts. Affected Indian tribes shall also be consulted. Local governments should review relevant comprehensive management plan policies and development regulations for shorelands and adjacent lands to achieve consistency as directed in RCW 90.58.340. Local governments should base management planning on information provided by state resource agencies and affected Indian tribes unless they demonstrate that they possess more accurate and reliable information.

The management planning should include an evaluation of current data and trends regarding the following:

- Available inventory and collection of necessary data regarding physical characteristics of the habitat, including upland conditions, and any information on species population trends;
- Terrestrial and aquatic vegetation;

- The level of human activity in such areas, including the presence of roads and level of recreational types (passive or active recreation may be appropriate for certain areas and habitats);

- Restoration potential;
- Tributaries and small streams flowing into marine waters;
- Dock and bulkhead construction, including an inventory of bulkheads serving no protective purpose;
- Conditions and ecological functions in the near-shore area;
- Uses surrounding the critical saltwater habitat areas that may negatively impact those areas, including permanent or occasional upland, beach, or over-water uses; and
- An analysis of what data gaps exist and a strategy for gaining this information.

The management planning should address the following, where applicable:

- Protecting a system of fish and wildlife habitats with connections between larger habitat blocks and open spaces and restoring such habitats and connections where they are degraded;
- Protecting existing and restoring degraded riparian and estuarine ecosystems, especially salt marsh habitats;
- Establishing adequate buffer zones around these areas to separate incompatible uses from the habitat areas;
- Protecting existing and restoring degraded near-shore habitat;
- Protecting existing and restoring degraded or lost salmonid habitat;
- Protecting existing and restoring degraded upland ecological functions important to critical saltwater habitats, including riparian vegetation;
- Improving water quality;
- Protecting existing and restoring degraded sediment inflow and transport regimens; and
- Correcting activities that cause excessive sediment input where human activity has led to mass wasting.

Local governments, in conjunction with state resource agencies and affected Indian tribes, should classify critical saltwater habitats and protect and restore seasonal ranges and habitat elements with which federal-listed and state-listed endangered, threatened, and priority species have a primary association and which, if altered, may reduce the likelihood that a species will maintain its population and reproduce over the long term.

Local governments, in conjunction with state resource agencies and affected Indian tribes, should determine which habitats and species are of local importance.

All public and private tidelands or bedlands suitable for shellfish harvest shall be classified as critical areas. Local governments should consider both commercial and recreational shellfish areas. Local governments should review the Washington department of health classification of commercial and recreational shellfish growing areas to determine the existing condition of these areas. Further consideration should be given to the vulnerability of these areas to contamination or potential for recovery. Shellfish protection districts established pursuant to chapter 90.72 RCW shall be included in the classification of critical shellfish areas. Local

governments shall classify kelp and eelgrass beds identified by the department of natural resources' aquatic resources division, the department, and affected Indian tribes as critical saltwater habitats.

Comprehensive saltwater habitat management planning should identify methods for monitoring conditions and adapting management practices to new information.

(C) **Standards.** Docks, bulkheads, bridges, fill, floats, jetties, utility crossings, and other human-made structures shall not intrude into or over critical saltwater habitats except when all of the conditions below are met:

- The public's need for such an action or structure is clearly demonstrated and the proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;

- Avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose;

- The project including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater habitat.

- The project is consistent with the state's interest in resource protection and species recovery.

Private, noncommercial docks for individual residential or community use may be authorized provided that:

- Avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible;

- The project including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater habitat.

Until an inventory of critical saltwater habitat has been done, shoreline master programs shall condition all over-water and near-shore developments in marine and estuarine waters with the requirement for an inventory of the site and adjacent beach sections to assess the presence of critical saltwater habitats and functions. The methods and extent of the inventory shall be consistent with accepted research methodology. At a minimum, local governments should consult with department technical assistance materials for guidance.

(iv) **Critical freshwater habitats.**

(A) **Applicability.** The following applies to master program provisions affecting critical freshwater habitats, including those portions of streams, rivers, wetlands, and lakes, their associated channel migration zones, and flood plains designated as such.

(B) **Principles.** Many ecological functions of river and stream corridors depend both on continuity and connectivity along the length of the shoreline and on the conditions of the surrounding lands on either side of the river channel. Environmental degradation caused by development such as improper storm water sewer or industrial outfalls, unmanaged clearing and grading, or runoff from buildings and parking lots within the watershed, can degrade ecological functions downstream. Likewise, gradual destruction or loss of the vegetation, alteration of runoff quality and quantity along the corridor resulting from incremental flood plain development can raise water temperatures and alter hydrographic conditions and degrade other ecological functions, thereby making the corridor inhospitable for priority species and susceptible to catastrophic flooding, droughts, landslides and

channel changes. These conditions also threaten human health, safety, and property. Long stretches of river and stream shorelines have been significantly altered or degraded in this manner. Therefore, effective management of river and stream corridors depends on:

(I) Planning for protection, and restoration where appropriate, along the entire length of the corridor from river headwaters to the mouth; and

(II) Regulating uses and development within the stream channel, associated channel migration zone, wetlands, and the flood plain, to the extent such areas are in the shoreline jurisdictional area, as necessary to assure no net loss of ecological functions associated with the river or stream corridors, including the associated hyporheic zone, results from new development.

As part of a comprehensive approach to management of critical freshwater habitat and other river and stream values, local governments should integrate master program provisions, including those for shoreline stabilization, fill, vegetation conservation, water quality, flood hazard reduction, and specific uses, to protect human health and safety and to protect and restore the corridor's ecological functions and ecosystem-wide processes.

Applicable master programs shall contain provisions to protect hydrologic connections between water bodies, water courses, and associated wetlands. Restoration planning should include incentives and other means to restore water connections that have been impeded by previous development.

Master program provisions for river and stream corridors should, where appropriate, be based on the information from comprehensive watershed management planning where available.

(C) **Standards.** Master programs shall implement the following standards within shoreline jurisdiction:

(I) Provide for the protection of ecological functions associated with critical freshwater habitat as necessary to assure no net loss.

(II) Where appropriate, integrate protection of critical freshwater habitat, protection with flood hazard reduction and other river and stream management provisions.

(III) Include provisions that facilitate authorization of appropriate restoration projects.

(IV) Provide for the implementation of the principles identified in (c)(iv)(B) of this subsection.

(3) **Flood hazard reduction.**

(a) **Applicability.** The following provisions apply to actions taken to reduce flood damage or hazard and to uses, development, and shoreline modifications that may increase flood hazards. Flood hazard reduction measures may consist of nonstructural measures, such as setbacks, land use controls, wetland restoration, dike removal, use relocation, biotechnical measures, and storm water management programs, and of structural measures, such as dikes, levees, revetments, floodwalls, channel realignment, and elevation of structures consistent with the National Flood Insurance Program. Additional relevant critical area provisions are in WAC 173-26-221(2).

(b) **Principles.** Flooding of rivers, streams, and other shorelines is a natural process that is affected by factors and

land uses occurring throughout the watershed. Past land use practices have disrupted hydrological processes and increased the rate and volume of runoff, thereby exacerbating flood hazards and reducing ecological functions. Flood hazard reduction measures are most effective when integrated into comprehensive strategies that recognize the natural hydrogeological and biological processes of water bodies. Over the long term, the most effective means of flood hazard reduction is to prevent or remove development in flood-prone areas, to manage storm water within the flood plain, and to maintain or restore river and stream system's natural hydrological and geomorphological processes.

Structural flood hazard reduction measures, such as diking, even if effective in reducing inundation in a portion of the watershed, can intensify flooding elsewhere. Moreover, structural flood hazard reduction measures can damage ecological functions crucial to fish and wildlife species, bank stability, and water quality. Therefore, structural flood hazard reduction measures shall be avoided whenever possible. When necessary, they shall be accomplished in a manner that assures no net loss of ecological functions and ecosystem-wide processes.

The dynamic physical processes of rivers, including the movement of water, sediment and wood, cause the river channel in some areas to move laterally, or "migrate," over time. This is a natural process in response to gravity and topography and allows the river to release energy and distribute its sediment load. The area within which a river channel is likely to move over a period of time is referred to as the channel migration zone (CMZ) or the meander belt. Scientific examination as well as experience has demonstrated that interference with this natural process often has unintended consequences for human users of the river and its valley such as increased or changed flood, sedimentation and erosion patterns. It also has adverse effects on fish and wildlife through loss of critical habitat for river and riparian dependent species. Failing to recognize the process often leads to damage to, or loss of, structures and threats to life safety.

Applicable shoreline master programs should include provisions to limit development and shoreline modifications that would result in interference with the process of channel migration that may cause significant adverse impacts to property or public improvements and/or result in a net loss of ecological functions associated with the rivers and streams. (See also (c) of this subsection.)

The channel migration zone should be established to identify those areas with a high probability of being subject to channel movement based on the historic record, geologic character and evidence of past migration. It should also be recognized that past action is not a perfect predictor of the future and that human and natural changes may alter migration patterns. Consideration should be given to such changes that may have occurred and their effect on future migration patterns.

For management purposes, the extent of likely migration along a stream reach can be identified using evidence of active stream channel movement over the past one hundred years. Evidence of active movement can be provided from historic and current aerial photos and maps and may require field analysis of specific channel and valley bottom charac-

teristics in some cases. A time frame of one hundred years was chosen because aerial photos, maps and field evidence can be used to evaluate movement in this time frame.

In some cases, river channels are prevented from normal or historic migration by human-made structures or other shoreline modifications. The definition of channel migration zone indicates that in defining the extent of a CMZ, local governments should take into account the river's characteristics and its surroundings. Unless otherwise demonstrated through scientific and technical information, the following characteristics should be considered when establishing the extent of the CMZ for management purposes:

- Within incorporated municipalities and urban growth areas, areas separated from the active river channel by legally existing artificial channel constraints that limit channel movement should not be considered within the channel migration zone.

- All areas separated from the active channel by a legally existing artificial structure(s) that is likely to restrain channel migration, including transportation facilities, built above or constructed to remain intact through the one hundred-year flood, should not be considered to be in the channel migration zone.

- In areas outside incorporated municipalities and urban growth areas, channel constraints and flood control structures built below the one hundred-year flood elevation do not necessarily restrict channel migration and should not be considered to limit the channel migration zone unless demonstrated otherwise using scientific and technical information.

Master programs shall implement the following principles:

(i) Where feasible, give preference to nonstructural flood hazard reduction measures over structural measures.

(ii) Base shoreline master program flood hazard reduction provisions on applicable watershed management plans, comprehensive flood hazard management plans, and other comprehensive planning efforts, provided those measures are consistent with the Shoreline Management Act and this chapter.

(iii) Consider integrating master program flood hazard reduction provisions with other regulations and programs, including (if applicable):

- Storm water management plans;
- Flood plain regulations, as provided for in chapter 86.16 RCW;
- Critical area ordinances and comprehensive plans, as provided in chapter 36.70A RCW; and
- The National Flood Insurance Program.

(iv) Assure that flood hazard protection measures do not result in a net loss of ecological functions associated with the rivers and streams.

(v) Plan for and facilitate returning river and stream corridors to more natural hydrological conditions. Recognize that seasonal flooding is an essential natural process.

(vi) When evaluating alternate flood control measures, consider the removal or relocation of structures in flood-prone areas.

(vii) Local governments are encouraged to plan for and facilitate removal of artificial restrictions to natural channel migration, restoration of off channel hydrological connec-

tions and return river processes to a more natural state where feasible and appropriate.

(c) **Standards.** Master programs shall implement the following standards within shoreline jurisdiction:

(i) Development in flood plains should not significantly or cumulatively increase flood hazard or be inconsistent with a comprehensive flood hazard management plan adopted pursuant to chapter 86.12 RCW, provided the plan has been adopted after 1994 and approved by the department. New development or new uses in shoreline jurisdiction, including the subdivision of land, should not be established when it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the channel migration zone or floodway. The following uses and activities may be appropriate and/or necessary within the channel migration zone or floodway:

- Actions that protect or restore the ecosystem-wide processes or ecological functions.
- Forest practices in compliance with the Washington State Forest Practices Act and its implementing rules.
- Existing and ongoing agricultural practices, provided that no new restrictions to channel movement occur.
- Mining when conducted in a manner consistent with the environment designation and with the provisions of WAC 173-26-241 (3)(h).
- Bridges, utility lines, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate cost. Where such structures are allowed, mitigation shall address impacted functions and processes in the affected section of watershed or drift cell.
- Repair and maintenance of an existing legal use, provided that such actions do not cause significant ecological impacts or increase flood hazards to other uses.
- Development with a primary purpose of protecting or restoring ecological functions and ecosystem-wide processes.
- Modifications or additions to an existing nonagricultural legal use, provided that channel migration is not further limited and that the new development includes appropriate protection of ecological functions.
- Development in incorporated municipalities and designated urban growth areas, as defined in chapter 36.70A RCW, where existing structures prevent active channel movement and flooding.
- Measures to reduce shoreline erosion, provided that it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, that the measure does not interfere with fluvial hydrological and geomorphological processes normally acting in natural conditions, and that the measure includes appropriate mitigation of impacts to ecological functions associated with the river or stream.

(ii) Allow new structural flood hazard reduction measures in shoreline jurisdiction only when it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development, that nonstructural measures are not feasible, that impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss, and that appropriate veg-

etation conservation actions are undertaken consistent with WAC 173-26-221(5).

Structural flood hazard reduction measures shall be consistent with an adopted comprehensive flood hazard management plan approved by the department that evaluates cumulative impacts to the watershed system.

(iii) Place new structural flood hazard reduction measures landward of the associated wetlands, and designated vegetation conservation areas, except for actions that increase ecological functions, such as wetland restoration, or as noted below. Provided that such flood hazard reduction projects be authorized if it is determined that no other alternative to reduce flood hazard to existing development is feasible. The need for, and analysis of feasible alternatives to, structural improvements shall be documented through a geotechnical analysis.

(iv) Require that new structural public flood hazard reduction measures, such as dikes and levees, dedicate and improve public access pathways unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and unmitigable significant ecological impacts, unavoidable conflict with the proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development.

(v) Require that the removal of gravel for flood management purposes be consistent with an adopted flood hazard reduction plan and with this chapter and allowed only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution.

(4) **Public access.**

(a) **Applicability.** Public access includes the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. Public access provisions below apply to all shorelines of the state unless stated otherwise.

(b) **Principles.** Local master programs shall:

(i) Promote and enhance the public interest with regard to rights to access waters held in public trust by the state while protecting private property rights and public safety.

(ii) Protect the rights of navigation and space necessary for water-dependent uses.

(iii) To the greatest extent feasible consistent with the overall best interest of the state and the people generally, protect the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water.

(iv) Regulate the design, construction, and operation of permitted uses in the shorelines of the state to minimize, insofar as practical, interference with the public's use of the water.

(c) **Planning process to address public access.** Local governments should plan for an integrated shoreline area public access system that identifies specific public needs and opportunities to provide public access. Such a system can often be more effective and economical than applying uniform public access requirements to all development. This planning should be integrated with other relevant comprehen-

sive plan elements, especially transportation and recreation. The planning process shall also comply with all relevant constitutional and other legal limitations that protect private property rights.

Where a port district or other public entity has incorporated public access planning into its master plan through an open public process, that plan may serve as a portion of the local government's public access planning, provided it meets the provisions of this chapter. The planning may also justify more flexible off-site or special area public access provisions in the master program. Public participation requirements in WAC 173-26-201 (3)(b)(i) apply to public access planning.

At a minimum, the public access planning should result in public access requirements for shoreline permits, recommended projects, port master plans, and/or actions to be taken to develop public shoreline access to shorelines on public property. The planning should identify a variety of shoreline access opportunities and circulation for pedestrians (including disabled persons), bicycles, and vehicles between shoreline access points, consistent with other comprehensive plan elements.

(d) **Standards.** Shoreline master programs should implement the following standards:

(i) Based on the public access planning described in (c) of this subsection, establish policies and regulations that protect and enhance both physical and visual public access. The master program shall address public access on public lands. The master program should seek to increase the amount and diversity of public access to the state's shorelines consistent with the natural shoreline character, property rights, public rights under the Public Trust Doctrine, and public safety.

(ii) Require that shoreline development by public entities, including local governments, port districts, state agencies, and public utility districts, include public access measures as part of each development project, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment. Where public access planning as described in WAC 173-26-221 (4)(c) demonstrates that a more effective public access system can be achieved through alternate means, such as focusing public access at the most desirable locations, local governments may institute master program provisions for public access based on that approach in lieu of uniform site-by-site public access requirements.

(iii) Provide standards for the dedication and improvement of public access in developments for water-enjoyment, water-related, and nonwater-dependent uses and for the subdivision of land into more than four parcels. In these cases, public access should be required except:

(A) Where the local government provides more effective public access through a public access planning process described in WAC 173-26-221 (4)(c).

(B) Where it is demonstrated to be infeasible due to reasons of incompatible uses, safety, security, or impact to the shoreline environment or due to constitutional or other legal limitations that may be applicable.

In determining the infeasibility, undesirability, or incompatibility of public access in a given situation, local governments shall consider alternate methods of providing public access, such as off-site improvements, viewing platforms,

separation of uses through site planning and design, and restricting hours of public access.

(C) For individual single-family residences not part of a development planned for more than four parcels.

(iv) Adopt provisions, such as maximum height limits, setbacks, and view corridors, to minimize the impacts to existing views from public property or substantial numbers of residences. Where there is an irreconcilable conflict between water-dependent shoreline uses or physical public access and maintenance of views from adjacent properties, the water-dependent uses and physical public access shall have priority, unless there is a compelling reason to the contrary.

(v) Assure that public access improvements do not result in a net loss of shoreline ecological functions.

(5) **Shoreline vegetation conservation.**

(a) **Applicability.** Vegetation conservation includes activities to protect and restore vegetation along or near marine and freshwater shorelines that contribute to the ecological functions of shoreline areas. Vegetation conservation provisions include the prevention or restriction of plant clearing and earth grading, vegetation restoration, and the control of invasive weeds and nonnative species.

Unless otherwise stated, vegetation conservation does not include those activities covered under the Washington State Forest Practices Act, except for conversion to other uses and those other forest practice activities over which local governments have authority. As with all master program provisions, vegetation conservation provisions apply even to those shoreline uses and developments that are exempt from the requirement to obtain a permit. Like other master program provisions, vegetation conservation standards do not apply retroactively to existing uses and structures, such as existing agricultural practices.

(b) **Principles.** The intent of vegetation conservation is to protect and restore the ecological functions and ecosystem-wide processes performed by vegetation along shorelines. Vegetation conservation should also be undertaken to protect human safety and property, to increase the stability of river banks and coastal bluffs, to reduce the need for structural shoreline stabilization measures, to improve the visual and aesthetic qualities of the shoreline, to protect plant and animal species and their habitats, and to enhance shoreline uses.

Master programs shall include: Planning provisions that address vegetation conservation and restoration, and regulatory provisions that address conservation of vegetation; as necessary to assure no net loss of shoreline ecological functions and ecosystem-wide processes, to avoid adverse impacts to soil hydrology, and to reduce the hazard of slope failures or accelerated erosion.

Local governments should address ecological functions and ecosystem-wide processes provided by vegetation as described in WAC 173-26-201 (3)(d)(i).

Local governments may implement these objectives through a variety of measures, where consistent with Shoreline Management Act policy, including clearing and grading regulations, setback and buffer standards, critical area regulations, conditional use requirements for specific uses or areas, mitigation requirements, incentives and nonregulatory programs.

In establishing vegetation conservation regulations, local governments must use available scientific and technical information, as described in WAC 173-26-201 (2)(a). At a minimum, local governments should consult shoreline management assistance materials provided by the department and *Management Recommendations for Washington's Priority Habitats*, prepared by the Washington state department of fish and wildlife where applicable.

Current scientific evidence indicates that the length, width, and species composition of a shoreline vegetation community contribute substantively to the aquatic ecological functions. Likewise, the biota within the aquatic environment is essential to ecological functions of the adjacent upland vegetation. The ability of vegetated areas to provide critical ecological functions diminishes as the length and width of the vegetated area along shorelines is reduced. When shoreline vegetation is removed, the narrower the area of remaining vegetation, the greater the risk that the functions will not be performed.

In the Pacific Northwest, aquatic environments, as well as their associated upland vegetation and wetlands, provide significant habitat for a myriad of fish and wildlife species. Healthy environments for aquatic species are inseparably linked with the ecological integrity of the surrounding terrestrial ecosystem. For example, a nearly continuous corridor of mature forest characterizes the natural riparian conditions of the Pacific Northwest. Riparian corridors along marine shorelines provide many of the same functions as their freshwater counterparts. The most commonly recognized functions of the shoreline vegetation include, but are not limited to:

- Providing shade necessary to maintain the cool temperatures required by salmonids, spawning forage fish, and other aquatic biota.
- Providing organic inputs critical for aquatic life.
- Providing food in the form of various insects and other benthic macroinvertebrates.
- Stabilizing banks, minimizing erosion, and reducing the occurrence of landslides. The roots of trees and other riparian vegetation provide the bulk of this function.
- Reducing fine sediment input into the aquatic environment through storm water retention and vegetative filtering.
- Filtering and vegetative uptake of nutrients and pollutants from ground water and surface runoff.
- Providing a source of large woody debris into the aquatic system. Large woody debris is the primary structural element that functions as a hydraulic roughness element to moderate flows. Large woody debris also serves a pool-forming function, providing critical salmonid rearing and refuge habitat. Abundant large woody debris increases aquatic diversity and stabilization.
- Regulation of microclimate in the stream-riparian and intertidal corridors.
- Providing critical wildlife habitat, including migration corridors and feeding, watering, rearing, and refugia areas.

Sustaining different individual functions requires different widths, compositions and densities of vegetation. The importance of the different functions, in turn, varies with the type of shoreline setting. For example, in forested shoreline settings, periodic recruitment of fallen trees, especially con-

ifers, into the stream channel is an important attribute, critical to natural stream channel maintenance. Therefore, vegetated areas along streams which once supported or could in the future support mature trees should be wide enough to accomplish this periodic recruitment process.

Woody vegetation normally classed as trees may not be a natural component of plant communities in some environments, such as in arid climates and on coastal dunes. In these instances, the width of a vegetated area necessary to achieve the full suite of vegetation-related shoreline functions may not be related to vegetation height.

Local governments should identify which ecological processes and functions are important to the local aquatic and terrestrial ecology and conserve sufficient vegetation to maintain them. Such vegetation conservation areas are not necessarily intended to be closed to use and development but should provide for management of vegetation in a manner adequate to assure no net loss of shoreline ecological functions.

(c) **Standards.** Master programs shall implement the following requirements in shoreline jurisdiction.

Establish vegetation conservation standards that implement the principles in WAC 173-26-221 (5)(b). Methods to do this may include setback or buffer requirements, clearing and grading standards, regulatory incentives, environment designation standards, or other master program provisions. Selective pruning of trees for safety and view protection may be allowed and the removal of noxious weeds should be authorized.

Additional vegetation conservation standards for specific uses are included in WAC 173-26-241(3).

(6) **Water quality, storm water, and nonpoint pollution.**

(a) **Applicability.** The following section applies to all development and uses in shorelines of the state, as defined in WAC 173-26-020, that affect water quality.

(b) **Principles.** Shoreline master programs shall, as stated in RCW 90.58.020, protect against adverse impacts to the public health, to the land and its vegetation and wildlife, and to the waters of the state and their aquatic life, through implementation of the following principles:

(i) Prevent impacts to water quality and storm water quantity that would result in a net loss of shoreline ecological functions, or a significant impact to aesthetic qualities, or recreational opportunities.

(ii) Ensure mutual consistency between shoreline management provisions and other regulations that address water quality and storm water quantity, including public health, storm water, and water discharge standards. The regulations that are most protective of ecological functions shall apply.

(c) **Standards.** Shoreline master programs shall include provisions to implement the principles of this section.

NEW SECTION

WAC 173-26-231 Shoreline modifications. (1) **Applicability.** Local governments are encouraged to prepare master program provisions that distinguish between shoreline modifications and shoreline uses. Shoreline modifications are generally related to construction of a physical element such as a dike, breakwater, dredged basin, or fill, but they can

include other actions such as clearing, grading, application of chemicals, or significant vegetation removal. Shoreline modifications usually are undertaken in support of or in preparation for a shoreline use; for example, fill (shoreline modification) required for a cargo terminal (industrial use) or dredging (shoreline modification) to allow for a marina (boating facility use).

The provisions in this section apply to all shoreline modifications within shoreline jurisdiction.

(2) **General principles applicable to all shoreline modifications.** Master programs shall implement the following principles:

(a) Allow structural shoreline modifications only where they are demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.

(b) Reduce the adverse effects of shoreline modifications and, as much as possible, limit shoreline modifications in number and extent.

(c) Allow only shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed.

(d) Assure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions. This is to be achieved by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions and requiring mitigation of identified impacts resulting from shoreline modifications.

(e) Where applicable, base provisions on scientific and technical information and a comprehensive analysis of drift cells for marine waters or reach conditions for river and stream systems. Contact the department for available drift cell characterizations.

(f) Plan for the enhancement of impaired ecological functions where feasible and appropriate while accommodating permitted uses. As shoreline modifications occur, incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes.

(g) Avoid and reduce significant ecological impacts according to the mitigation sequence in WAC 173-26-201 (2)(e).

(3) **Provisions for specific shoreline modifications.**

(a) **Shoreline stabilization.**

(i) **Applicability.** Shoreline stabilization includes actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind, or wave action. These actions include structural and nonstructural methods.

Nonstructural methods include building setbacks, relocation of the structure to be protected, ground water management, planning and regulatory measures to avoid the need for structural stabilization.

(ii) **Principles.** Shorelines are by nature unstable, although in varying degrees. Erosion and accretion are natural processes that provide ecological functions and thereby contribute to sustaining the natural resource and ecology of the shoreline. Human use of the shoreline has typically led to hardening of the shoreline for various reasons including

reduction of erosion or providing useful space at the shore or providing access to docks and piers. The impacts of hardening any one property may be minimal but cumulatively the impact of this shoreline modification is significant.

Shoreline hardening typically results in adverse impacts to shoreline ecological functions such as:

- Beach starvation. Sediment supply to nearby beaches is cut off, leading to "starvation" of the beaches for the gravel, sand, and other fine-grained materials that typically constitute a beach.

- Habitat degradation. Vegetation that shades the upper beach or bank is eliminated, thus degrading the value of the shoreline for many ecological functions, including spawning habitat for salmonids and forage fish.

- Sediment impoundment. As a result of shoreline hardening, the sources of sediment on beaches (eroding "feeder" bluffs) are progressively lost and longshore transport is diminished. This leads to lowering of down-drift beaches, the narrowing of the high tide beach, and the coarsening of beach sediment. As beaches become more coarse, less prey for juvenile fish is produced. Sediment starvation may lead to accelerated erosion in down-drift areas.

- Exacerbation of erosion. The hard face of shoreline armoring, particularly concrete bulkheads, reflects wave energy back onto the beach, exacerbating erosion.

- Ground water impacts. Erosion control structures often raise the water table on the landward side, which leads to higher pore pressures in the beach itself. In some cases, this may lead to accelerated erosion of sand-sized material from the beach.

- Hydraulic impacts. Shoreline armoring generally increases the reflectivity of the shoreline and redirects wave energy back onto the beach. This leads to scouring and lowering of the beach, to coarsening of the beach, and to ultimate failure of the structure.

- Loss of shoreline vegetation. Vegetation provides important "softer" erosion control functions. Vegetation is also critical in maintaining ecological functions.

- Loss of large woody debris. Changed hydraulic regimes and the loss of the high tide beach, along with the prevention of natural erosion of vegetated shorelines, lead to the loss of beached organic material. This material can increase biological diversity, can serve as a stabilizing influence on natural shorelines, and is habitat for many aquatic-based organisms, which are, in turn, important prey for larger organisms.

- Restriction of channel movement and creation of side channels. Hardened shorelines along rivers slow the movement of channels, which, in turn, prevents the input of larger woody debris, gravels for spawning, and the creation of side channels important for juvenile salmon rearing, and can result in increased floods and scour.

Additionally, hard structures, especially vertical walls, often create conditions that lead to failure of the structure. In time, the substrate of the beach coarsens and scours down to bedrock or a hard clay. The footings of bulkheads are exposed, leading to undermining and failure. This process is exacerbated when the original cause of the erosion and "need" for the bulkhead was from upland water drainage problems. Failed bulkheads and walls adversely impact

beach aesthetics, may be a safety or navigational hazard, and may adversely impact shoreline ecological functions.

"Hard" structural stabilization measures refer to those with solid, hard surfaces, such as concrete bulkheads, while "soft" structural measures rely on less rigid materials, such as biotechnical vegetation measures or beach enhancement. There is a range of measures varying from soft to hard that include:

- Vegetation enhancement;
- Upland drainage control;
- Biotechnical measures;
- Beach enhancement;
- Anchor trees;
- Gravel placement;
- Rock revetments;
- Gabions;
- Concrete groins;
- Retaining walls and bluff walls;
- Bulkheads; and
- Seawalls.

Generally, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions.

Structural shoreline stabilization often results in vegetation removal and damage to near-shore habitat and shoreline corridors. Therefore, master program shoreline stabilization provisions shall also be consistent with WAC 173-26-221(5), vegetation conservation, and where applicable, WAC 173-26-221(2), critical areas.

In order to implement RCW 90.58.100(6) and avoid or mitigate adverse impacts to shoreline ecological functions where shoreline alterations are necessary to protect single-family residences and principal appurtenant structures in danger from active shoreline erosion, master programs should include standards setting forth the circumstances under which alteration of the shoreline is permitted, and for the design and type of protective measures and devices.

(iii) **Standards.** In order to avoid the individual and cumulative net loss of ecological functions attributable to shoreline stabilization, master programs shall implement the above principles and apply the following standards:

(A) New development should be located and designed to avoid the need for future shoreline stabilization to the extent feasible. Subdivision of land must be regulated to assure that the lots created will not require shoreline stabilization in order for reasonable development to occur using geotechnical analysis of the site and shoreline characteristics. New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis. New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas should not be allowed.

(B) New structural stabilization measures shall not be allowed except when necessity is demonstrated in the following manner:

(D) To protect existing primary structures:

• New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences,

should not be allowed unless there is conclusive evidence, documented by a geotechnical analysis, that the structure is in danger from shoreline erosion caused by tidal action, currents, or waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization.

• The erosion control structure will not result in a net loss of shoreline ecological functions.

(II) In support of new nonwater-dependent development, including single-family residences, when all of the conditions below apply:

• The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.

• Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

• The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes, such as tidal action, currents, and waves.

• The erosion control structure will not result in a net loss of shoreline ecological functions.

(III) In support of water-dependent development when all of the conditions below apply:

• The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.

• Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

• The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report.

• The erosion control structure will not result in a net loss of shoreline ecological functions.

(IV) To protect projects for the restoration of ecological functions or hazardous substance remediation projects pursuant to chapter 70.105D RCW when all of the conditions below apply:

• Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

• The erosion control structure will not result in a net loss of shoreline ecological functions.

(C) An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, or waves.

• The replacement structure should be designed, located, sized, and constructed to assure no net loss of ecological functions.

• Replacement walls or bulkheads shall not encroach waterward of the ordinary high-water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.

- Where a net loss of ecological functions associated with critical saltwater habitats would occur by leaving the existing structure, remove it as part of the replacement measure.

- Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high-water mark.

- For purposes of this section standards on shoreline stabilization measures, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

(D) Geotechnical reports pursuant to this section that address the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation. As a general matter, hard armoring solutions should not be authorized except when a report confirms that there is a significant possibility that such a structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is that immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions. Thus, where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as the three years, that report may still be used to justify more immediate authorization to protect against erosion using soft measures.

(E) When any structural shoreline stabilization measures are demonstrated to be necessary, pursuant to above provisions.

- Limit the size of stabilization measures to the minimum necessary. Use measures designed to assure no net loss of shoreline ecological functions. Soft approaches shall be used unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses.

- Ensure that publicly financed or subsidized shoreline erosion control measures do not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions. See public access provisions; WAC 173-26-221(4). Where feasible, incorporate ecological restoration and public access improvements into the project.

- Mitigate new erosion control measures, including replacement structures, on feeder bluffs or other actions that affect beach sediment-producing areas to avoid and, if that is not possible, to minimize adverse impacts to sediment conveyance systems. Where sediment conveyance systems cross jurisdictional boundaries, local governments should coordinate shoreline management efforts. If beach erosion is threatening existing development, local governments should adopt master program provisions for a beach management district or other institutional mechanism to provide comprehensive mitigation for the adverse impacts of erosion control measures.

(F) For erosion or mass wasting due to upland conditions, see WAC 173-26-221 (2)(c)(ii).

(b) **Piers and docks.** New piers and docks shall be allowed only for water-dependent uses or public access. As used here, a dock associated with a single-family residence is a water-dependent use provided that it is designed and intended as a facility for access to watercraft and otherwise complies with the provisions of this section. Pier and dock construction shall be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use. Water-related and water-enjoyment uses may be allowed as part of mixed-use development on over-water structures where they are clearly auxiliary to and in support of water-dependent uses, provided the minimum size requirement needed to meet the water-dependent use is not violated.

New pier or dock construction, excluding docks accessory to single-family residences, should be permitted only when the applicant has demonstrated that a specific need exists to support the intended water-dependent uses. If a port district or other public or commercial entity involving water-dependent uses has performed a needs analysis or comprehensive master plan projecting the future needs for pier or dock space, and if the plan or analysis is approved by the local government and consistent with these guidelines, it may serve as the necessary justification for pier design, size, and construction. The intent of this provision is to allow ports and other entities the flexibility necessary to provide for existing and future water-dependent uses.

Where new piers or docks are allowed, master programs should contain provisions to require new residential development of two or more dwellings to provide joint use or community dock facilities, when feasible, rather than allow individual docks for each residence.

Piers and docks, including those accessory to single-family residences, shall be designed and constructed to avoid or, if that is not possible, to minimize and mitigate the impacts to ecological functions, critical areas resources such as eelgrass beds and fish habitats and processes such as currents and littoral drift. See WAC 173-26-221 (2)(c)(iii) and (iv). Master programs should require that structures be made of materials that have been approved by applicable state agencies.

(c) **Fill.** Fills shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.

Fills waterward of the ordinary high-water mark shall be allowed only when necessary to support: Water-dependent use, public access, cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan, disposal of dredged material considered suitable under, and conducted in accordance with the dredged material management program of the department of natural resources, expansion or alteration of transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible, mitigation action, environmental restoration, beach nourishment or enhancement project. Fills waterward of the ordinary high-water mark for any use except ecological restoration should require a conditional use permit.

(d) **Breakwaters, jetties, groins, and weirs.** Breakwaters, jetties, groins, and weirs located waterward of the ordinary high-water mark shall be allowed only where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purpose. Breakwaters, jetties, groins, weirs, and similar structures should require a conditional use permit, except for those structures installed to protect or restore ecological functions, such as woody debris installed in streams. Breakwaters, jetties, groins, and weirs shall be designed to protect critical areas and shall provide for mitigation according to the sequence defined in WAC 173-26-201 (2)(e).

(e) **Beach and dunes management.** Washington's beaches and their associated dunes lie along the Pacific Ocean coast between Point Grenville and Cape Disappointment, and as shorelines of statewide significance are mandated to be managed from a statewide perspective by the act. Beaches and dunes within shoreline jurisdiction shall be managed to conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beaches. Beaches and dunes should also be managed to reduce the hazard to human life and property from natural or human-induced actions associated with these areas.

Shoreline master programs in coastal marine areas shall provide for diverse and appropriate use of beach and dune areas consistent with their ecological, recreational, aesthetic, and economic values, and consistent with the natural limitations of beaches, dunes, and dune vegetation for development. Coastal master programs shall institute development setbacks from the shoreline to prevent impacts to the natural, functional, ecological, and aesthetic qualities of the dune.

"Dune modification" is the removal or addition of material to a dune, the reforming or reconfiguration of a dune, or the removal or addition of vegetation that will alter the dune's shape or sediment migration. Dune modification may be proposed for a number of purposes, including protection of property, flood and storm hazard reduction, erosion prevention, and ecological restoration.

Coastal dune modification shall be allowed only consistent with state and federal flood protection standards and when it will not result in a net loss of shoreline ecological functions or significant adverse impacts to other shoreline resources and values.

Dune modification to protect views of the water shall be allowed only on properties subdivided and developed prior to the adoption of the master program and where the view is completely obstructed for residences or water-enjoyment uses and where it can be demonstrated that the dunes did not obstruct views at the time of original occupancy, and then only in conformance with the above provisions.

(f) **Dredging and dredge material disposal.** Dredging and dredge material disposal shall be done in a manner which avoids or minimizes significant ecological impacts and impacts which cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological functions.

New development should be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging. Dredging for the purpose of establishing, expanding, or relocating or reconfiguring navigation

channels and basins should be allowed where necessary for assuring safe and efficient accommodation of existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided. Maintenance dredging of established navigation channels and basins should be restricted to maintaining previously dredged and/or existing authorized location, depth, and width.

Dredging waterward of the ordinary high-water mark for the primary purpose of obtaining fill material shall not be allowed, except when the material is necessary for the restoration of ecological functions. When allowed, the site where the fill is to be placed must be located waterward of the ordinary high-water mark. The project must be either associated with a MTCA or CERCLA habitat restoration project or, if approved through a shoreline conditional use permit, any other significant habitat enhancement project. Master programs should include provisions for uses of suitable dredge material that benefit shoreline resources. Where applicable, master programs should provide for the implementation of adopted regional interagency dredge material management plans or watershed management planning.

Disposal of dredge material on shorelands or wetlands within a river's channel migration zone shall be discouraged. In the limited instances where it is allowed, such disposal shall require a conditional use permit. This provision is not intended to address discharge of dredge material into the flowing current of the river or in deep water within the channel where it does not substantially affect the geohydrologic character of the channel migration zone.

(g) **Shoreline habitat and natural systems enhancement projects.** Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for priority species in shorelines.

Master programs should include provisions fostering habitat and natural system enhancement projects. Such projects may include shoreline modification actions such as modification of vegetation, removal of nonnative or invasive plants, shoreline stabilization, dredging, and filling, provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline. Master program provisions should assure that the projects address legitimate restoration needs and priorities and facilitate implementation of the restoration plan developed pursuant to WAC 173-26-201 (2)(f).

NEW SECTION

WAC 173-26-241 Shoreline uses. (1) Applicability. The provisions in this section apply to specific common uses and types of development to the extent they occur within shoreline jurisdiction. Master programs should include these, where applicable, and should include specific use provisions for other common uses and types of development in the jurisdiction. All uses and development must be consistent with the provisions of the environment designation in which they are located and the general regulations of the master program.

(2) General use provisions.

(a) **Principles.** Shoreline master programs shall implement the following principles:

(i) Establish a system of use regulations and environment designation provisions consistent with WAC 173-26-201 (2)(d) and 173-26-211 that gives preference to those uses that are consistent with the control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon uses of the state's shoreline areas.

(ii) Ensure that all shoreline master program provisions concerning proposed development of property are established, as necessary, to protect the public's health, safety, and welfare, as well as the land and its vegetation and wildlife, and to protect property rights while implementing the policies of the Shoreline Management Act.

(iii) Reduce use conflicts by including provisions to prohibit or apply special conditions to those uses which are not consistent with the control of pollution and prevention of damage to the natural environment or are not unique to or dependent upon use of the state's shoreline. In implementing this provision, preference shall be given first to water-dependent uses, then to water-related uses and water-enjoyment uses.

(iv) Establish use regulations designed to assure no net loss of ecological functions associated with the shoreline.

(b) Conditional uses.

(i) Master programs shall define the types of uses and development that require shoreline conditional use permits pursuant to RCW 90.58.100(5). Requirements for a conditional use permit may be used for a variety of purposes, including:

- To effectively address unanticipated uses that are not classified in the master program as described in WAC 173-27-030.

- To address cumulative impacts.

- To provide the opportunity to require specially tailored environmental analysis or design criteria for types of use or development that may otherwise be inconsistent with a specific environment designation within a master program or with the Shoreline Management Act policies.

In these cases, allowing a given use as a conditional use could provide greater flexibility within the master program than if the use were prohibited outright.

(ii) If master programs permit the following types of uses and development, they should require a conditional use permit:

(A) Uses and development that may significantly impair or alter the public's use of the water areas of the state.

(B) Uses and development which, by their intrinsic nature, may have a significant ecological impact on shoreline ecological functions or shoreline resources depending on location, design, and site conditions.

(C) Development in critical saltwater habitats.

(iii) The provisions of this section are minimum requirements and are not intended to limit local government's ability to identify other uses and developments within the master program as conditional uses where necessary or appropriate.

(3) **Standards.** Master programs shall establish a comprehensive program of use regulations for shorelines and shall incorporate provisions for specific uses consistent with

the following as necessary to assure consistency with the policy of the act and where relevant within the jurisdiction.

(a) Agriculture.

(i) For the purposes of this section, the terms agricultural activities, agricultural products, agricultural equipment and facilities and agricultural land shall have the specific meanings as provided in WAC 173-26-020.

(ii) Master programs shall not require modification of or limit agricultural activities occurring on agricultural lands. In jurisdictions where agricultural activities occur, master programs shall include provisions addressing new agricultural activities on land not meeting the definition of agricultural land, conversion of agricultural lands to other uses, and other development on agricultural land that does not meet the definition of agricultural activities.

(iii) Nothing in this section limits or changes the terms of the current exception to the definition of substantial development. A substantial development permit is required for any agricultural development not specifically exempted by the provisions of RCW 90.58.030 (3)(e)(iv).

(iv) Master programs shall use definitions consistent with the definitions found in WAC 173-26-020(3).

(v) New agricultural activities are activities that meet the definition of agricultural activities but are proposed on land not currently in agricultural use. Master programs shall include provisions for new agricultural activities to assure that:

(A) Specific uses and developments in support of agricultural use are consistent with the environment designation in which the land is located.

(B) Agricultural uses and development in support of agricultural uses, are located and designed to assure no net loss of ecological functions and to not have a significant adverse impact on other shoreline resources and values.

Measures appropriate to meet these requirements include provisions addressing water quality protection, and vegetation conservation, as described in WAC 173-26-220 (5) and (6). Requirements for buffers for agricultural development shall be based on scientific and technical information and management practices adopted by the applicable state agencies necessary to preserve the ecological functions and qualities of the shoreline environment.

(vi) Master programs shall include provisions to assure that development on agricultural land that does not meet the definition of agricultural activities, and the conversion of agricultural land to nonagricultural uses, shall be consistent with the environment designation, and the general and specific use regulations applicable to the proposed use and do not result in a net loss of ecological functions associated with the shoreline.

(b) **Aquaculture.** Aquaculture is the culture or farming of food fish, shellfish, or other aquatic plants and animals. This activity is of statewide interest. Properly managed, it can result in long-term over short-term benefit and can protect the resources and ecology of the shoreline. Aquaculture is dependent on the use of the water area and, when consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area. Local government should consider local ecological conditions and provide limits and conditions to assure appropriate compatible

types of aquaculture for the local conditions as necessary to assure no net loss of ecological functions.

Potential locations for aquaculture are relatively restricted due to specific requirements for water quality, temperature, flows, oxygen content, adjacent land uses, wind protection, commercial navigation, and, in marine waters, salinity. The technology associated with some forms of present-day aquaculture is still in its formative stages and experimental. Local shoreline master programs should therefore recognize the necessity for some latitude in the development of this use as well as its potential impact on existing uses and natural systems.

Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions, adversely impact eelgrass and macroalgae, or significantly conflict with navigation and other water-dependent uses. Aquacultural facilities should be designed and located so as not to spread disease to native aquatic life, establish new nonnative species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline. Impacts to ecological functions shall be mitigated according to the mitigation sequence described in WAC 173-26-020.

(c) **Boating facilities.** For the purposes of this chapter, "boating facilities" excludes docks serving four or fewer single-family residences. Shoreline master programs shall contain provisions to assure no net loss of ecological functions as a result of development of boating facilities while providing the boating public recreational opportunities on waters of the state.

Where applicable, shoreline master programs should, at a minimum, contain:

(i) Provisions to ensure that boating facilities are located only at sites with suitable environmental conditions, shoreline configuration, access, and neighboring uses.

(ii) Provisions that assure that facilities meet health, safety, and welfare requirements. Master programs may reference other regulations to accomplish this requirement.

(iii) Regulations to avoid, or if that is not possible, to mitigate aesthetic impacts.

(iv) Provisions for public access in new marinas, particularly where water-enjoyment uses are associated with the marina, in accordance with WAC 173-26-221(4).

(v) Regulations to limit the impacts to shoreline resources from boaters living in their vessels (live-aboard).

(vi) Regulations that assure that the development of boating facilities, and associated and accessory uses, will not result in a net loss of shoreline ecological functions or other significant adverse impacts.

(vii) Regulations to protect the rights of navigation.

(viii) Regulations restricting vessels from extended mooring on waters of the state except as allowed by applicable state regulations and unless a lease or permission is obtained from the state and impacts to navigation and public access are mitigated.

(d) **Commercial development.** Master programs shall first give preference to water-dependent commercial uses over nonwater-dependent commercial uses; and second, give preference to water-related and water-enjoyment commercial uses over nonwater-oriented commercial uses.

The design, layout and operation of certain commercial uses directly affects their classification with regard to whether or not they qualify as water-related or water-enjoyment uses. Master programs shall assure that commercial uses that may be authorized as water-related or water-enjoyment uses are required to incorporate appropriate design and operational elements so that they meet the definition of water-related or water-enjoyment uses.

Master programs should require that public access and ecological restoration be considered as potential mitigation of impacts to shoreline resources and values for all water-related or water-dependent commercial development unless such improvements are demonstrated to be infeasible or inappropriate. Where commercial use is proposed for location on land in public ownership, public access should be required. Refer to WAC 173-26-221(4) for public access provisions.

Master programs should prohibit nonwater-oriented commercial uses on the shoreline unless they meet the following criteria:

(i) The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration; or

(ii) Navigability is severely limited at the proposed site; and the commercial use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration.

In areas designated for commercial use, nonwater-oriented commercial development may be allowed if the site is physically separated from the shoreline by another property or public right of way.

Nonwater-dependent commercial uses should not be allowed over water except in existing structures or in the limited instances where they are auxiliary to and necessary in support of water-dependent uses.

Master programs shall assure that commercial development will not result in a net loss of shoreline ecological functions or have significant adverse impact to other shoreline uses, resources and values provided for in RCW 90.58.020 such as navigation, recreation and public access.

(e) **Forest practices.** Local master programs should rely on the Forest Practices Act and rules implementing the act and the *Forest and Fish Report* as adequate management of commercial forest uses within shoreline jurisdiction. However, local governments shall, where applicable, apply this chapter to Class IV-General forest practices where shorelines are being converted or are expected to be converted to non-forest uses.

Forest practice conversions and other Class IV-General forest practices where there is a likelihood of conversion to nonforest uses, shall assure no net loss of shoreline ecological functions and shall maintain the ecological quality of the watershed's hydrologic system. Master programs shall establish provisions to ensure that all such practices are conducted in a manner consistent with the master program environment designation provisions and the provisions of this chapter. Applicable shoreline master programs should contain provisions to ensure that when forest lands are converted to another use, there will be no net loss of shoreline ecological functions or significant adverse impacts to other shoreline

uses, resources and values provided for in RCW 90.58.020 such as navigation, recreation and public access.

Master programs shall implement the provisions of RCW 90.58.150 regarding selective removal of timber harvest on shorelines of statewide significance. Exceptions to this standard shall be by conditional use permit only.

Lands designated as "forest lands" pursuant to RCW 36.70A.170 shall be designated consistent with either the "natural," "rural conservancy," environment designation.

Where forest practices fall within the applicability of the Forest Practices Act, local governments should consult with the department of natural resources, other applicable agencies, and local timber owners and operators.

(f) **Industry.** Master programs shall first give preference to water-dependent industrial uses over nonwater-dependent industrial uses; and second, give preference to water-related industrial uses over nonwater-oriented industrial uses.

Regional and statewide needs for water-dependent and water-related industrial facilities should be carefully considered in establishing master program environment designations, use provisions, and space allocations for industrial uses and supporting facilities. Lands designated for industrial development should not include shoreline areas with severe environmental limitations, such as critical areas.

Where industrial development is allowed, master programs shall include provisions that assure that industrial development will be located, designed, or constructed in a manner that assures no net loss of shoreline ecological functions and such that it does not have significant adverse impacts to other shoreline resources and values.

Master programs should require that industrial development consider incorporating public access as mitigation for impacts to shoreline resources and values unless public access cannot be provided in a manner that does not result in significant interference with operations or hazards to life or property, as provided in WAC 173-26-221(4).

Where industrial use is proposed for location on land in public ownership, public access should be required. Industrial development and redevelopment should be encouraged to locate where environmental cleanup and restoration of the shoreline area can be incorporated. New nonwater-oriented industrial development should be prohibited on shorelines except when:

- (i) The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration; or
- (ii) Navigability is severely limited at the proposed site; and the industrial use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration.

In areas designated for industrial use, nonwater-oriented industrial uses may be allowed if the site is physically separated from the shoreline by another property or public right of way.

(g) **In-stream structural uses.** "In-stream structure" means a structure placed by humans within a stream or river waterward of the ordinary high-water mark that either causes or has the potential to cause water impoundment or the diver-

sion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.

In-stream structures shall provide for the protection and preservation, of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas. The location and planning of in-stream structures shall give due consideration to the full range of public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species.

(h) **Mining.** Mining is the removal of sand, gravel, soil, minerals, and other earth materials for commercial and other uses. Historically, the most common form of mining in shoreline areas is for sand and gravel because of the geomorphic association of rivers and sand and gravel deposits. Mining in the shoreline generally alters the natural character, resources, and ecology of shorelines of the state and may impact critical shoreline resources and ecological functions of the shoreline. However, in some circumstances, mining may be designed to have benefits for shoreline resources, such as creation of off channel habitat for fish or habitat for wildlife. Activities associated with shoreline mining, such as processing and transportation, also generally have the potential to impact shoreline resources unless the impacts of those associated activities are evaluated and properly managed in accordance with applicable provisions of the master program.

A shoreline master program should accomplish two purposes in addressing mining. First, identify where mining may be an appropriate use of the shoreline, which is addressed in this section and in the environment designation sections above. Second, ensure that when mining or associated activities in the shoreline are authorized, those activities will be properly sited, designed, conducted, and completed so that it will cause no net loss of ecological functions of the shoreline.

(i) Identification of shoreline areas where mining may be designated as appropriate shall:

(A) Be consistent with the environment designation provisions of WAC 173-26-211 and where applicable WAC 173-26-251(2) regarding shorelines of statewide significance; and

(B) Be consistent with local government designation of mineral resource lands with long-term significance as provided for in RCW 36.70A.170 (1)(c), 36.70A.130, and 36.70A.131; and

(C) Be based on a showing that mining is dependent on a shoreline location in the city or county, or portion thereof, which requires evaluation of geologic factors such as the distribution and availability of mineral resources for that jurisdiction, as well as evaluation of need for such mineral resources, economic, transportation, and land use factors. This showing may rely on analysis or studies prepared for purposes of GMA designations, be integrated with any relevant environmental review conducted under SEPA (chapter

43.21C RCW), or otherwise be shown in a manner consistent with RCW 90.58.100(1) and WAC 173-26-201 (2)(a).

(ii) Master programs shall include policies and regulations for mining, when authorized, that accomplish the following:

(A) New mining and associated activities shall be designed and conducted to comply with the regulations of the environment designation and the provisions applicable to critical areas where relevant. Accordingly, meeting the no net loss of ecological function standard shall include avoidance and mitigation of adverse impacts during the course of mining and reclamation. It is appropriate, however, to determine whether there will be no net loss of ecological function based on evaluation of final reclamation required for the site. Preference shall be given to mining proposals that result in the creation, restoration, or enhancement of habitat for priority species.

(B) Master program provisions and permit requirements for mining should be coordinated with the requirements of chapter 78.44 RCW.

(C) Master programs shall assure that proposed subsequent use of mined property is consistent with the provisions of the environment designation in which the property is located and that reclamation of disturbed shoreline areas provides appropriate ecological functions consistent with the setting.

(D) Mining within the active channel or channels (a location waterward of the ordinary high-water mark) of a river shall not be permitted unless:

(I) Removal of specified quantities of sand and gravel or other materials at specific locations will not adversely affect the natural processes of gravel transportation for the river system as a whole; and

(II) The mining and any associated permitted activities will not have significant adverse impacts to habitat for priority species nor cause a net loss of ecological functions of the shoreline.

(III) The determinations required by (h)(ii)(D)(I) and (II) of this subsection shall be made consistent with RCW 90.58.100(1) and WAC 173-26-201 (2)(a). Such evaluation of impacts should be appropriately integrated with relevant environmental review requirements of SEPA (chapter 43.21C RCW) and the SEPA rules (chapter 197-11 WAC).

(IV) In considering renewal, extension or reauthorization of gravel bar and other in-channel mining operations in locations where they have previously been conducted, local government shall require compliance with this subsection (D) to the extent that no such review has previously been conducted. Where there has been prior review, local government shall review previous determinations comparable to the requirements of this section to assure compliance with this subsection (D) under current site conditions.

(V) The provisions of this section do not apply to dredging of authorized navigation channels when conducted in accordance with WAC 173-26-231 (3)(f).

(E) Mining within any channel migration zone that is within Shoreline Management Act jurisdiction shall require a shoreline conditional use permit.

(i) **Recreational development.** Recreational development includes commercial and public facilities designed and

used to provide recreational opportunities to the public. Master programs should assure that shoreline recreational development is given priority and is primarily related to access to, enjoyment and use of the water and shorelines of the state. Commercial recreational development should be consistent with the provisions for commercial development in (d) of this subsection. Provisions related to public recreational development shall assure that the facilities are located, designed and operated in a manner consistent with the purpose of the environment designation in which they are located and such that no net loss of shoreline ecological functions or ecosystem-wide processes results.

In accordance with RCW 90.58.100(4), master program provisions shall reflect that state-owned shorelines are particularly adapted to providing wilderness beaches, ecological study areas, and other recreational uses for the public and give appropriate special consideration to the same.

For all jurisdictions planning under the Growth Management Act, master program recreation policies shall be consistent with growth projections and level-of-service standards established by the applicable comprehensive plan.

(j) **Residential development.** Single-family residences are the most common form of shoreline development and are identified as a priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment. Without proper management, single-family residential use can cause significant damage to the shoreline area through cumulative impacts from shoreline armoring, storm water runoff, septic systems, introduction of pollutants, and vegetation modification and removal. Residential development also includes multifamily development and the creation of new residential lots through land division.

Master programs shall include policies and regulations that assure no net loss of shoreline ecological functions will result from residential development. Such provisions should include specific regulations for setbacks and buffer areas, density, shoreline armoring, vegetation conservation requirements, and, where applicable, on-site sewage system standards for all residential development and uses and applicable to divisions of land in shoreline jurisdiction.

Residential development, including appurtenant structures and uses, should be sufficiently set back from steep slopes and shorelines vulnerable to erosion so that structural improvements, including bluff walls and other stabilization structures, are not required to protect such structures and uses. (See RCW 90.58.100(6).)

New over-water residences, including floating homes, are not a preferred use and should be prohibited. It is recognized that certain existing communities of floating and/or over-water homes exist and should be reasonably accommodated to allow improvements associated with life safety matters and property rights to be addressed provided that any expansion of existing communities is the minimum necessary to assure consistency with constitutional and other legal limitations that protect private property.

New multiunit residential development, including the subdivision of land for more than four parcels, should provide community and/or public access in conformance to the local government's public access planning and this chapter.

Master programs shall include standards for the creation of new residential lots through land division that accomplish the following:

(i) Plats and subdivisions must be designed, configured and developed in a manner that assures that no net loss of ecological functions results from the plat or subdivision at full build-out of all lots.

(ii) Prevent the need for new shoreline stabilization or flood hazard reduction measures that would cause significant impacts to other properties or public improvements or a net loss of shoreline ecological functions.

(iii) Implement the provisions of WAC 173-26-211 and 173-26-221.

(k) **Transportation and parking.** Master programs shall include policies and regulations to provide safe, reasonable, and adequate circulation systems to, and through or over shorelines where necessary and otherwise consistent with these guidelines.

Transportation and parking plans and projects shall be consistent with the master program public access policies, public access plan, and environmental protection provisions.

Circulation system planning shall include systems for pedestrian, bicycle, and public transportation where appropriate. Circulation planning and projects should support existing and proposed shoreline uses that are consistent with the master program.

Plan, locate, and design proposed transportation and parking facilities where routes will have the least possible adverse effect on unique or fragile shoreline features, will not result in a net loss of shoreline ecological functions or adversely impact existing or planned water-dependent uses. Where other options are available and feasible, new roads or road expansions should not be built within shoreline jurisdiction.

Parking facilities in shorelines are not a preferred use and shall be allowed only as necessary to support an authorized use. Shoreline master programs shall include policies and regulations to minimize the environmental and visual impacts of parking facilities.

(l) **Utilities.** These provisions apply to services and facilities that produce, convey, store, or process power, gas, sewage, communications, oil, waste, and the like. On-site utility features serving a primary use, such as a water, sewer or gas line to a residence, are "accessory utilities" and shall be considered a part of the primary use.

Master programs shall include provisions to assure that:

All utility facilities are designed and located to assure no net loss of shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth.

Utility production and processing facilities, such as power plants and sewage treatment plants, or parts of those facilities, that are nonwater-oriented shall not be allowed in shoreline areas unless it can be demonstrated that no other feasible option is available.

Transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, shall be located outside of the shoreline area where feasible and when neces-

sarily located within the shoreline area shall assure no net loss of shoreline ecological functions.

Utilities should be located in existing rights of way and corridors whenever possible.

Development of pipelines and cables on tidelands, particularly those running roughly parallel to the shoreline, and development of facilities that may require periodic maintenance which disrupt shoreline ecological functions should be discouraged except where no other feasible alternative exists. When permitted, provisions shall assure that the facilities do not result in a net loss of shoreline ecological functions or significant impacts to other shoreline resources and values.

NEW SECTION

WAC 173-26-251 Shorelines of statewide significance. (1) **Applicability.** The following section applies to local governments preparing master programs that include shorelines of statewide significance as defined in RCW 90.58.030.

(2) **Principles.** Chapter 90.58 RCW raises the status of shorelines of statewide significance in two ways. First, the Shoreline Management Act sets specific preferences for uses of shorelines of statewide significance. RCW 90.58.020 states:

"The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance. The department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:

(1) *Recognize and protect the statewide interest over local interest;*

(2) *Preserve the natural character of the shoreline;*

(3) *Result in long term over short term benefit;*

(4) *Protect the resources and ecology of the shoreline;*

(5) *Increase public access to publicly owned areas of the shorelines;*

(6) *Increase recreational opportunities for the public in the shoreline;*

(7) *Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary."*

Second, the Shoreline Management Act calls for a higher level of effort in implementing its objectives on shorelines of statewide significance. RCW 90.58.090(5) states:

"The department shall approve those segments of the master program relating to shorelines of statewide significance only after determining the program provides the optimum implementation of the policy of this chapter to satisfy the statewide interest."

Optimum implementation involves special emphasis on statewide objectives and consultation with state agencies. The state's interests may vary, depending upon the geographic region, type of shoreline, and local conditions. Optimum implementation may involve ensuring that other comprehensive planning policies and regulations support Shoreline Management Act objectives.

Because shoreline ecological resources are linked to other environments, implementation of ecological objectives

requires effective management of whole ecosystems. Optimum implementation places a greater imperative on identifying, understanding, and managing ecosystem-wide processes and ecological functions that sustain resources of statewide importance.

(3) **Master program provisions for shorelines of statewide significance.** Because shorelines of statewide significance are major resources from which all people of the state derive benefit, local governments that are preparing master program provisions for shorelines of statewide significance shall implement the following:

(a) **Statewide interest.** To recognize and protect statewide interest over local interest, consult with applicable state agencies, affected Indian tribes, and statewide interest groups and consider their recommendations in preparing shoreline master program provisions. Recognize and take into account state agencies' policies, programs, and recommendations in developing use regulations. For example, if an anadromous fish species is affected, the Washington state departments of fish and wildlife and ecology and the governor's salmon recovery office, as well as affected Indian tribes, should, at a minimum, be consulted.

(b) **Preserving resources for future generations.** Prepare master program provisions on the basis of preserving the shorelines for future generations. For example, actions that would convert resources into irreversible uses or detrimentally alter natural conditions characteristic of shorelines of statewide significance should be severely limited. Where natural resources of statewide importance are being diminished over time, master programs shall include provisions to contribute to the restoration of those resources.

(c) **Priority uses.** Establish shoreline environment designation policies, boundaries, and use provisions that give preference to those uses described in RCW 90.58.020 (1) through (7). More specifically:

(i) Identify the extent and importance of ecological resources of statewide importance and potential impacts to those resources, both inside and outside the local government's geographic jurisdiction.

(ii) Preserve sufficient shorelands and submerged lands to accommodate current and projected demand for economic resources of statewide importance, such as commercial shellfish beds and navigable harbors. Base projections on statewide or regional analyses, requirements for essential public facilities, and comment from related industry associations, affected Indian tribes, and state agencies.

(iii) Base public access and recreation requirements on demand projections that take into account the activities of state agencies and the interests of the citizens of the state to visit public shorelines with special scenic qualities or cultural or recreational opportunities.

(d) **Resources of statewide importance.** Establish development standards that:

(i) Ensure the long-term protection of ecological resources of statewide importance, such as anadromous fish habitats, forage fish spawning and rearing areas, shellfish beds, and unique environments. Standards shall consider incremental and cumulative impacts of permitted development and include provisions to insure no net loss of shoreline ecosystems and ecosystem-wide processes.

(ii) Provide for the shoreline needs of water-oriented uses and other shoreline economic resources of statewide importance.

(iii) Provide for the right of the public to use, access, and enjoy public shoreline resources of statewide importance.

(e) **Comprehensive plan consistency.** Assure that other local comprehensive plan provisions are consistent with and support as a high priority the policies for shorelines of statewide significance. Specifically, shoreline master programs should include policies that incorporate the priorities and optimum implementation directives of chapter 90.58 RCW into comprehensive plan provisions and implementing development regulations.

PART IV

~~((GUIDELINES - OPTIONAL APPROACH))~~

OCEAN MANAGEMENT

~~((PART V~~

~~OCEAN MANAGEMENT))~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 173-26-170	Purpose of Part III.
WAC 173-26-180	Applicability of Part III.
WAC 173-26-190	Master program contents.
WAC 173-26-200	Comprehensive process to prepare or amend shoreline master programs.
WAC 173-26-210	Environment designation system.
WAC 173-26-220	General master program provisions.
WAC 173-26-230	Shoreline modifications.
WAC 173-26-240	Shoreline uses.
WAC 173-26-250	Shorelines of statewide significance.
WAC 173-26-270	Purpose of Part IV.
WAC 173-26-280	Applicability of Part IV.
WAC 173-26-290	Master program contents.
WAC 173-26-300	Comprehensive process to prepare or amend shoreline master programs.
WAC 173-26-310	Environment designation system.
WAC 173-26-320	General master program provisions.
WAC 173-26-330	Shoreline modifications.
WAC 173-26-340	Shoreline uses.

WAC 173-26-350

Shorelines of statewide significance.

WSR 04-01-119
PERMANENT RULES
DEPARTMENT OF REVENUE

[Filed December 17, 2003, 3:41 p.m.]

Date of Adoption: December 17, 2003.

Purpose: WAC 458-12-060 through 458-12-080 provide information about the listing of personal property for purposes of ad valorem property taxation. The information in these rules is being revised to incorporate changes to the statutes being implemented. In addition, these rules are being consolidated into a single document in order to provide information about the listing of personal property in a more efficient and user-friendly manner by reducing the need for readers to consult multiple rules for information about the listing of personal property.

Citation of Existing Rules Affected by this Order: Repealing WAC 458-12-065 Listing personal property—Form and notice, 458-12-070 Listing of property—When due—Late filing, 458-12-075 Personalty—Filing by corporations, partnerships, firms or agents and 458-12-080 Listing of personalty—Manufacturers; and amending WAC 458-12-060 (~~Listing of personalty—Burden on taxpayer to list.~~) Listing of personal property.

Statutory Authority for Adoption: RCW 84.08.010 and 84.08.070.

Adopted under notice filed as WSR 03-17-005 on August 7, 2003.

Changes Other than Editing from Proposed to Adopted Version:

- Subsection (2)(a) has been revised as follows (new language is underlined, and deleted language is shown by strike-out):

(a) How should property be identified on the listing form? Each item of taxable personal property may, but need not, be separately identified on the listing form. At a minimum, however, each category of taxable personal property must be separately identified on the listing form. For example, office equipment must be separately identified as personal computers and peripherals, (~~desks,~~) facsimile machines, copiers, telephone equipment, office furniture, supplies, and the like. RCW 84.08.020 and 84.40.040.

- Subsection (2)(b) has been revised as follows (new language is underlined, and deleted language is shown by strike-out):

(b) What other information must be included in the personal property listing? In addition to a listing of all (~~items~~) categories of taxable personal property (~~identified by category~~), a listing form must also include:

- (i) The (~~date~~) year of acquisition for each (~~item~~) category of personal property; and
- (ii) The total original cost of each (~~item~~) category of personal property. The value of any trade-in is not to be deducted from the acquisition cost. For purposes of listing taxable personal property, the total original cost (~~of an item~~)

includes all costs associated with making the property operational but excludes sales tax. For example, installation, freight, and engineering charges are costs that may be incurred while placing property into operation. RCW 84.08.020 and 84.40.040.

- Subsection (4) has been revised as follows (new language is underlined, and deleted language is shown by strike-out):

The listing must include the manufacturer's stock, engines, machinery, and other non-exempt personal property, together with the (~~date~~) year of acquisition and total original cost for each (~~item~~) category.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 2.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, 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 1, Repealed 4.

Effective Date of Rule: Thirty-one days after filing.

December 17, 2003

Alan R. Lynn

Rules Coordinator

Legislation and Policy Division

AMENDATORY SECTION (Amending Order PT 68-6, filed 4/29/68)

WAC 458-12-060 Listing of (~~personalty—Burden on taxpayer to list~~) personal property. (~~Every person, firm or corporation regardless of residency who owns or controls personal property not specifically exempted by law located in this state as of 12 noon on the first day of January shall be required to annually submit a personal property listing and statement. Such listing and statement shall be due regardless of whether or not the assessor has provided notice of such listing to the individual taxpayer. (RCW 84.40.190.))~~ (1) Introduction. This rule provides information about the listing of personal property subject to ad valorem taxation. This rule also provides specific information about the listing of personal property by manufacturers. For information about the listing of ships and vessels subject to property taxation, refer to WAC 458-17-101.

(2) Who is required to list personal property with the county assessor? Every person is required to list all taxable (i.e., nonexempt) personal property in the person's ownership, possession, or control. RCW 84.40.185 and 84.40.190. Every person required to list personal property must deliver to the county assessor a form listing all of the person's taxable personal property that was located in the county as of 12:00 p.m. on January 1st of the assessment year. The listing may

be delivered to the assessor either in person, by mail, or by electronic transmittal (e.g., Internet-based application, e-mail, or facsimile) if available. The listing does not need to be signed or verified under penalty of perjury. (Chapter 302, Laws of 2003.)

For purposes of this rule, the term "person" includes natural persons and artificial persons such as partnerships, corporations, limited liability companies, associations, trusts, and estates.

(a) How should property be identified on the listing form? Each item of taxable personal property may, but need not, be separately identified on the listing form. At a minimum, however, each category of taxable personal property must be separately identified on the listing form. For example, office equipment must be separately identified as personal computers and peripherals, facsimile machines, copiers, telephone equipment, office furniture, supplies, and the like. RCW 84.08.020 and 84.40.040.

(b) What other information must be included in the personal property listing? In addition to a listing of all categories of taxable personal property, a listing form must also include:

(i) The year of acquisition for each category of personal property; and

(ii) The total original cost of each category of personal property. The value of any trade-in is not to be deducted from the acquisition cost. For purposes of listing taxable personal property, the total original cost includes all costs associated with making the property operational but excludes sales tax. For example, installation, freight, and engineering charges are costs that may be incurred while placing property into operation. RCW 84.08.020 and 84.40.040.

(c) When are personal property listings due? RCW 84.40.040 provides that personal property listings are due on or before April 30th. A penalty may be added to the amount of tax assessed if listing is not made by the due date. RCW 84.40.130. Refer to WAC 458-12-110 for detailed information about the penalties imposed under RCW 84.40.130.

(d) How do the exemptions for household goods, furnishings, and personal effects and for the head of a family affect listing? RCW 84.36.110 provides exemptions for the head of a family and for household goods, furnishings, and personal effects. Information about these exemptions and their effect on listing is provided in WAC 458-16-115.

(e) What if the assessor believes that an incomplete or inaccurate listing has been made? When the assessor believes that an incomplete or inaccurate listing has been made, the assessor has the following options:

(i) If the assessor believes that a person listing personal property for himself or herself, or on behalf of a principal (e.g., any other person, company, or corporation), has not made a full, fair, and complete listing of such property, the assessor may examine the person under oath in regard to the amount of the property the person is required to list. If the person refuses to answer under oath, the assessor may list the property of that person, or of that person's principal, according to the assessor's best judgment and information. RCW 84.40.110. Any oath authorized to be administered under Title 84 RCW may be administered by any assessor or deputy assessor, or by any other officer having authority to adminis-

ter oaths. Any person willfully making a false list, schedule, or statement under oath is subject to the penalties of perjury. RCW 84.40.120.

(ii) For the purpose of verifying any list, statement, or schedule required to be furnished to the assessor by any taxpayer, any assessor or the assessor's trained and qualified deputy may visit, investigate, and examine any personal property at any reasonable time. For the purposes of this verification, the records, accounts, and inventories, which will aid in determining the amount and valuation of the property, will also be subject to visitation, investigation, and examination. The visitation, investigation, and examination may be performed at any office of the taxpayer in this state. The taxpayer is required to furnish or make available all the information pertaining to property in this state to the assessor even though the records may be maintained at any office outside this state. RCW 84.40.340.

(f) What if the owner of personal property moves to another county or into this state after January 1st? The owner of taxable personal property who moves from one county to another between January 1st and July 1st will be assessed in the county whose assessor first calls upon the owner to make a listing. The owner of personal property who moves into this state from another state between January 1st and July 1st must make a listing of taxable personal property that the person owned on January 1st of the assessment year with the assessor in the county in which the person resides.

If the owner of personal property moves to another county or into this state after January 1st and can satisfy the assessor that the owner's property has been assessed and will be held liable for the tax on the current year in another state or county, the owner cannot be assessed again for the current year. RCW 84.44.080.

(3) Assessor's duty to maintain list of persons liable to assessment. Assessors must maintain an alphabetical list of the names and last known addresses of all property owners in the county who are subject to assessment of personal property. On or before January 1st of each year, the assessor is required to mail or electronically transmit (e.g., e-mail) a notice to such persons that a listing is required along with a listing form. The notice and listing form must be in accordance with forms prescribed by the department of revenue. If practicable, the notice and listing form mailed or electronically transmitted to each taxpayer must include a copy of the previous year's listing. RCW 84.40.040. A copy of the taxpayer's previous year's listing must also be provided to the taxpayer upon the taxpayer's request.

(a) What if I do not receive a listing form from the assessor? Property owners who are subject to assessment of personal property and any other person required to list personal property are responsible for making a listing regardless of whether or not the person receives a listing form from the assessor.

(b) What are the assessor's duties upon receipt of a personal property listing? Upon receipt of a personal property listing, the assessor will determine the true and fair value of the property listed and enter one hundred percent of the true and fair value of the property on the assessment roll opposite the name of the party assessed (i.e., the owner of the property). The assessor may, after giving written notice of

the action to the person assessed, add to the assessment list any taxable property that should have been included in the list but was omitted by the taxpayer. RCW 84.40.040.

RCW 84.40.200 requires that a copy of the completed personal property listing containing the assessor's determination of the true and fair value of the property assessed must be provided to the person assessed, or to the person listing the property. The information may be provided in person, by mail, or by electronic transmittal if available.

(4) Listing of personal property by manufacturers. This subsection provides specific information about the listing of taxable personal property by manufacturers. A manufacturer must make and deliver to the assessor a personal property listing. The listing is made in the county where the personal property is situated. RCW 84.44.010. The listing must include the manufacturer's stock, engines, machinery, and other nonexempt personal property, together with the year of acquisition and total original cost for each category. Detailed information about the cost of personal property is contained in subsection (2)(b)(ii) of this rule. Manufacturer's stock that constitutes "business inventories," as that term is defined in RCW 84.36.477, is exempt from ad valorem taxation and need not be included in the personal property listing.

Fixtures considered by the assessor as part of any parcel of real property should not be included in a manufacturer's personal property listing. For detailed information about fixtures or trade fixtures, refer to WAC 458-12-005 and 458-12-010.

(a) Who is a "manufacturer"? A "manufacturer" is any person who purchases, receives, or holds personal property of any description for the purpose of adding to the value thereof by any process of manufacturing, refining, rectifying, or by the combination of different materials with the view of making gain or profit by so doing. RCW 84.40.210.

(b) What is "manufacturer's stock"? "Manufacturer's stock" includes all articles purchased, received, or otherwise held for the purpose of being used in whole or in part in any process or processes of manufacturing, combining, rectifying, or refining.

(c) What if property identified on the personal property listing has also been listed and assessed as part of any parcel of real property? On receipt of the manufacturer's personal property listing, the assessor will delete from the assessment the value of any engines and machinery that the assessor knows to have been assessed as part of any parcel of real property (i.e., as a fixture). A copy of the corrected assessment will be provided to the manufacturer.

WSR 04-01-125

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed December 18, 2003, 3:43 p.m., effective January 1, 2004]

Date of Adoption: December 18, 2003.

Purpose: WAC 458-40-660 contains the stumpage values used by harvesters of timber to calculate the timber excise tax. This rule is being revised to provide the stumpage values to be used during the first half of 2004.

Citation of Existing Rules Affected by this Order:
Amending WAC 458-40-660 Timber excise tax—Stumpage value tables.

Statutory Authority for Adoption: RCW 82.01.060(2), 82.32.300, and 84.33.096.

Other Authority: RCW 84.33.091.

Adopted under notice filed as WSR 03-22-100 on November 5, 2003.

Changes Other than Editing from Proposed to Adopted Version: The values for small logs in Stumpage Value Table 6 were reduced by \$1 in each haul zone. These values were reduced because of additional data obtained for small logs in SVA 6.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The rule is required by statute (RCW 84.33.091) to be effective on January 1, 2004.

Effective Date of Rule: January 1, 2004.

December 18, 2003

Alan R. Lynn

Rules Coordinator

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 03-14-072, filed 6/26/03, effective 7/1/03)

WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments. (1) Introduction. This rule provides stumpage value tables and stumpage value adjustments used to calculate the amount of a harvester's timber excise tax.

(2) Stumpage value tables. The following stumpage value tables are used to calculate the taxable value of stumpage harvested from ~~((July))~~ January 1 through ~~((December))~~ July 31, ((2003)) 2004:

TABLE 2—Stumpage Value Table
Stumpage Value Area 2
July 1 through December 31, 2003

Stumpage Values per Thousand Board Feet Net Scribner Log Scale(1)

Species Name	Species Code	Quality	Hauling Distance-Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$384	\$377	\$370	\$363	\$356
		2	379	372	365	358	351
		3	377	370	363	356	349
		4	285	278	271	264	257
Western Redcedar(2)	RC	1	814	807	800	793	786
Western Hemlock and Other Conifer(3)	WH	1	330	323	316	309	302
		2	250	243	236	229	222
		3	229	222	215	208	201
		4	226	219	212	205	198
Red Alder	RA	1	333	326	319	312	305
		2	284	277	270	263	256
Black Cottonwood	BC	1	1	1	1	1	1
Other Hardwood	OH	1	182	175	168	161	154
Douglas Fir Poles	DPL	1	676	669	662	655	648
Western Redcedar Poles	RCL	1	1079	1072	1065	1058	1051
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Single Blocks	RCF	1	121	114	107	100	93
RC & Other Posts(4)	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees(5)	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees(5)	OFX	1	0.50	0.50	0.50	0.50	0.50

(1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
(2) Includes Alaska Cedar.
(3) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir.
(4) Includes Western Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir.
(5) Stumpage value per lineal foot of portion thereof.
(6) Stumpage value per lineal foot of portion thereof.

TABLE 1—Stumpage Value Table
Stumpage Value Area 1
July 1 through December 31, 2003

Stumpage Values per Thousand Board Feet Net Scribner Log Scale(1)

Species Name	Species Code	Quality	Hauling Distance-Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$421	\$414	\$407	\$400	\$393
		2	374	367	360	353	346
		3	362	355	348	341	334
		4	358	351	344	337	330
Western Redcedar(2)	RC	1	814	807	800	793	786
Western Hemlock and Other Conifer(3)	WH	1	330	323	316	309	302
		2	236	229	222	215	208
		3	233	226	219	212	205
		4	231	224	217	210	203
Red Alder	RA	1	333	326	319	312	305
		2	284	277	270	263	256
Black Cottonwood	BC	1	1	1	1	1	1
Other Hardwood	OH	1	182	175	168	161	154
Douglas Fir Poles	DPL	1	676	669	662	655	648
Western Redcedar Poles	RCL	1	1079	1072	1065	1058	1051
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Single Blocks	RCF	1	121	114	107	100	93
RC & Other Posts(4)	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees(5)	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees(5)	OFX	1	0.50	0.50	0.50	0.50	0.50

(1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
(2) Includes Alaska Cedar.
(3) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir.
(4) Includes Western Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir.
(5) Stumpage value per lineal foot of portion thereof.
(6) Stumpage value per lineal foot of portion thereof.

PERMANENT

TABLE 3 - Stumpage Value Table

Stumpage Value Area 3
July 1 through December 31, 2003

Stumpage Values per Thousand Board Feet Net Scriber Log Scale(t)

Species Name	Quantity	Distance Zone Number	1	2	3	4	5
Douglas-Fir(2)	+	DF	\$349	\$342	\$335	\$328	\$321
Douglas-Fir(3)	+	DF	323	316	309	302	295
	2		308	301	294	287	280
	3		308	301	294	287	280
	4		308	301	294	287	280
Western-Redcedar(3)	+	RC	814	807	800	793	786
Western-Hemlock-and-Other-Conifer(4)	+	WH	330	323	316	309	302
	2		247	240	233	226	219
	3		217	210	203	196	189
	4		185	178	171	164	157
Red-Alder	+	RA	333	326	319	312	305
	2		284	277	270	263	256
	2		242	235	228	221	214
	3		223	226	219	212	205
	4		209	202	195	188	181
Black-Cottonwood	+	BC	+	+	+	+	+
Other-Hardwood	+	OH	182	175	168	161	154
Douglas-Fir-Poles	+	DPL	676	669	662	655	648
Western-Redcedar-Poles	+	RCL	1079	1072	1065	1058	1051
Chipwood	+	CHW	+	+	+	+	+
RC-Shake-Blocks	+	RCS	303	296	289	282	275
RC-Shingle-Blocks	+	RCF	121	114	107	100	93
RC&Other-Pests(5)	+	RCP	0.45	0.45	0.45	0.45	0.45
DF-Christmas-Trees(6)	+	DFX	0.25	0.25	0.25	0.25	0.25
Other-Christmas-Trees(6)	+	OPX	0.50	0.50	0.50	0.50	0.50

(t) Log scale conversions Western and Eastern Washington-See conversion methods WAC 458-40-680.
 (2) Includes Western Larch.
 (3) Includes Alaska Cedar.
 (4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
 (5) Stumpage value per 5 lineal feet or portion thereof.
 (6) Stumpage value per lineal foot.

TABLE 4 - Stumpage Value Table

Stumpage Value Area 4
July 1 through December 31, 2003

Stumpage Values per Thousand Board Feet Net Scriber Log Scale(t)

Species Name	Quantity	Distance Zone Number	1	2	3	4	5
Douglas-Fir(2)	+	DF	\$284	\$377	\$370	\$363	\$356
Douglas-Fir(3)	+	DF	380	373	366	359	352
	2		377	370	363	356	349
	3		377	370	363	356	349
	4		366	359	352	345	338
Lodgepole-Pine	+	LPP	160	153	146	139	132
Ponderosa-Pine	+	PP	310	303	296	289	282
	2		213	206	199	192	185
Western-Redcedar(3)	+	RC	814	807	800	793	786
Western-Hemlock-and-Other-Conifer(4)	+	WH	330	323	316	309	302
	2		242	235	228	221	214
	3		223	226	219	212	205
	4		209	202	195	188	181
Red-Alder	+	RA	333	326	319	312	305
	2		284	277	270	263	256
Black-Cottonwood	+	BC	+	+	+	+	+
Other-Hardwood	+	OH	182	175	168	161	154
Douglas-Fir-Poles	+	DPL	676	669	662	655	648
Western-Redcedar-Poles	+	RCL	1079	1072	1065	1058	1051
Chipwood	+	CHW	+	+	+	+	+
RC-Shake-Blocks	+	RCS	303	296	289	282	275
RC-Shingle-Blocks	+	RCF	121	114	107	100	93
RC&Other-Pests(5)	+	RCP	0.45	0.45	0.45	0.45	0.45
DF-Christmas-Trees(6)	+	DFX	0.25	0.25	0.25	0.25	0.25
Other-Christmas-Trees(6)	+	OPX	0.50	0.50	0.50	0.50	0.50

(t) Log scale conversions Western and Eastern Washington-See conversion methods WAC 458-40-680.
 (2) Includes Western Larch.
 (3) Includes Alaska Cedar.
 (4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
 (5) Stumpage value per 5 lineal feet or portion thereof.
 (6) Stumpage value per lineal foot.

PERMANENT

TABLE 5—Stumpage Value Table
Stumpage Value Area 5
July 1 through December 31, 2003

Stumpage Values per Thousand Board Feet Net Scribner Log Scale(1)

Species Name	Timber Quality—Distance Zone Number	Stumpage Value Table				
		1	2	3	4	5
Douglas Fir(2)	1	\$479	\$472	\$465	\$458	\$451
	2	395	388	381	374	367
	3	377	370	363	356	349
	4	348	341	334	327	320
Lodgepole Pine	1	160	153	146	139	132
Ponderosa Pine	1	310	303	296	289	282
	2	213	206	199	192	185
Western Redcedar(3)	1	814	807	800	793	786
Western Hemlock and Other Conifer(4)	1	330	323	316	309	302
Western Redcedar(3)	2	210	203	196	189	182
	3	210	203	196	189	182
	4	210	203	196	189	182
Red Alder	1	323	326	319	312	305
	2	284	277	270	263	256
Black Cottonwood	1	1	1	1	1	1
Other Hardwood	1	182	175	168	161	154
Douglas Fir Poles	1	676	669	662	655	648
Western Redcedar Poles	1	1079	1072	1065	1058	1051
Chipwood	1	1	1	1	1	1
RCS Shake Blocks	1	303	296	289	282	275
RC Shingle Blocks	1	121	114	107	100	93
RC & Other Posts(5)	1	0.45	0.45	0.45	0.45	0.45
DC Christmas Trees(6)	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees(6)	1	0.50	0.50	0.50	0.50	0.50

TABLE 6—Stumpage Value Table
Stumpage Value Area 6
July 1 through December 31, 2003

Stumpage Values per Thousand Board Feet Net Scribner Log Scale(1)

Species Name	Timber Quality—Distance Zone Number	Stumpage Value Table				
		1	2	3	4	5
Douglas Fir(2)	1	\$272	\$265	\$258	\$251	\$244
	2	213	206	199	192	185
	3	160	153	146	139	132
	4	160	153	146	139	132
Lodgepole Pine	1	310	303	296	289	282
Ponderosa Pine	1	530	523	516	509	502
Western Redcedar(3)	1	814	807	800	793	786
Western White Pine	1	370	363	356	349	342
Western White Pine	2	213	206	199	192	185
True Firs and Spruce(4)	1	150	143	136	129	122
Western Hemlock and Other Conifer(4)	1	330	323	316	309	302
Hardwoods	1	50	43	36	29	22
Western Redcedar Poles	1	530	523	516	509	502
Small Logs	1	28	27	26	25	24
Chipwood	1	1	1	1	1	1
RC Shake & Shingle Blocks	1	92	85	78	71	64
LP & Other Posts(5)	1	0.35	0.35	0.35	0.35	0.35
DC Christmas Trees(6)	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees(7)	1	0.25	0.25	0.25	0.25	0.25

(1) Log scale conversions—Western and Eastern Washington—See conversion methods WAC 458-10-680.
(2) Includes Western Larch.
(3) Includes Alaska Cedar.
(4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce—Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
(5) Stumpage value per 8 lineal foot or portion thereof.
(6) Stumpage value per 8 lineal foot or portion thereof.
(7) Stumpage value per lineal foot.

(1) Log scale conversions—Western and Eastern Washington—See conversion methods WAC 458-10-680.
(2) Includes Western Larch.
(3) Includes Alaska Cedar.
(4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce—Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
(5) Stumpage value per 8 lineal foot or portion thereof.
(6) Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
(7) Stumpage value per lineal foot.

TABLE 8 - Stumpage Value Table

Stumpage Value Area 10
July 1 through December 31, 2003

Stumpage Values per Thousand Board Feet Net Scribner Log Scale (1)

Species	Timber	Quality	Hauling					
			Distance	Zone	Number	Code	Species	
Douglas Fir (2)	DF	1	\$370	\$363	\$356	\$349	\$342	5
		2	366	359	352	345	338	4
		3	363	356	349	342	335	3
		4	352	345	338	331	324	2
Lodgepole Pine	LP	1	160	153	146	139	132	
Ponderosa Pine	PP	1	310	303	296	289	282	
		2	213	206	199	192	185	
Western Redcedar (3)	RC	1	800	793	786	779	772	
Western Hemlock and Other Conifer (4)	WH	1	316	309	302	295	288	
		2	228	221	214	207	200	
		3	219	212	205	198	191	
		4	195	188	181	174	167	
Red Alder	RA	1	319	312	305	298	291	
		2	270	263	256	249	242	
Black Cottonwood	BC	1	1	1	1	1	1	
Other Hardwood	OH	1	168	161	154	147	140	
Douglas Fir Poles	DPL	1	662	655	648	641	634	
Western Redcedar Poles	RCP	1	1065	1058	1051	1044	1037	
Chipwood	CHW	1	1	1	1	1	1	
RC Shake Blocks	RCS	1	303	296	289	282	275	
RC Shingle Blocks	RCP	1	121	114	107	100	93	
RC & Other Posts (5)	RCP	1	0.45	0.45	0.45	0.45	0.45	
DF Christmas Trees (6)	DFX	1	0.25	0.25	0.25	0.25	0.25	
Other Christmas Trees (6)	OPX	1	0.50	0.50	0.50	0.50	0.50	

- (1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
- (2) Includes Western Larch.
- (3) Includes Alaska Cedar.
- (4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- (5) Stumpage value per 8 lineal feet or portion thereof.
- (6) Stumpage value per lineal foot.

TABLE 7 - Stumpage Value Table

Stumpage Value Area 7
July 1 through December 31, 2003

Stumpage Values per Thousand Board Feet Net Scribner Log Scale (1)

Species	Timber	Quality	Hauling					
			Distance	Zone	Number	Code	Species	
Douglas Fir (2)	DF	1	\$277	\$270	\$263	\$256	\$249	5
		2	261	254	247	240	233	4
		3	333	326	319	312	305	3
Lodgepole Pine	LP	1	209	202	195	188	181	
Ponderosa Pine	PP	1	530	523	516	509	502	
Western Redcedar (3)	RC	1	530	523	516	509	502	
		2	212	205	198	191	184	
True Firs and Spruce (4)	WH	1	370	363	356	349	342	
Western White Pine	WP	1	50	43	36	29	22	
Hardwoods	OH	1	50	43	36	29	22	
Western Redcedar Poles	RCP	1	530	523	516	509	502	
Small Logs	SML	1	19	18	17	16	15	
Chipwood	CHW	1	1	1	1	1	1	
RC Shake & Shingle Blocks	RCP	1	92	85	78	71	64	
LP & Other Posts (5)	LPP	1	0.35	0.35	0.35	0.35	0.35	
DF Christmas Trees (6)	DFX	1	0.25	0.25	0.25	0.25	0.25	
Other Christmas Trees (7)	OPX	1	0.25	0.25	0.25	0.25	0.25	

- (1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
- (2) Includes Western Larch.
- (3) Includes Alaska Cedar.
- (4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- (5) Stumpage value per 8 lineal feet or portion thereof.
- (6) Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
- (7) Stumpage value per lineal foot.

PERMANENT

**TABLE 1—Stumpage Value Table
Stumpage Value Area 1
January 1 through July 31, 2004**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$465	\$458	\$451	\$444	\$437
		2	357	350	343	336	329
		3	352	345	338	331	324
		4	346	339	332	325	318
Western Redcedar ⁽²⁾	RC	1	871	864	857	850	843
Western Hemlock and Other Conifer ⁽²⁾	WH	1	268	261	254	247	240
		2	216	209	202	195	188
		3	216	209	202	195	188
		4	216	209	202	195	188
Red Alder	RA	1	339	332	325	318	311
		2	277	270	263	256	249
Black Cottonwood	BC	1	1	1	1	1	
Other Hardwood	OH	1	166	159	152	145	138
Douglas-Fir Poles	DFL	1	654	647	640	633	626
Western Redcedar Poles	RCL	1	1191	1184	1177	1170	1163
Chipwood ⁽⁴⁾	CHW	1	1	1	1	1	
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁽⁵⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁶⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁶⁾	TEF	1	0.50	0.50	0.50	0.50	0.50

**TABLE 2—Stumpage Value Table
Stumpage Value Area 2
January 1 through July 31, 2004**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$379	\$372	\$365	\$358	\$351
		2	379	372	365	358	351
		3	379	372	365	358	351
		4	318	311	304	297	290
Western Redcedar ⁽²⁾	RC	1	871	864	857	850	843
Western Hemlock and Other Conifer ⁽²⁾	WH	1	275	268	261	254	247
		2	223	216	209	202	195
		3	200	193	186	179	172
		4	190	183	176	169	162
Red Alder	RA	1	339	332	325	318	311
		2	277	270	263	256	249
Black Cottonwood	BC	1	1	1	1	1	
Other Hardwood	OH	1	166	159	152	145	138
Douglas-Fir Poles	DFL	1	654	647	640	633	626
Western Redcedar Poles	RCL	1	1191	1184	1177	1170	1163
Chipwood ⁽⁴⁾	CHW	1	1	1	1	1	
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁽⁵⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁶⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁶⁾	TEF	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Alaska-Cedar.

⁽³⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁴⁾ Stumpage value per ton.

⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁶⁾ Stumpage value per lineal foot.

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Alaska-Cedar.

⁽³⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁴⁾ Stumpage value per ton.

⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁶⁾ Stumpage value per lineal foot.

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TABLE 3—Stumpage Value Table
Stumpage Value Area 3
 January 1 through July 31, 2004

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$343	\$336	\$329	\$322	\$315
		2	308	301	294	287	280
		3	308	301	294	287	280
		4	308	301	294	287	280
Western Redcedar ⁽³⁾	RC	1	871	864	857	850	843
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	282	275	268	261	254
		2	230	223	216	209	202
		3	181	174	167	160	153
		4	125	118	111	104	97
Red Alder	RA	1	339	332	325	318	311
		2	277	270	263	256	249
Black Cottonwood	BC	1	1	1	1	1	
Other Hardwood	OH	1	166	159	152	145	138
Douglas-Fir Poles	DFL	1	654	647	640	633	626
Western Redcedar Poles	RCL	1	1191	1184	1177	1170	1163
Chipwood ⁽⁵⁾	CHW	1	1	1	1	1	
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁽⁶⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁷⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁷⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

TABLE 4—Stumpage Value Table
Stumpage Value Area 4
 January 1 through July 31, 2004

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$375	\$368	\$361	\$354	\$347
		2	375	368	361	354	347
		3	375	368	361	354	347
		4	326	319	312	305	298
Lodgepole Pine	LP	1	150	143	136	129	122
Ponderosa Pine	PP	1	274	267	260	253	246
		2	202	195	188	181	174
Western Redcedar ⁽³⁾	RC	1	871	864	857	850	843
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	261	254	247	240	233
		2	209	202	195	188	181
		3	203	196	189	182	175
		4	167	160	153	146	139
Red Alder	RA	1	339	332	325	318	311
		2	277	270	263	256	249
Black Cottonwood	BC	1	1	1	1	1	
Other Hardwood	OH	1	166	159	152	145	138
Douglas-Fir Poles	DFL	1	654	647	640	633	626
Western Redcedar Poles	RCL	1	1191	1184	1177	1170	1163
Chipwood ⁽⁵⁾	CHW	1	1	1	1	1	
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁽⁶⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁷⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁷⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

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⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska-Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per ton.

⁽⁶⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁷⁾ Stumpage value per lineal foot.

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska-Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per ton.

⁽⁶⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁷⁾ Stumpage value per lineal foot.

TABLE 5—Stumpage Value Table
Stumpage Value Area 5
 January 1 through July 31, 2004

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$479	\$472	\$465	\$458	\$451
		2	386	379	372	365	358
		3	345	338	331	324	317
		4	343	336	329	322	315
Lodgepole Pine	LP	1	150	143	136	129	122
Ponderosa Pine	PP	1	274	267	260	253	246
		2	202	195	188	181	174
Western Redcedar ⁽³⁾	RC	1	871	864	857	850	843
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	248	241	234	227	220
		2	196	189	182	175	168
		3	187	180	173	166	159
		4	187	180	173	166	159
Red Alder	RA	1	339	332	325	318	311
		2	277	270	263	256	249
Black Cottonwood	BC	1	1	1	1	1	
Other Hardwood	OH	1	166	159	152	145	138
Douglas-Fir Poles	DFL	1	654	647	640	633	626
Western Redcedar Poles	RCL	1	1191	1184	1177	1170	1163
Chipwood ⁽⁵⁾	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁽⁶⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁷⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁷⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska-Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per ton.

⁽⁶⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁷⁾ Stumpage value per lineal foot.

TABLE 6—Stumpage Value Table
Stumpage Value Area 6
 January 1 through July 31, 2004

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$258	\$251	\$244	\$237	\$230
Lodgepole Pine	LP	1	150	143	136	129	122
Ponderosa Pine	PP	1	274	267	260	253	246
		2	202	195	188	181	174
Western Redcedar ⁽³⁾	RC	1	577	570	563	556	549
True Firs and Spruce ⁽⁴⁾	WH	1	135	128	121	114	107
Western White Pine	WP	1	308	301	294	287	280
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	577	570	563	556	549
Small Logs ⁽⁵⁾	SML	1	25	24	23	22	21
Chipwood ⁽⁵⁾	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁽⁶⁾	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁽⁷⁾	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁸⁾	DFX	1	0.25	0.25	0.25	0.25	0.25

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska-Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per ton.

⁽⁶⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁷⁾ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁽⁸⁾ Stumpage value per lineal foot.

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TABLE 7—Stumpage Value Table
Stumpage Value Area 7
 January 1 through July 31, 2004

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$263	\$256	\$249	\$242	\$235
Lodgepole Pine	LP	1	177	170	163	156	149
Ponderosa Pine	PP	1	285	278	271	264	257
		2	227	220	213	206	199
Western Redcedar ⁽³⁾	RC	1	592	585	578	571	564
True Firs and Spruce ⁽⁴⁾	WH	1	177	170	163	156	149
Western White Pine	WP	1	315	308	301	294	287
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	592	585	578	571	564
Small Logs ⁽⁵⁾	SML	1	19	18	17	16	15
Chipwood ⁽⁵⁾	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁽⁶⁾	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁽²⁾	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁸⁾	DFX	1	0.25	0.25	0.25	0.25	0.25

(1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
 (2) Includes Western Larch.
 (3) Includes Alaska-Cedar.
 (4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
 (5) Stumpage value per ton.
 (6) Stumpage value per 8 lineal feet or portion thereof.
 (7) Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
 (8) Stumpage value per lineal foot.

TABLE 8—Stumpage Value Table
Stumpage Value Area 10
 January 1 through July 31, 2004

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$361	\$354	\$347	\$340	\$333
		2	361	354	347	340	333
		3	361	354	347	340	333
		4	312	305	298	291	284
Lodgepole Pine	LP	1	150	143	136	129	122
Ponderosa Pine	PP	1	274	267	260	253	246
		2	202	195	188	181	174
Western Redcedar ⁽³⁾	RC	1	857	850	843	836	829
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	247	240	233	226	219
		2	195	188	181	174	167
		3	189	182	175	168	161
		4	153	146	139	132	125
Red Alder	RA	1	325	318	311	304	297
		2	263	256	249	242	235
Black Cottonwood	BC	1	1	1	1	1	1
Other Hardwood	OH	1	152	145	138	131	124
Douglas-Fir Poles	DFL	1	640	633	626	619	612
Western Redcedar Poles	RCL	1	1177	1170	1163	1156	1149
Chipwood ⁽⁵⁾	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁽⁶⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁷⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁷⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

(1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
 (2) Includes Western Larch.
 (3) Includes Alaska-Cedar.
 (4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
 (5) Stumpage value per ton.
 (6) Stumpage value per 8 lineal feet or portion thereof.
 (7) Stumpage value per lineal foot.

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(3) **Harvest value adjustments.** The stumpage values in subsection (2) of this rule for the designated stumpage value areas are adjusted for various logging and harvest conditions, subject to the following:

(a) No harvest adjustment is allowed for special forest products, chipwood, or small logs.

(b) Conifer and hardwood stumpage value rates cannot be adjusted below one dollar per MBF.

(c) Except for the timber yarded by helicopter, a single logging condition adjustment applies to the entire harvest unit. The taxpayer must use the logging condition adjustment class that applies to a majority (more than 50%) of the acreage in that harvest unit. If the harvest unit is reported over more than one quarter, all quarterly returns for that harvest unit must report the same logging condition adjustment. The helicopter adjustment applies only to the timber volume from the harvest unit that is yarded from stump to landing by helicopter.

(d) The volume per acre adjustment is a single adjustment class for all quarterly returns reporting a harvest unit. A harvest unit is established by the harvester prior to harvesting. The volume per acre is determined by taking the volume logged from the unit excluding the volume reported as chipwood or small logs and dividing by the total acres logged. Total acres logged does not include leave tree areas (RMZ, UMZ, forested wetlands, etc.) over 2 acres in size.

(e) A domestic market adjustment applies to timber which meet the following criteria:

(i) **Public timber**—Harvest of timber not sold by a competitive bidding process that is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber that must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska-cedar. (Stat. Ref. - 36 C.F.R. 223.10)

State, and Other Nonfederal, Public Timber Sales: Western Redcedar only. (Stat. Ref. - 50 U.S.C. appendix 2406.1)

(ii) **Private timber**—Harvest of private timber that is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)); a Cooperative Sustained Yield Unit Agreement made pursuant to the act of March 29, 1944 (16 U.S.C. Sec. 583-583i); or Washington Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The following harvest adjustment tables apply from ((July)) January 1 through ((December)) July 31, ((2003)) 2004:

TABLE 9—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10
((July)) January 1 through ((December)) July 31, ((2003)) 2004

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of 30 thousand board feet or more per acre.	\$0.00
Class 2	Harvest of 10 thousand board feet to but not including 30 thousand board feet per acre.	-\$15.00
Class 3	Harvest of less than 10 thousand board feet per acre.	-\$35.00
II. Logging conditions		
Class 1	Ground based logging a majority of the unit using tracked or wheeled vehicles or draft animals.	\$0.00
Class 2	Cable logging a majority of the unit using an overhead system of winch driven cables.	-\$30.00
Class 3	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	-\$145.00
III. Remote island adjustment:		
	For timber harvested from a remote island	-\$50.00
IV. Thinning		
Class 1	A limited removal of timber described in WAC 458-40-610 (28)	-\$100.00

TABLE 10—Harvest Adjustment Table
Stumpage Value Areas 6 and 7
((July)) January 1 through ((December)) July 31, ((2003)) 2004

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	-\$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	-\$10.00
II. Logging conditions		
Class 1	The majority of the harvest unit has less than 40% slope. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	The majority of the harvest unit has slopes between 40% and 60%. Some rock outcrops or swamp barriers.	-\$20.00
Class 3	The majority of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	-\$30.00
Class 4	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	-\$145.00

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Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Note:	A Class 2 adjustment may be used for slopes less than 40% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department of revenue.	

III. Remote island adjustment:		
For timber harvested from a remote island		- \$50.00

TABLE 11—Domestic Market Adjustment

Class	Area Adjustment Applies	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Class 1:	SVA's 1 through 6, and 10	\$0.00
Class 2:	SVA 7	\$0.00

Note: The adjustment will not be allowed on special forest products.

(4) **Damaged timber.** Timber harvesters planning to remove timber from areas having damaged timber may apply to the department of revenue for an adjustment in stumpage values. The application must contain a map with the legal descriptions of the area, an accurate estimate of the volume of damaged timber to be removed, a description of the damage sustained by the timber with an evaluation of the extent to which the stumpage values have been materially reduced from the values shown in the applicable tables, and a list of estimated additional costs to be incurred resulting from the removal of the damaged timber. The application must be received and approved by the department of revenue before the harvest commences. Upon receipt of an application, the department of revenue will determine the amount of adjustment to be applied against the stumpage values. Timber that has been damaged due to sudden and unforeseen causes may qualify.

(a) Sudden and unforeseen causes of damage that qualify for consideration of an adjustment include:

(i) Causes listed in RCW 84.33.091; fire, blow down, ice storm, flood.

(ii) Others not listed; volcanic activity, earthquake.

(b) Causes that do not qualify for adjustment include:

(i) Animal damage, root rot, mistletoe, prior logging, insect damage, normal decay from fungi, and pathogen caused diseases; and

(ii) Any damage that can be accounted for in the accepted normal scaling rules through volume or grade reductions.

(c) The department of revenue will not grant adjustments for applications involving timber that has already been harvested but will consider any remaining undisturbed damaged timber scheduled for removal if it is properly identified.

(d) The department of revenue will notify the harvester in writing of approval or denial. Instructions will be included for taking any adjustment amounts approved.

WSR 04-01-126
 PERMANENT RULES
 DEPARTMENT OF REVENUE
 [Filed December 18, 2003, 3:44 p.m.]

Date of Adoption: December 18, 2003.

Purpose: This rule explains the business and occupation (B&O), retail sales, and use tax reporting responsibilities of extractors and extractors for hire. Persons extracting natural products often use the same extracted products in a manufacturing process, and the rule provides guidance for determining when an extracting activity ends and the manufacturing activity begins. This rule has been amended to incorporate provisions of chapter 118, Laws of 2001, which in part changed the definition of "extractor" to specifically recognize and exclude "farmers" as defined in RCW 82.04.213. This rule does not discuss the taxability of persons engaging in activities associated with timber harvest operations, which are addressed in WAC 458-20-13501 Timber harvest operations.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-135 Extracting natural products.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Adopted under notice filed as WSR 03-21-035 on October 8, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 18, 2003

Alan R. Lynn

Rules Coordinator

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 00-11-096, filed 5/17/00, effective 6/17/00)

WAC 458-20-135 Extracting natural products. (1) Introduction. This rule explains the application of the business and occupation (B&O), retail sales, and use taxes to persons extracting natural products. Persons extracting natural products often use the same extracted products in a manufacturing process. The rule provides guidance for determining when an extracting activity ends and the manufacturing activity begins. In addition to all other taxes, commercial fishermen may be subject to the enhanced food fish excise tax levied by chapter 82.27 RCW (Tax on enhanced food fish).

PERMANENT

Persons engaging in activities associated with timber harvest operations should refer to WAC 458-20-13501 (Timber harvest operations). Persons engaged in a manufacturing activity should also refer to WAC 458-20-136 (Manufacturing, processing for hire, fabricating) and 458-20-13601 (Manufacturers and processors for hire—Sales and use tax exemptions for machinery and equipment).

~~(In addition to all other taxes, commercial fishermen may be subject to the enhanced fish excise tax levied by chapter 82-27 RCW (Tax on enhanced food fish).)~~

(2) ~~((Extracting activities.))~~ **Who is an "extractor"?** RCW 82.04.100 defines the term "extractor" to mean every person who, from the person's own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, for sale or for commercial or industrial use mines, quarries, takes or produces coal, oil, natural gas, ore, stone, sand, gravel, clay, mineral, or other natural resource product. The term includes a person who fells, cuts, or takes timber, Christmas trees other than plantation Christmas trees, or other natural products. It also includes any person who takes fish, shellfish, or other sea or inland water foods or products.

(a) **Persons excluded from the definition of "extractor."** The term "extractor" does not include:

(i) Persons performing under contract the necessary labor or mechanical services for others (these persons are extractors for hire, see subsection (4) below); or

~~(ii) ((Persons cultivating or raising fish entirely within confined rearing areas on the person's own land or on land in which the person has a present right of possession;~~

~~(iii) Persons who fell, cut, or take plantation Christmas trees from the person's own land or from land in which the person has a present right of possession; or~~

~~(iv) Persons cultivating or raising shellfish or any other cultural aquatic product as defined in RCW 15.85.020 on the person's own land or on land in which the person has a present right of possession. This exclusion from the definition of "extractor" is because these persons qualify as farmers under RCW 82.04.213. (Persons identified under subsection (2)(a)(ii) and (iii) are also considered farmers.))~~ Persons who are farmers as defined in RCW 82.04.213. Refer to WAC 458-20-209 and 458-20-210 for tax-reporting information for farmers and persons selling property to or performing horticultural services for farmers.

(b) **When an extractor is also a manufacturer.** An extractor may subsequently take an extracted product and use it as a raw material in a manufacturing process. The following examples explain when an extracting process ends and a manufacturing process begins for various situations. These examples should be used only as a general guide. ~~((Similar determinations))~~ A determination of when extracting ends and manufacturing begins for other situations can be made only after a review of all of the facts and circumstances.

(i) **Mining and quarrying.** Mining and quarrying operations are extracting activities, and generally include the screening, sorting, and piling of rock, sand, stone, gravel, or ore. For example, an operation that extracts rock, then screens, sorts, and with no further processing places the rock into piles for sale, is an extracting operation.

(A) The crushing and/or blending of rock, sand, stone, gravel, or ore are manufacturing activities. These are manufacturing activities whether or not the materials were previously screened or sorted.

(B) Screening, sorting, piling, or washing of the material, when the activity takes place in conjunction with crushing or blending at the site where the materials are taken or produced, is considered a part of the manufacturing ~~((activity))~~ operation if it takes place after the first screen. If there is no separate first screen, only those activities subsequent to the materials being deposited into the screen are considered a part of the manufacturing ((activities)) operation.

(ii) **Commercial fishing.** Commercial fishing operations, including the taking of any fish in Washington waters (within the statutory limits of the state of Washington) and the taking of shellfish or other sea or inland water foods or products, are extracting activities. These activities often include the removal of meat from the shell and the icing of fish or sea products ((by the person catching or taking them are extracting activities. As explained in subsection (2)(a), a person taking fish, shellfish, or other sea or inland water food or product cultivated or raised)).

(A) A person growing, raising, or producing a product of aquaculture as defined in RCW 15.85.020 on the person's own land or on land in which the person has a present right of possession is considered a farmer. RCW 82.04.213.

~~((The filleting, steaking, or))~~ (B) Cleaning (removal of the head, fins, or viscera) ((ef)), filleting, and/or steaking fish are manufacturing activities. The cooking of fish or seafood is also a manufacturing activity. Refer to RCW 82.04.260 and WAC 458-20-136 for information regarding the special B&O tax rate/classification that applies to the manufacturing of seafood products that remain in a raw, raw frozen, or raw salted state.

(C) The removal of meat from the shell or the icing of fish or sea products, when the activity is performed in conjunction with and at the site where manufacturing takes place (e.g., cooking the fish or seafood), is considered a part of the manufacturing operation.

(3) **Tax-reporting responsibilities for income received by extractors.** ~~((Persons who extract natural products in this state))~~ Extractors are subject to the extracting B&O tax upon the value of the extracted products. (See WAC 458-20-112 regarding "value of products.") Extractors who sell the products at retail or wholesale in this state are subject to either the retailing or wholesaling B&O tax, as the case may be. In such cases, the extractor must report under both the "production" (extracting) and "selling" (wholesaling or retailing) classifications of the B&O tax, and claim a tax credit under the multiple activities tax credit (MATC). See also WAC 458-20-19301 (Multiple activities tax credits) for a more detailed explanation of the MATC reporting requirements.

For example, Corporation quarries rock without further processing. Corporation sells and delivers the rock to Landscaper, who is located in Washington. Landscaper provides Corporation with a resale certificate. Corporation should report under both the extracting and wholesaling B&O tax classifications, and claim a MATC per WAC 458-20-19301. Had Corporation delivered the quarried rock to an out-of-

state location, Corporation would have incurred only an extracting B&O tax liability.

(a) **When extractors use their products in a manufacturing process.** Persons who extract products, use these extracted products in a manufacturing process, and then sell the products all within Washington are subject to both "production" taxes (extracting and manufacturing) and the "selling" tax (wholesaling or retailing), and may claim the appropriate credits under the MATC. (See also WAC 458-20-136 on manufacturing.)

For example, Company quarries rock (an extracting activity), crushes and blends the rock (a manufacturing activity), and sells the resulting product at ((wholesale)) retail. The taxable value of the extracted rock is \$50,000 (the amount subject to the extracting B&O tax). The taxable value of the crushed and blended rock is \$140,000 (the amount subject to the manufacturing B&O tax). The crushed and blended rock is sold for \$140,000 (the amount subject to the ((wholesaling)) retailing B&O tax). ((Under the MATC,

~~Company should report \$50,000 subject to the extracting B&O tax, \$140,000 subject to the manufacturing B&O tax, and \$140,000 subject to the wholesaling B&O tax. Company should then claim the appropriate MATC per WAC 458-20-19301-)) Assume the tax rates for the extracting and manufacturing B&O taxes are .00484, and the tax rate for the retailing B&O tax is .00471. Company should compute its tax liability as follows:~~

(i) Reporting B&O tax on the combined excise tax return:

(A) Extracting B&O tax liability of \$242 ($\$50,000 \times .00484$);

(B) Manufacturing B&O tax liability of \$678 ($\$140,000 \times .00484$); and

(C) Retailing B&O tax liability of \$659 ($\$140,000 \times .00471$).

(ii) Completing the multiple activities tax credit (Part II of Schedule C):

Activity which results in a tax credit	Taxable Amount	Business and Occupation Tax Reported					
		Extracting	Manufacturing	Wholesaling	Retailing	Total Credit	
Washington extracted products manufactured in Washington	50,000	242	242			242	
Washington extracted products sold in Washington							
Washington manufactured products sold in Washington	140,000		678		659	659	
					Multiple Activities Tax Credit Subtotal of taxes paid to Washington state		901
					Credit ID 800		901

Schedule C helps taxpayers calculate and claim the multiple activities tax credit provided by RCW 82.04.440. In the Schedule C example above, materials that a person extracts and then uses in a manufacturing process in Washington are entered at their value when extracting ceases and manufacturing begins (\$50,000 shown on the "Washington extracted products manufactured in Washington" line of the Schedule C). The taxable amount reported on the "Washington manufactured products sold in Washington" line of the Schedule C is the value of products at the point that manufacturing ceases (\$140,000), not simply the value added by the manufacturing activity. For more information and examples that are helpful in determining the value of products, refer to WAC 458-20-112 (Value of products).

(b) **When extractors sell their products at retail or wholesale.** An extractor making retail sales must collect and remit retail sales tax on all sales to consumers, unless the sale is exempt by law (e.g., see WAC 458-20-244 regarding sales of certain food products). Extractors making wholesale sales must obtain resale certificates from their customers to docu-

ment the wholesale nature of any transaction. (Refer to WAC 458-20-102 on resale certificates.)

(4) **Tax-reporting responsibilities for income received by extractors for hire.** Persons performing extracting activities for extractors are subject to the extracting for hire B&O tax upon their gross income from those services.

For example, a person removing ore, waste, or overburden at a mining pit for the operator of the mining operation is an extractor for hire. Likewise, a person drilling to locate or provide access to a satisfactory grade of ore at the mining pit for the operator is also an extractor for hire. The gross income derived from these activities is subject to the extracting for hire B&O tax classification.

(5) **Mining or mineral rights.** Royalties or charges in the nature of royalties for granting another the privilege or right to remove minerals, rock, sand, or other natural resource product are subject to the service and other activities B&O tax. The special B&O tax rate provided by RCW 82.04.2907 does not apply because this statute specifically excludes compensation received for any natural ((product)) resource.

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Refer also to RCW 82.45.035 and WAC 458-61-520 (Mineral rights and mining claims) for more information regarding the sale of mineral rights and the real estate excise tax.

Income derived from the sale or rental of real property, whether designated as royalties or another term, is exempt of the B&O tax.

(6) **Tax liability with respect to purchases of equipment or supplies and property extracted and/or manufactured for commercial or industrial use.** The retail sales tax applies to all purchases of equipment, component parts of equipment, and supplies by persons engaging in extracting or extracting for hire activities unless a specific exemption applies. If the seller fails to collect the appropriate retail sales tax, the buyer is required to remit the retail sales tax (commonly referred to as "deferred retail sales tax") or use tax directly to the department.

(a) **Exemption available for certain manufacturing equipment.** RCW 82.08.02565 and 82.12.02565 provide retail sales and use tax exemptions for certain machinery and equipment used by manufacturers and processors for hire. While this exemption does not extend to extractors or extractors for hire, persons engaged in both extracting and manufacturing activities should refer to WAC 458-20-13601 for an explanation of how these exemptions may apply to them.

(b) **Property manufactured for commercial or industrial use.** Persons manufacturing tangible personal property for commercial or industrial use are subject to both the manufacturing B&O and use taxes upon the value of the property manufactured, unless a specific exemption applies. (See also WAC 458-20-134 on commercial or industrial use.)

If the person also extracts materials used in the manufacturing process, the extracting B&O tax is due on the value of the extracted materials and a MATC may be taken. For example, Quarry extracts rock, crushes the rock into desired size, and then uses the crushed rock in its parking lot. The use of the crushed rock by Quarry in its parking lot is a commercial or industrial use. Quarry is subject to the extracting and manufacturing B&O taxes and may claim a MATC. Quarry is also responsible for remitting use tax on the value of the crushed rock applied to the parking lot.

WSR 04-01-127

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed December 18, 2003, 3:46 p.m.]

Date of Adoption: December 18, 2003.

Purpose: WAC 458-20-24001 and 458-20-24001A explain the sales and use tax deferral program for manufacturers and research and development facilities in distressed areas as provided by chapter 82.60 RCW. They provide definitions, guidance on the use of the deferral certificate, and the record-keeping requirements of the distressed area deferral program.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-24001 Sales and use tax deferral—Manufacturing and research/development activities in distressed areas—Applications filed after July 31, 1999, and 458-20-24001A Sales and use tax deferral—Manufacturing

and research/development activities in distressed areas—Applications filed prior to August 1, 1999.

Statutory Authority for Adoption: RCW 82.01.060(2) and 82.32.300.

Adopted under notice filed as WSR 03-21-034 on November 8, 2003.

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 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 18, 2003

Alan R. Lynn

Rules Coordinator

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 01-12-041, filed 5/30/01, effective 6/30/01)

WAC 458-20-24001 Sales and use tax deferral—Manufacturing and research/development activities in distressed areas—Applications filed after July 31, 1999.

(1) **Introduction.** Chapter 82.60 RCW establishes a sales and use tax deferral program. The purpose of the program is to promote economic stimulation, create employment opportunities, and reduce poverty in certain areas of the state. The legislature established this program to be effective solely in those areas and under circumstances where the deferral is for investments that result in the creation of a specified minimum number of jobs or investment for a qualifying project.

(a) This deferral program applies to taxes imposed on the construction of qualified buildings or acquisition of qualified machinery and equipment and requires the recipient of the deferral to maintain the manufacturing or research and development activity for an eight-year period. This rule does not address RCW 82.08.02565 and 82.12.02565, which provide a statewide sales and use tax exemption for machinery and equipment used directly in a manufacturing operation. Refer to WAC 458-20-13601 for more information regarding the statewide exemption.

(b) This program was first enacted in 1985. The legislature made major revisions to program criteria in 1993, 1994, 1995, 1996, and 1999, specifically to the definitions of "eligible area," "eligible investment project," and "qualified building." Each revision created additional criteria for prospective applicants. This rule sets forth the requirements for applications made after July 31, 1999. For applications made prior to August 1, 1999, see WAC 458-20-24001A.

(c) The employment security department and the department of community, trade, and economic development administer programs for distressed areas and job training and should be contacted directly for information concerning these programs.

(2) **Definitions.** The following definitions apply to applications made after July 31, 1999.

(a) "Acquisition of equipment or machinery" means the equipment and machinery is under the dominion and control of the recipient.

(b) "Applicant" means a person applying for a tax deferral under chapter 82.60 RCW.

(c) "Certificate holder" means an applicant to whom a tax deferral certificate has been issued.

(d) "Computer-related services" means ~~((services that are connected or interact directly in the manufacture of computer hardware or software or the))~~ activities such as programming ~~((of))~~ for the manufactured ~~((hardware. This includes the manufacture of hardware such as chips, keyboards, monitors, any other hardware, and the components of these items))~~ product. It includes creating operating systems ~~((and)), software, and other similar goods~~ that will be copied and sold as canned software. "Computer-related services" does not include information services, such as data or information processing. The activities performed by the manufacturer to test, correct, revise, or upgrade software or hardware before they are approved for sale to the consumer are considered computer-related services.

(e) "Date of application" means the date of the U.S. Post Office postmark, fax, or electronic transmittal, or when the application is hand delivered to the department. The statute in effect on the "date of application" will determine the program criteria the applicant must satisfy.

(f) "Department" means the department of revenue.

~~((f))~~ (g) "Eligible area" means:

(i) Rural county. A rural county is a county with fewer than one hundred persons per square mile as determined annually by the office of financial management and published by the department of revenue effective for the period July 1st through June 30th; or

(ii) Community empowerment zone (CEZ). A "community empowerment zone" means an area meeting the requirements of RCW 43.31C.020 and officially designated as a CEZ by the director of the department of community, trade, and economic development or a county containing a CEZ.

~~((g))~~ (h) "Eligible investment project" means an investment project in an eligible area. "Eligible investment project" does not include an investment project undertaken by a light and power business as defined in RCW 82.16.010, other than that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part. It also does not include an investment project that has already received a deferral under chapter 82.60 RCW.

~~((h))~~ (i) "Industrial fixture" means an item attached to a building or to land. ~~((Fixtures become part of the real estate to which they are attached and upon attachment are classified as real property, not personal property.))~~ Examples of "industrial fixtures" are fuel oil lines, boilers, craneways, and ~~((ertain))~~ improvements to land such as concrete slabs.

~~((i))~~ (j) "Initiation of construction," in regards to the construction, expansion, or renovation of buildings, means the commencement of on-site construction work. Neither planning nor land clearing prior to excavation of the building site ~~((does not commence))~~ constitutes the commencement of on-site construction ~~((nor does planning commence construction))~~ work.

~~((j))~~ (k) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project. When an application for sales and use tax deferral is timely submitted, costs incurred before the application date are allowable, if they otherwise qualify.

~~((k))~~ (l) "Manufacturing" has the meaning given in RCW 82.04.120. Manufacturing also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

~~((l))~~ (m) "Operationally complete" means the project is capable of being used for its intended purpose as described in the application.

~~((m))~~ (n) "Person" has the meaning given in RCW 82.04.030. "Person" does not include the state of Washington or its institutions. "Person" can be either a lessee or a lessor, who can apply separately for individual investment projects at the same site, if they comply with the other requirements of chapter 82.60 RCW. The lessor/owner of the structure is not eligible for deferral unless the underlying ownership of the buildings, machinery, or equipment vests in the lessor/owner, or unless the lessor has by written contract agreed to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments.

~~((n))~~ (o) "Qualified buildings" means construction of new structures and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity, used for manufacturing and research and development activities.

"Qualified buildings" are limited to structures used for manufacturing and research and development activities. "Qualified buildings" include plant offices and warehouses if such facilities are essential to or an integral part of a factory, mill, plant, or laboratory. "Office" means space used by professional, clerical, or administrative staff. For plant office space to be a qualified building its use must be essential or integral to the manufacturing or research and development operation. Office space that is used by supervisors and their staff, by technicians, by payroll staff, by the safety officer, and by the training staff are examples of qualifying office space. "Warehouse" means buildings or facilities used for the storage of raw materials or finished goods.

~~((o))~~ (p) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year. The "entire tax year" means the full-time position is filled for a period of twelve consecutive months. Full-time means at least thirty-five hours a week, four hundred fifty-five hours a quarter, or one thousand eight hundred twenty hours a year.

~~((p))~~ (q) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes computers, desks, filing cabinets, photocopiers, printers, software, data processing equipment, laboratory equipment; manufacturing components such as belts, pulleys, shafts and moving parts; molds, tools and dies; operating structures; and all equipment used to control or operate machinery. It also includes machinery and equipment acquired under the terms of a lease by the recipient. "New" as used in this subsection means either new to the taxing jurisdiction of the state or new to the certificate holder.

~~((q))~~ (r) "Recipient" means a person receiving a tax deferral under this program.

~~((r))~~ (s) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

~~((s))~~ (t) "Resident" means the person who fills the qualified employment position makes his or her home in the CEZ. A mailing address alone is insufficient to establish that a person is a resident.

(3) **Issuance of deferral certificate.** The department will issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW for an eligible investment project. The department will state on the certificate the amount of tax deferral for which the recipient is eligible. Recipients must keep track of how much tax is deferred.

(4) **Eligible investment amount.** There may or may not be a hiring requirement, depending on the location of the project.

(a) **No hiring requirements.** There are no hiring requirements for qualifying projects located in counties with fewer than one hundred persons per square mile. Monitoring and reporting procedures are explained in subsection (12) of this rule. Buildings that will be used partly for manufacturing or research and development and partly for other purposes are eligible for a deferral on a proportionate basis. Subsection (5) of this rule explains the procedure for apportionment.

(b) **Hiring requirements.** There are hiring requirements for qualifying projects located in CEZs or in counties containing CEZs. The applicant applies for a deferral of investment that correlates to the estimated number of persons to be hired based on the following formula:

$$\text{Number of qualified employment positions to be hired} \times \$750,000 = \text{amount of investment eligible for deferral}$$

Applicants must make good faith estimates of anticipated hiring. The recipient must fill the positions by persons who at the time of hire are residents of the CEZ. The department has instituted a geographic information system (GIS) to assist taxpayers in determining taxing jurisdiction boundaries, local tax rates, and a mapping and address lookup system to determine whether a specific address is within a CEZ. The system is available on the department's Internet website at <http://www.dor.wa.gov>. A recipient must fill the qualified employ-

ment positions by the end of the calendar year following the year in which the project is certified as operationally complete and retain the position during the entire tax year. If the recipient does not fill the qualified employment positions by the end of the second calendar year following the year in which the project is certified as operationally complete, all deferred taxes are immediately due.

(5) **Apportionment of costs between qualifying and nonqualifying investments.** The deferral is allowable only in respect to investment in the construction of a new building or the expansion or renovation of existing buildings used in manufacturing, research and development, ~~((and))~~ or commercial testing laboratories.

(a) Where a building(s) is used partly for manufacturing or research and development and partly for purposes that do not qualify for deferral under this rule, the deferral will be determined by one of the following apportionment ~~((of the total project costs))~~ methods. The first method of apportionment is based on square footage and does not require tracking the costs of materials for the qualifying/nonqualifying areas of a building. The second method of apportionment tracks the costs of materials used in the qualifying/nonqualifying areas and is primarily used by those industries with specialized building requirements.

(i) The applicable tax deferral will be determined by apportionment according to the ratio of the ~~((construction cost per))~~ square ~~((foot))~~ footage of that portion of the building(s) directly used for manufacturing or research and development purposes bears to the ~~((construction cost per))~~ square ~~((foot))~~ footage of the total building(s).

Apportionment formula:

$$\frac{\text{Eligible square feet of building(s)}}{\text{Total square feet of building(s)}} = \text{Percent Eligible}$$

Percent Eligible x Total Project Costs = Eligible Costs.

"Total Project Costs" means cost of multipurpose buildings and other improvement costs associated with the deferral project. Machinery and equipment are not included in this calculation. Common areas, such as hallways and bathrooms, are not included in the square feet figure for either the numerator or the denominator. The cost of the common areas is multiplied by the percent eligible to determine the portion of the common area that is eligible for deferral.

Eligible Tax Deferred = Eligible Cost x Tax Rate.

(ii) If a building is used partly for manufacturing, research and development, or commercial testing and partly for other purposes, the applicable tax deferral shall be determined as follows:

(A) Tax on the cost of construction of areas devoted solely to manufacturing, research and development, or commercial testing may be deferred.

(B) Tax on the cost of construction of areas not used at all for manufacturing, research and development, or commercial testing may not be deferred.

(C) Tax on the cost of construction of areas used in common for manufacturing, research and development, or com-

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mercial testing and for other purposes, such as hallways, bathrooms, and conference rooms, may be deferred by apportioning the costs of construction on a square footage basis. The apportioned costs of construction eligible for deferral are established by using the ratio, expressed as a percentage, of the square feet of the construction, expansion, or renovation devoted to manufacturing, research and development, or commercial testing, excluding areas used in common to the total square feet of the construction, expansion, or renovation, excluding areas used in common. That percentage is applied to the cost of construction of the common areas to determine the costs of construction eligible for tax deferral. Expressed as a formula, apportionment of the cost of the common areas is determined by:

	=	
Square feet devoted to manufacturing, research and development, or commercial testing, excluding square feet of common areas		Percentage of total cost of construction of common areas eligible for deferral
Total square feet, excluding square feet of common areas		

(b) Qualified machinery and equipment is not subject to apportionment.

(6) **Leased equipment.** The amount of tax deferral allowable for leased equipment is the amount of the consideration paid by the recipient to the lessor over the initial term of the lease, excluding any period of extension or option to renew, up to the last date for repayment of the deferred taxes. After that date the recipient must pay the appropriate sales taxes to the lessor for the remaining term of the lease.

(7) **Application procedure and review process.** An application for sales and use tax deferral under this program must be made prior to the initiation of construction, prior to the acquisition of machinery and equipment, and prior to the filling of qualified employment positions. Persons who apply after construction is initiated or finished or after acquisition of machinery and equipment are not eligible for the program. Applications for persons subject to hiring requirements must include information regarding the estimated total project cost and the qualified employment positions.

(a) Application forms will be supplied to the applicant by the department upon request. The completed application may be sent by fax to ((f))360((f))-586-2163 or mailed to the following address:

State of Washington
Department of Revenue
Special Programs
P.O. Box ((448)) 47477
Olympia, WA 98507-((0448)) 7477

Applications and reports received by the department under chapter 82.60 RCW are not confidential and are subject to disclosure. (RCW 82.60.100.)

(b) In considering whether to approve or deny an application for a deferral, the department will not approve an application for a project involving construction unless:

(i) The construction will begin within one year from the date of the application; or

(ii) If the construction will not begin within one year of construction, the applicant shows proof that there is a specific and active program to begin construction of the project within two years from the date of application. Proof may include, but is not limited to:

(A) Affirmative action by the board of directors, governing body, or other responsible authority of the applicant toward an active program of construction;

(B) Itemized reasons for the proposed construction;

(C) Clearly established plans for financing the construction; or

(D) Building permits.

Similarly, after an application has been granted, a deferral certificate is no longer valid and should not be used if construction has not begun within one year from the date of application or there is not a specific and active program to begin construction within two years from the date of application. However, the department will grant requests to extend the period for which the certificate is valid if the holder of the certificate can demonstrate that the delay in starting construction is due to circumstances beyond the certificate holder's control such as the acquisition of building permit(s).

(c) The department will verify the information contained in the application and approve or disapprove the application within sixty days. If approved, the department will issue a tax deferral certificate. If disapproved, the department will notify the applicant as to the reason(s) for disapproval. ~~((The U.S. Post Office postmark or fax date will be used as the date of application.~~

~~(e))~~ (d) The applicant may seek administrative review of the department's disapproval of an application within thirty days from the date of notice of the disallowance pursuant to the provisions of WAC 458-20-100, Appeals, small claims and settlements. The filing of a petition for review with the department starts a review of departmental action.

(8) **Program termination.** No applications for deferral of taxes will be accepted after June 30, 2004.

(9) **Eligible area criteria.** The office of financial management will determine annually the counties with fewer than one hundred persons per square mile. The department will update and distribute the list each year. The list will be effective on July 1 of each year.

If an investment project is located in an area that qualifies under more than one type of eligible area, the department will automatically assign the project to the eligible area that imposes the least burden on the taxpayer and with the greatest benefit to the taxpayer. If the applicant elects to be bound by the requirements of the other potential eligible area, the applicant must make a written statement to that effect. For example, on October 1, 1999, the city of Yakima qualifies as a CEZ, and the entire county of Yakima has fewer than one hundred persons per square mile. The CEZ requirements are more restrictive than counties containing fewer than one hundred persons per square mile. The department will assign the project to the "fewer than one hundred persons per square mile designation" unless the applicant elects to be bound by the CEZ requirements.

(10) **Use of the certificate.** A tax deferral certificate issued under this program is for the use of the recipient for deferral of sales and use taxes due on each eligible investment project. Deferral is limited only to investment in qualified building or qualified machinery and equipment as defined in this rule. Thus, sales and use taxes cannot be deferred on items that do not become part of the qualified buildings, machinery, or equipment. In addition, the deferral is not to be used to defer the taxes of the persons with whom the recipient does business, persons the recipient hires, or employees of the recipient.

The tax deferral certificate is to be used in a manner similar to that of a resale certificate as set forth in WAC 458-20-102, Resale certificates. The certificate holder must provide a copy of the tax deferral certificate to the seller at the time goods or services are purchased. The seller will be relieved of the responsibility for collection of the sales or use tax upon presentation of the certificate. The seller must retain a copy of the certificate as part of its permanent records for a period of at least five years. A blanket certificate may be provided by the certificate holder and accepted by the seller covering all such purchases relative to the eligible project. The seller is liable for business and occupation tax on all tax deferral sales.

(11) **Project operationally complete.** An applicant must provide the department with the estimated cost of the investment project at the time the application is made. Following approval of the application and issuance of a tax deferral certificate, a certificate holder must notify the department, in writing, when the value of the investment project reaches the estimated cost as stated on the tax deferral certificate.

(a) If a certificate holder has reached its level of estimated costs and the project is not operationally complete, the certificate holder may request an amended certificate stating a revised amount upon which the deferral taxes are requested. Requests must be mailed or faxed to the department.

(b) The certificate holder must notify the department in writing when the construction project is operationally complete. The department will certify the date on which the project is operationally complete. The recipient of the deferral must maintain the manufacturing or research and development activity for eight years from this date.

(12) **Reporting and monitoring procedure.** Requirement to submit annual reports. Each recipient of a tax deferral under chapter 82.60 RCW must submit a report on December 31st of the year in which the investment project is certified by the department as having been operationally completed and on December 31st of each of the seven succeeding calendar years. The report must be made to the department in a form and manner prescribed by the department. If the recipient fails to submit a report or submits an inadequate or falsified report, the department may declare the amount of deferred taxes outstanding to be immediately due and payable. An inadequate or falsified report is one that contains material omissions or contains knowingly false statements and information.

(13) **Repayment of deferred taxes.** Repayment of tax deferred under chapter 82.60 RCW is excused, except as otherwise provided in RCW 82.60.070 and this subsection.

(a) Repayment of tax deferred under chapter 82.60 RCW is not required, and interest and penalties under RCW 82.60.070 will not be imposed, on machinery and equipment that qualifies for exemption under RCW 82.08.02565 or 82.12.02565.

(b) The following subsections describe the various circumstances under which repayment of the deferral may occur. Outstanding taxes are determined by reference to the following table. The table presumes the taxpayer maintained eligibility for the entire year.

Repayment Year	Percentage of Deferred Tax Waived
1 (Year operationally complete)	0%
2	0%
3	0%
4	10%
5	15%
6	20%
7	25%
8	30%

Any action taken by the department to disqualify a recipient for tax deferral or assess interest will be subject to administrative review pursuant to the provisions of WAC 458-20-100, Appeals, small claims and settlements. The filing of a petition for review with the department starts a review of departmental action.

(c) **Failure of investment project to satisfy general conditions.** If, on the basis of the recipient's annual report or other information, including that submitted by the employment security department, the department of revenue finds that an investment project is not eligible for tax deferral for reasons other than failure to create the required number of qualified employment positions, the department will declare the amount of deferred taxes outstanding to be immediately due. An example of a disqualification under this section is a facility not being used for a manufacturing or research and development operation.

(d) **Failure of investment project to satisfy required employment positions conditions.** If, on the basis of the recipient's annual report or other information, the department finds that an investment project has been operationally complete for three years and has failed to create the required number of qualified employment positions, the amount of taxes deferred will be immediately due. ~~((The department will assess interest at the rate and as provided for delinquent excise taxes under RCW 82.32.050 (retroactively to the date the application was filed).))~~ There is no proration of the amount owed under this subsection. No penalties or interest will be assessed on the deferred sales/use tax; however, all other penalties and interest applicable to excise tax assessments may be assessed and imposed.

(14) **Debt not extinguished because of insolvency or sale.** Insolvency or other failure of the recipient does not extinguish the debt for deferred taxes nor will the sale, exchange, or other disposition of the recipient's business extinguish the debt for the deferred taxes. Transfer of ownership does not terminate the deferral. The deferral is trans-

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ferred, subject to the successor meeting the eligibility requirements of chapter 82.60 RCW, for the remaining periods of the deferral. Any person who becomes a successor (see WAC 458-20-216) to such investment project is liable for the full amount of any unpaid, deferred taxes under the same terms and conditions as the original recipient of the deferral.

(15) **Disclosure of information.** Applications and reports received by the department under chapter 82.60 RCW are not confidential and are subject to disclosure. (RCW 82.60.100.)

AMENDATORY SECTION (Amending WSR 01-12-041, filed 5/30/01, effective 6/30/01)

WAC 458-20-24001A Sales and use tax deferral—Manufacturing and research/development activities in distressed areas—Applications filed prior to August 1, 1999. Introduction. Chapter 82.60 RCW establishes a sales and use tax deferral program. The purpose of the program is to promote economic stimulation, create employment opportunities, and reduce poverty in certain areas of the state. The legislature established this program to be effective solely in those areas and for those circumstances where the deferral is for investments that result in the creation of a specified minimum number of jobs or investment for a qualifying project.

The program applies to sales and use taxes on materials and labor and services rendered in the construction of qualified buildings or acquisition of qualified machinery and equipment and requires the recipient of the deferral to maintain the manufacturing or research and development activity for an eight-year period. This rule does not address RCW 82.08.02565 and 82.12.02565, which provide a statewide sales and use tax exemption for machinery and equipment used directly in a manufacturing operation. Refer to WAC 458-20-13601 for more information regarding the statewide exemption.

This program was enacted in 1985. The legislature made major revisions to program criteria in 1993, 1994, 1995, 1996, and 1999, specifically to the definitions of "eligible area," "eligible investment project," and "qualified building." Each revision created additional criteria for prospective applicants. This rule is written in three parts and covers applications made prior to July 31, 1999. Each part sets forth the requirements on the basis of the period of time in which application is made. Refer to the year during which application was made for information on an individual application. For applications made after July 31, 1999, see WAC 458-20-24001.

The employment security department and the department of community, trade, and economic development administer additional programs for distressed areas and job training and should be contacted directly for information concerning these programs.

PART I

Applications after July 1, 1995, to July 31, 1999

(1) **Definitions.** For the purposes of this part, the following definitions apply for applications made on and after July 1, 1995, and before August 1, 1999:

(a) "Acquisition of equipment or machinery" means the equipment and machinery is under the dominion and control of the recipient.

(b) "Applicant" means a person applying for a tax deferral under chapter 82.60 RCW.

(c) "Certificate holder" means an applicant to whom a tax deferral certificate has been issued.

(d) "Computer-related services" means services that are connected or interact directly in the manufacture of computer hardware or software or the programming of the manufactured hardware. This includes the manufacture of hardware such as chips, keyboards, monitors, any other hardware, and the components of these items. It includes creating operating systems and software that will be copied and sold as canned software. "Computer-related services" does not include information services. The activities performed by the manufacturer to test, correct, revise, or upgrade software or hardware before they are approved for sale to the consumer are considered computer-related services.

(e) "Department" means the department of revenue.

(f) "Eligible area" means one of the areas designated according to the following classifications:

(i) Unemployment county. A county in which the average level of unemployment for the three calendar years preceding the year in which an application is filed exceeds the average state unemployment for those years by twenty percent. In making this calculation, the department will compare the county's average unemployment rate in the prior three years to one hundred twenty percent of the state's average unemployment rate based on official unemployment figures published by the department of employment security;

(ii) Median income county. On and after June 6, 1996, a county that has a median household income that is less than seventy-five percent of the state median income for the previous three years;

(iii) MSA. A metropolitan statistical area, as defined by the Office of Federal Statistical Policy and Standards, United States Department of Commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under chapter 82.60 RCW exceeds the average state unemployment for such calendar year by twenty percent;

(iv) CEZ and county containing a CEZ. A designated community empowerment zone (CEZ) approved under RCW 43.63A.700 or a county containing such a community empowerment zone;

(v) Timber impact area towns. A town with a population of less than twelve hundred persons that is located in a county that is a timber impact area, as defined in RCW 43.31.601, but that is not an unemployment county as defined in Part I;

(vi) Governor's designation county. A county designated by the governor as an eligible area under RCW 82.60.047; or

(vii) Contiguous county. A county that is contiguous to an unemployment county or a governor's designation county.

(g)(i) "Eligible investment project" means:

(A) An investment project in an unemployment county, a median income county, an MSA, a timber impact area town, or a governor's designation county; or

(B) That portion of an investment project in a CEZ, a county containing a CEZ, or a contiguous county, that is

directly utilized to create at least one new full-time qualified employment position for each seven hundred fifty thousand dollars of investment.

(ii) "Eligible investment project" does not include an investment project undertaken by a light and power business as defined in RCW 82.16.010, other than that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part. It also does not include an investment project that has already received a deferral under chapter 82.60 RCW.

(h) "Industrial fixture" means an item attached to a building or to land. Fixtures become part of the real estate to which they are attached and upon attachment are classified as real property, not personal property. Examples of "industrial fixtures" are fuel oil lines, boilers, craneways, and certain concrete slabs.

(i) "Initiation of construction," in regards to the construction, expansion, or renovation of buildings, means the commencement of on-site construction work. Land clearing prior to excavation of the building site does not commence construction nor does planning commence construction.

(j) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project. When an application for sales and use tax deferral is timely submitted, costs incurred before the application date are allowable, if they otherwise qualify.

(k) "Manufacturing" has the meaning given in RCW 82.04.120. Manufacturing, for purposes of the distressed area deferral program, also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(l) "Operationally complete" means the project is capable of being used for its intended purpose as described in the application.

(m) "Person" has the meaning given in RCW 82.04.030. "Person" does not include the state of Washington or its institutions. "Person" can be either a lessee or a lessor, who can apply separately for individual investment projects at the same site, if they comply with the other requirements of chapter 82.60 RCW. The lessor/owner of the structure is not eligible for deferral unless the underlying ownership of the buildings, machinery, or equipment vests exclusively in the lessor/owner, or unless the lessor has by written contract agreed to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments.

(n) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity, used for manufacturing and research and development activities.

"Qualified buildings" are limited to structures used for manufacturing and research and development activities. "Qualified buildings" include plant offices and warehouses if such facilities are essential or an integral part of a factory, mill, plant, or laboratory. "Office" means space used by professional, clerical, or administrative staff. For plant office

space to be a qualified building its use must be essential or integral to the manufacturing or research and development operation. Office space that is used by supervisors and their staff, by technicians, by payroll staff, by the safety officer, and by the training staff are examples of qualifying office space. "Warehouse" means facilities used for the storage of raw materials or finished goods.

(o) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year. The "entire tax year" means the full-time position is filled for a period of twelve consecutive months. "Full time" means at least 35 hours a week, 455 hours a quarter, or 1,820 hours a year.

(p) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes computers, desks, filing cabinets, photocopiers, printers, software, data processing equipment, laboratory equipment; manufacturing components such as belts, pulleys, shafts and moving parts; molds, tools and dies; operating structures; and all equipment used to control or operate machinery. It also includes machinery and equipment acquired under the terms of a lease by the recipient. "New" as used in this subsection means either new to the taxing jurisdiction of the state or new to the certificate holder.

(q) "Recipient" means a person receiving a tax deferral under this program.

(r) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(2) **Issuance of deferral certificate.** The department will issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW for an eligible investment project. The department will state on the certificate the amount of tax deferral for which the recipient is eligible. Recipients must keep track of how much tax is deferred.

(3) **Eligible investment amount.** There may or may not be a hiring requirement, depending on the location of the project.

(a) **No hiring requirements.** There are no hiring requirements for qualifying projects located in distressed counties, MSAs, median income counties, governor-designated counties, or timber impact towns. Monitoring and reporting procedures are explained in subsection (10) of this rule. Buildings that will be used partly for manufacturing or research and development and partly for other purposes are eligible for a deferral on a proportionate basis. Subsection (4) of this rule explains the procedure for apportionment.

(b) **Hiring requirements.** There are hiring requirements for qualifying projects located in CEZs, in counties containing CEZs, or in contiguous counties. Total qualifying project costs, including any part of the project that would qualify under RCW 82.08.02565 and 82.12.02565, must be examined to determine the number of positions associated with the

project. An applicant who knows at the time of application that he or she will not fill the required qualified employment positions is not eligible for the deferral. Applicants must make good faith estimates of anticipated hiring. The applicant applies for a deferral of investment that correlates to the estimated number of persons to be hired. The investment must include the ~~((amount))~~ sales price of machinery and equipment eligible for the sales and use tax exemption under RCW 82.08.02565 and 82.12.02565. An applicant can amend the number of persons hired until completion of the project. The qualified employment positions filled by December 31 of the year of completion are the benchmark to be used during the next seven years in determining hiring compliance.

(i) Total qualifying project costs are divided by seven hundred fifty thousand, the result being the qualified employment positions.

(ii) In addition, the number of qualified employment positions created by an investment project will be reduced by the number of full-time employment positions maintained by the recipient in any other community in this state that are displaced as a result of the investment project. This reduction requires a reexamination of whether the seventy-five percent hiring requirement (as explained below) is met.

(iii) This number, which is the result of (i) and (ii) of this subsection, is the number of positions used as the benchmark over the life of the deferral. For recipients locating in a CEZ or a county containing a CEZ, seventy-five percent of the new positions must be filled by residents of a CEZ located in the county where the project is located. The department has instituted a geographic information system (GIS) to assist taxpayers in determining taxing jurisdiction boundaries, local tax rates, and a mapping and address lookup system to determine whether a specific address is within a CEZ. The system is available on the department's Internet website at <http://www.dor.wa.gov>. For recipients located in a contiguous county, residents of an adjacent unemployment or governor-designated county must fill seventy-five percent of the new positions.

(iv) The qualified employment positions are reviewed each year, beginning December 31st of the year the project is operationally complete and each year for seven years. If the recipient has failed to create the requisite number of positions, the department will issue an assessment as explained under subsection (11) of this rule.

(v) In addition to the hiring requirements for new positions under (b) of this subsection, the recipient of a deferral for an expansion or diversification of an existing facility must ensure that he or she maintains the same percentage of employment positions filled by residents of the contiguous county or the CEZ that existed prior to the application being made. This percentage must be maintained for seven years.

(vi) Qualified employment positions do not include those positions filled by persons hired in excess of the ratio of one employee per required dollar of investment for which a deferral is granted. In the event an employee is either voluntarily or involuntarily separated from employment, the employment position will be considered filled if the employer is either training or actively recruiting a replace-

ment employee, so long as the position is not actually vacant for any period in excess of thirty consecutive days.

(4) **Apportionment of costs between qualifying and nonqualifying investments.** The deferral is allowable only in respect to investment in the construction of a new building or the expansion or renovation of existing buildings used in manufacturing ~~((and))~~, research and development, or commercial testing.

(a) Where a building(s) is used partly for manufacturing ~~((or))~~, research and development, or commercial testing and partly for purposes that do not qualify for deferral under this rule, the deferral will be determined by apportionment of the total project costs. The applicable tax deferral will be determined by apportionment according to the ratio of the ~~((construction cost per))~~ square ~~((feet))~~ footage of that portion of the building(s) directly used for manufacturing ~~((or))~~, research and development, or commercial testing purposes bears to the ~~((construction cost per))~~ square ~~((feet))~~ footage of the total building(s).

Apportionment formula:

$$\frac{\text{Eligible square feet of building(s)}}{\text{Total square feet of building(s)}} = \text{Percent Eligible}$$

Percent Eligible x Total Project Costs = Eligible Costs.

"Total Project Costs" means cost of multipurpose buildings and other improvement costs associated with the deferral project. Machinery and equipment are not included in this calculation. Common areas, such as hallways and bathrooms, are not included in the square feet figure for either the numerator or the denominator. The cost of the common areas is multiplied by the percent eligible to determine the portion of the common area that is eligible for deferral.

Eligible Tax Deferred = Eligible Cost x Tax Rate.

(b) Qualified machinery and equipment is not subject to apportionment.

(5) **Leased equipment.** The amount of tax deferral allowable for leased equipment is the amount of the consideration paid by the recipient to the lessor over the initial term of the lease, excluding any period of extension or option to renew, up to the last date for repayment of the deferred taxes. After that date the recipient must pay the appropriate sales taxes to the lessor for the remaining term of the lease.

(6) **Application procedure and review process.** An application for sales and use tax deferral under this program must be made prior to the initiation of construction and the acquisition of machinery and equipment. Persons who apply after construction is initiated or after acquisition of machinery and equipment are not eligible for the program. Applications for persons subject to hiring requirements must include information regarding the estimated total project cost and the qualified employment positions.

(a) Application forms will be supplied to the applicant by the department upon request. The completed application may be sent by fax to ~~((6))360((3))~~-586-2163 or mailed to the following address:

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State of Washington
 Department of Revenue
 Special Programs
 P.O. Box ((448)) 47477
 Olympia, WA 98507-((0448)) 7477

(b) The department will verify the information contained in the application and approve or disapprove the application within sixty days. If approved, the department will issue a tax deferral certificate. If disapproved, the department will notify the applicant as to the reason(s) for disapproval. The U.S. Post Office postmark or fax date will be used as the date of application.

(c) The applicant may seek administrative review of the department's disapproval of an application within thirty days from the date of notice of disallowance pursuant to the provisions of WAC 458-20-100, Appeals, small claims and settlements. The filing of a petition for review with the department starts a review of departmental action.

(7) **Eligible area criteria.** The statewide and county unemployment statistics last published by the department will be used to determine eligible areas based on unemployment. Median income county designation is based on data produced by the office of financial management and made available to the department on November 1 of each year. The timber impact town designation is based on information provided by the department of employment security.

If an investment project is located in an area that qualifies under more than one type of eligible area, the department will automatically assign the project to the eligible area that imposes the least burden on the taxpayer and with the greatest benefit to the taxpayer. If the applicant elects to be bound by the requirements of the other potential eligible area, the applicant must make a written statement to that effect. For example, on May 1, 1998, the city of Yakima qualifies as a CEZ, and the entire county of Yakima qualifies as an unemployment county. The CEZ requirements are more restrictive than the unemployment county requirements. The department will assign the project to the distressed area eligible area unless the applicant elected to be bound by the CEZ requirements.

(8) **Use of the certificate.** A tax deferral certificate issued under this program is for the use of the recipient for deferral of sales and use taxes due on each eligible investment project. Deferral is limited only to investment in qualified building or qualified machinery and equipment as defined in this Part I. Thus, sales and use taxes cannot be deferred on items that do not become part of the qualified buildings, machinery, or equipment. In addition, the deferral is not to be used to defer the taxes of the persons with whom the recipient does business, persons the recipient hires, or employees of the recipient.

The tax deferral certificate is used in a manner similar to that of a resale certificate as set forth in WAC 458-20-102, Resale certificates. The certificate holder must provide a copy of the tax deferral certificate to the seller at the time goods or services are purchased. The seller is relieved of the responsibility for collection of the sales or use tax upon presentation of the certificate. The seller must retain a copy of the certificate as part of its permanent records for a period of at least five years. A blanket certificate may be provided by the certificate holder and accepted by the seller covering all

such purchases relative to the eligible project. The seller is liable for business and occupation tax on all tax deferral sales.

(9) **Project operationally complete.** An applicant must provide the department with the estimated cost of the investment project at the time the application is made. Following approval of the application and issuance of a deferral certificate, a certificate holder must notify the department, in writing, when the value of the investment project reaches the estimated cost as stated on the tax deferral certificate.

(a) If a certificate holder has reached its level of estimated costs and the project is not operationally complete, the certificate holder may request an amended certificate stating a revised amount upon which the deferral is requested. Requests must be mailed or faxed to the department.

(b) The certificate holder must notify the department in writing when the construction project is operationally complete. The department will certify the date on which the project was operationally complete. The recipient of the deferral must maintain the manufacturing or research and development activity for eight years from this date.

(10) **Reporting and monitoring procedure.** Requirement to submit annual reports. Each recipient of a deferral granted after July 1, 1995, must submit a report to the department on December 31st of the year in which the investment project is certified by the department as having been operationally completed, and on December 31st of each of the seven succeeding calendar years. The report must be made to the department in a form and manner prescribed by the department. The report must contain information regarding the actual employment related to the project and any other information required by the department. If the recipient fails to submit a report or submits an inadequate or falsified report, the department may declare the amount of deferred taxes outstanding to be immediately due and payable. An inadequate or falsified report is one that contains material omissions or contains knowingly false statements and information.

(11) **Repayment of deferred taxes.** Repayment of tax deferred under chapter 82.60 RCW is excused, except as otherwise provided in RCW 82.60.070 and this subsection, on an investment project for which a deferral has been granted under chapter 82.60 RCW after June 30, 1994.

(a) Taxes deferred under this chapter need not be repaid on machinery and equipment for lumber and wood product industries, and sales of or charges made for labor and services, of the type which qualified for exemption under RCW 82.08.02565 or 82.12.02565.

(b) The following describes the various circumstances under which repayment of the deferral may be required. Outstanding taxes are determined by reference to the following table. The table presumes the taxpayer maintained eligibility for the entire year.

Repayment Year	Percentage of Deferred Tax Waived
1 (Year operationally complete)	0%
2	0%
3	0%
4	10%

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Repayment Year	Percentage of Deferred Tax Waived
5	15%
6	20%
7	25%
8	30%

Any action taken by the department to disqualify a recipient for tax deferral or require payment of all or part of deferred taxes is subject to administrative review pursuant to the provisions of WAC 458-20-100, Appeals, small claims and settlements. The filing of a petition for review with the department starts a review of departmental action. See subsection (11)(d) of this rule for repayment and waiver for deferrals with hiring requirements.

(c) **Failure of investment project to satisfy general conditions.** If, on the basis of the recipient's annual report or other information, including that submitted by the department of employment security, the department finds that an investment project is not eligible for tax deferral for reasons other than failure to create the required number of qualified employment positions, the department will declare the amount of deferred taxes outstanding to be immediately due. For example, a reason for disqualification would be that the facilities are not used for a manufacturing or research and development operation.

(d) **Failure of investment project to satisfy required employment positions conditions.** If, on the basis of the recipient's annual report or other information, the department finds that an investment project has been operationally complete for three years and has failed to create the required number of qualified employment positions, the amount of taxes deferred will be immediately due. The department will assess interest at the rate and as provided for delinquent excise taxes under RCW 82.32.050 (retroactively to the date the application was filed). There is no proration of the amount owed under this subsection. No penalties will be assessed.

(e) **Failure of investment project to satisfy employee residency requirements.** If, on the basis of the recipient's annual report or other information, the department finds that an investment project under RCW 82.60.040 (1)(b) or (c) has failed to comply with any requirement of RCW 82.60.045 for any calendar year for which reports are required under this subsection, twelve and one-half percent of the amount of deferred taxes will be immediately due. For each year a deferral's requirements are met twelve and one-half percent of the amount of deferred taxes will be waived. The department will assess interest at the rate provided for delinquent excise taxes under RCW 82.32.050, retroactively to the date the application was filed. Each year the employment requirement is met, twelve and one-half percent of the deferred tax will be waived, if all other program requirements are met. No penalties will be assessed.

(f) The department of employment security makes and certifies to the department all determinations of employment and wages required under this subsection.

(12) **Debt not extinguished because of insolvency or sale.** Insolvency or other failure of the recipient does not extinguish the debt for deferred taxes nor will the sale,

exchange, or other disposition of the recipient's business extinguish the debt for the deferred taxes. Transfer of ownership does not terminate the deferral. The deferral is transferred, subject to the successor meeting the eligibility requirements of this chapter, for the remaining periods of the deferral. Any person who becomes a successor (see WAC 458-20-216) to such investment project is liable for the full amount of any unpaid, deferred taxes under the same terms and conditions as the original recipient.

(13) **Disclosure of information.** Applications and reports received by the department under chapter 82.60 RCW are not confidential and are subject to disclosure. (RCW 82.60.100.)

PART II

Applications from July 1, 1994, to June 30, 1995

(14) **Definitions.** For the purposes of this part, the following definitions apply for applications made on and after July 1, 1994 and before July 1, 1995.

(a) "Acquisition of equipment or machinery" means the date the equipment and machinery is under the dominion and control of the recipient.

(b) "Applicant" means a person applying for a tax deferral under chapter 82.60 RCW.

(c) "Certificate holder" means an applicant to whom a tax deferral certificate has been issued.

(d) "Computer-related services" means services that are connected or interact directly in the manufacture of computer hardware or software or the programming of the manufactured hardware. This includes the manufacture of hardware such as chips, keyboards, monitors, any other hardware, and the components of these items. It includes creating operating systems and software that will be copied and sold as canned software. "Computer-related services" does not include information services. The activities performed by the manufacturer to test, correct, revise, and upgrade software or hardware before they are approved for sale to the consumer are considered computer-related services in this instance.

(e) "Department" means the department of revenue.

(f) "Eligible area" means:

(i) Unemployment county. A county in which the average level of unemployment for the three calendar years preceding the year in which an application is filed exceeds the average state unemployment for those years by twenty percent. The department may compare the county's average unemployment rate in the prior three years to one hundred twenty percent of the state's average unemployment rate based on official unemployment figures published by the department of employment security;

(ii) MSA. A metropolitan statistical area, as defined by the Office of Federal Statistical Policy and Standards, United States Department of Commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under chapter 82.60 RCW exceeds the average state unemployment for such calendar year by twenty percent;

(iii) CEZ. A designated community empowerment zone approved under RCW 43.63A.700;

(iv) Timber impact area towns. A town with a population of less than twelve hundred persons that is located in a county

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that is a timber impact area, as defined in RCW 43.31.601, but that is not an unemployment county as defined in this subsection;

(v) Contiguous county. A county that is contiguous to an unemployment county or a governor's designation county; or

(vi) Governor's designation county. A county designated by the governor as an eligible area under RCW 82.60.047.

(g)(i) "Eligible investment project" means that portion of an investment project which:

(A) Is directly utilized to create at least one new full-time qualified employment position for each seven hundred fifty thousand dollars of investment on which a deferral is requested; and

(B) Either initiates a new operation, or expands or diversifies a current operation by expanding, equipping, or renovating an existing facility with costs in excess of twenty-five percent of the true and fair value of the facility prior to improvement. "Improvement" means the physical alteration by significant expansion, modernization, or renovation of an existing facility, excluding land, where the cost of such expansion, etc., exceeds twenty-five percent of the true and fair value of the existing facility prior to the initiation of the expansion or renovation. The term "improvement" is further defined to include those portions of an existing facility which do not increase the usable floor space, but is limited to the renovation, modernization, or any other form of alteration or addition and the equipment and machinery installed therein during the course of construction. The twenty-five percent test may be satisfied by considering the value of both the building and machinery and equipment; however, at least forty percent of the total renovation costs must be attributable to the physical renovation of the building structure alone. "True and fair value" means the value listed on the assessment rolls as determined by the county assessor for the buildings or equipment for ad valorem property tax purposes at the time of application.

(ii) "Eligible investment project" does not include either an investment project undertaken by a light and power business as defined in RCW 82.16.010, other than cogeneration projects that are both an integral part of a manufacturing facility and owned at least fifty percent by the manufacturer, or investment projects that have already received deferrals under chapter 82.60 RCW.

(h) "Industrial fixture" means an item attached to a building or to land. Fixtures become part of the real estate to which they are attached and upon attachment are classified as real property, not personal property. Examples of "industrial fixtures" are fuel oil lines, boilers, craneways, and certain concrete slabs.

(i) "Initiation of construction," in regards to the construction of new buildings, means the commencement of on-site construction work.

(j) "Initiation of construction," in regards to the construction of expanding or renovating existing structures for the purpose of increasing floor space or production capacity used for manufacturing and research and development, means the commencement of the new construction by renovation, modernization, or expansion, by physical alteration.

(k) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, includ-

ing labor and services rendered in the planning, installation, and construction of the project. A person who does not build or remodel his or her own building, but leases from a third party, is eligible for sales and use tax deferral on the machinery and equipment provided that an investment in qualified machinery and equipment is made by such person and a new structure used to house the manufacturing activities is constructed.

(l) "Manufacturing" has the meaning given in RCW 82.04.120. Manufacturing, for purposes of the distressed area deferral program, also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(m) "Operationally complete" means the project is capable of being used for its intended purpose as described in the application.

(n) "Person" has the meaning given in RCW 82.04.030. "Person" does not include the state of Washington or its institutions. "Person" can be either a lessee or a lessor, who can apply separately for individual investment projects at the same site, if they comply with the other requirements of chapter 82.60 RCW. The lessor/owner of the structure is not eligible for deferral unless the underlying ownership of the buildings, machinery, or equipment vests exclusively in the lessor/owner, or unless the lessor has by written contract agreed to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments.

(o) "Qualified buildings" are limited to structures used for manufacturing and research and development activities. "Qualified buildings" include plant offices and warehouses if such facilities are essential or an integral part of a factory, mill, plant, or laboratory. "Office" means space used by professional, clerical, or administrative staff. For plant office space to be a qualified building its use must be essential or integral to the manufacturing or research and development operation. Office space that is used by supervisors and their staff, by technicians, by payroll staff, by the safety officer, and by the training staff are examples of qualifying office space. "Warehouse" means facilities used for the storage of raw materials or finished goods.

(p) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year. The "entire tax year" means the full-time position is filled for a period of twelve consecutive months. "Full time" means at least 35 hours per week, 455 hours a quarter, or 1,820 hours a year.

(q) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing operation or research and development operation. "Qualified machinery and equipment" includes: Computers, software, data processing equipment, laboratory equipment; manufacturing components such as belts, pulleys, shafts and moving parts; molds, tools and dies; operating structures; and all equipment used to control or operate machinery. It also includes machinery and equipment acquired under the terms of a lease by the recipient. "New" as used in this subsection

means either new to the taxing jurisdiction of the state or new to the certificate holder.

(r) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(s) "Recipient" means a person receiving a tax deferral under this program.

(15) **Issuance of deferral certificate.** The department will issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW for an eligible investment project. The department will state on the certificate the amount of tax deferral for which the recipient is eligible. Recipients must keep track of how much tax is deferred.

(16) **Eligible investment amount.**

(a) Projects located in unemployment counties, MSAs, governor-designated counties, or timber impact towns are eligible for a deferral on the portion of the investment project that represents one new qualified employment position for each seven hundred fifty thousand dollars of investment. The eligible amount is computed by dividing the total qualifying project costs by seven hundred fifty thousand, the result being the qualified employment positions. In addition, the number of qualified employment positions created by an investment project will be reduced by the number of full-time employment positions maintained by the recipient in any other community in this state that are displaced as a result of the investment project. This is the number of positions used as the hiring benchmark. The qualified employment positions must be filled by the end of year three. Monitoring and reporting procedures are set forth in subsection (23) of this rule. In addition, buildings that will be used partly for manufacturing or research and development and partly for other purposes are eligible for a deferral on a proportionate basis. Subsection (17) of this rule explains the procedure for apportionment.

(b) Projects located in CEZs, counties containing CEZs, or counties contiguous to an eligible county, are eligible for a deferral if the project meets specific hiring requirements. The recipient is eligible for a deferral on the portion of the investment project that represents one new qualified employment position for each seven hundred fifty thousand dollars of investment. The eligible amount is computed by dividing the total qualifying project costs by seven hundred fifty thousand, the result being the qualified employment positions. This is the number of positions used as the hiring benchmark over the life of the deferral. The qualified employment positions are reviewed each year, beginning December 31st of the year the project is operationally complete and each year for seven years. Monitoring and reporting procedures are set forth in subsection (23) of this rule. In addition, buildings that will be used partly for manufacturing or research and development and partly for other purposes are eligible for a deferral on a proportionate basis. Subsection (17) of this rule explains the procedure for apportionment.

(c) In addition to the hiring requirements for new positions under (b) of this subsection, the recipient of a deferral for an expansion or diversification of an existing facility must ensure that he or she maintains the same percentage of employment positions filled by residents of the contiguous county or the CEZ that existed prior to the application being made. This percentage must be maintained for seven years. The department has instituted a geographic information system (GIS) to assist taxpayers in determining taxing jurisdiction boundaries, local tax rates, and a mapping and address lookup system to determine whether a specific address is within a CEZ. The system is available on the department's Internet website at <http://www.dor.wa.gov>. (~~This percentage must be maintained for seven years.~~)

(d) Qualified employment positions does not include those persons hired in excess of the ratio of one employee per required dollar of investment for which a deferral is granted. In the event an employee is either voluntarily or involuntarily separated from employment, the employment position will be considered filled if the employer is either training or actively recruiting a replacement employee so long as the position is not actually vacant for any period in excess of thirty consecutive days.

(17) **Apportionment of costs between qualifying and nonqualifying investments.** The deferral is allowable only in respect to investment in the construction of a new building or the expansion or renovation of existing buildings used in manufacturing, research and development.

(a) Where a building(s) is used partly for manufacturing or research and development and partly for purposes which do not qualify for deferral under this rule, the deferral will be determined by apportionment of the total project costs. The applicable tax deferral will be determined by apportionment according to the ratio of the ~~((construction cost per))~~ square ~~((foot))~~ footage of that portion of the building(s) directly used for manufacturing or research and development purposes bears to the ~~((construction cost per))~~ square ~~((foot))~~ footage of the total building(s).

Apportionment formula:

$$\frac{\text{Eligible square feet of building(s)}}{\text{Total square feet of building(s)}} = \text{Percent Eligible}$$

$$\text{Percent Eligible} \times \text{Total Project Costs} = \text{Eligible Costs.}$$

"Total Project Costs" means cost of multipurpose buildings and other improvement costs associated with the deferral project. Machinery and equipment are not included in this calculation. Common areas, such as hallways and bathrooms, are not included in the square feet figure for either the numerator or the denominator. The cost of the common areas is multiplied by the percent eligible to determine the portion of the common area that is eligible for deferral.

$$\text{Eligible Tax Deferred} = \text{Eligible Cost} \times \text{Tax Rate.}$$

(b) Qualified machinery and equipment is not subject to apportionment.

(18) **Leased equipment.** The amount of tax deferral allowable for leased equipment is the amount of the consider-

ation paid by the recipient to the lessor over the initial term of the lease, excluding any period of extension or option to renew, up to the last date for repayment of the deferred taxes. After that date the recipient must pay the appropriate sales taxes to the lessor for the remaining term of the lease.

(19) **Application procedure and review process.** An application for sales and use tax deferral under this program must be made prior to the initiation of construction and the acquisition of machinery and equipment. Persons who apply after construction is initiated or after acquisition of machinery and equipment are not eligible for the program.

(a) Application forms will be supplied to the applicant by the department upon request. The completed application may be sent by fax to ((6))360((7))-586-2163 or mailed to the following address:

State of Washington
Department of Revenue
Special Programs
P.O. Box ((448)) 47477
Olympia, WA 98507-((0448)) 7477

(b) The department will verify the information contained in the application and approve or disapprove the application within sixty days. If approved, the department will issue a tax deferral certificate. If disapproved, the department will notify the applicant as to the reason(s) for disapproval. The U.S. Post Office postmark or fax date will be used as the date of application.

(c) The applicant may seek administrative review of the department's disapproval of an application within thirty days from the date of notice of disallowance pursuant to the provisions of WAC 458-20-100, Appeals, small claims and settlements. The filing of a petition for review with the department starts a review of departmental action.

(20) **Eligible area criteria.** The department will use the statewide and county unemployment statistics as last published by the department. Timber impact town designation is based on information provided by the department of employment security. The department will update the list of eligible areas by county, annually.

(21) **Use of the certificate.** A tax deferral certificate issued under this program will be for the use of the recipient for deferral of sales and use taxes due on each eligible investment project. Deferral is limited only to investment in qualified buildings or qualified machinery and equipment as defined in this Part II. Thus, sales and use taxes cannot be deferred on items that do not become part of the qualified buildings, machinery, or equipment. In addition, the deferral is not to be used to defer the taxes of the persons with whom the recipient does business, persons the recipient hires, or employees of the recipient. The tax deferral certificate is to be used in a manner similar to that of a resale certificate as set forth in WAC 458-20-102, Resale certificates. The certificate holder must provide a copy of the tax deferral certificate to the seller at the time goods or services are purchased. The seller will be relieved of the responsibility for collection of the sales or use tax upon presentation of the certificate. The seller must retain a copy of the certificate as part of its permanent records for a period of at least five years. A blanket certificate may be provided by the certificate holder and

accepted by the seller covering all such purchases relative to the eligible project. The seller is liable for business and occupation tax on all tax deferral sales.

(22) **Project operationally complete.** An applicant must provide the department with the estimated cost of the investment project at the time the application is made. Following approval of the application and issuance of a tax deferral certificate, a certificate holder must notify the department, in writing, when the value of the investment project reaches the estimated cost as stated on the tax deferral certificate.

(a) If a certificate holder has reached its level of estimated costs and the project is not operationally complete, the certificate holder may request an amended certificate stating a revised amount upon which the deferral of sales and use taxes is requested. Requests must be mailed or faxed to the department.

(b) The certificate holder must notify the department in writing when the construction project is operationally complete. The department will certify the date on which the project was operationally complete. The recipient of the deferral must maintain the manufacturing or research and development activity for eight years from this date.

(c) The recipient will be notified in writing of the total amount of deferred taxes, the date(s) upon which the deferred taxes must be paid, and any reports required to be submitted in the subsequent years. If the department disallows any portion of the amount of sales and use taxes requested for deferral, the recipient may seek administrative review of the department's action within thirty days from the date of the notice of disallowance pursuant to the provisions of WAC 458-20-100, Appeals, small claims and settlements. The filing of a petition for review with the department starts a review of departmental action.

(23) **Reporting and monitoring procedure.** Requirement to submit annual reports. Each recipient of a sales and use tax deferral must submit a report to the department on December 31st of the year in which the investment project is certified by the department as having been operationally completed, and on December 31st of each of the seven succeeding calendar years. The report must be made to the department in a form and manner prescribed by the department. The report must contain information regarding the actual employment related to the project and any other information required by the department. If the recipient fails to submit a report or submits an inadequate or falsified report, the department may declare the amount of deferred taxes outstanding to be immediately due and payable. An inadequate or falsified report is one that contains material omissions or contains knowingly false statements and information.

(24) **Repayment of deferred taxes.** Repayment of tax deferred under chapter 82.60 RCW is excused, except as otherwise provided in RCW 82.60.070 and this subsection on an investment project for which a deferral has been granted under chapter 82.60 RCW after June 30, 1994.

(a) The following describes the various circumstances under which repayment of the deferral may be required. Outstanding taxes are determined by reference to the following table. The table presumes the taxpayer maintained eligibility

for the entire year. See subsection (c) for repayment and waiver for deferrals with hiring requirements.

Repayment Year	Percentage of Deferred Tax Waived
1 (Year operationally complete)	0%
2	0%
3	0%
4	10%
5	15%
6	20%
7	25%
8	30%

Any action taken by the department to disqualify a recipient for tax deferral or require payment of all or part of deferred taxes is subject to administrative review pursuant to the provisions of WAC 458-20-100, Appeals, small claims and settlements. The filing of a petition for review with the department starts a review of departmental action.

(b) **Failure of investment project to satisfy general conditions.** If, on the basis of the recipient's annual report or other information, including that submitted by the department of employment security, the department finds that an investment project is not eligible for tax deferral, other than failure to create the required number of positions, the department will declare the amount of deferred taxes outstanding to be immediately due. For example, a reason for disqualification would be that the facility is not used for manufacturing or research and development operations.

(c) **Failure of investment project to satisfy employment positions conditions.** If, on the basis of the recipient's annual report or other information, the department finds that an investment project has been operationally complete for three years and has failed to create the required number of qualified employment positions, the amount of taxes deferred will be immediately due. The department will assess interest at the rate and as provided for delinquent excise taxes under RCW 82.32.050 (retroactively to the date of deferral). No penalties will be assessed.

(d) **Failure of investment project to satisfy employee residency requirements.** If, on the basis of the recipient's annual report or other information, the department finds that an investment project under RCW 82.60.040 (1)(b) or (c) has failed to comply with the special hiring requirements of RCW 82.60.045 for any calendar year for which reports are required under this subsection, twelve and one-half percent of the amount of deferred taxes will be immediately due. For each year a deferral's requirements are met twelve and one-half percent of the amount of deferred taxes will be waived. The department will assess interest at the rate provided for delinquent excise taxes under RCW 82.32.050, retroactively to the date of deferral. No penalties will be assessed.

(e) The department of employment security makes and certifies to the department all determinations of employment and wages required under this subsection, per request.

(25) **Debt not extinguished because of insolvency or sale.** Insolvency or other failure of the recipient does not extinguish the debt for deferred taxes nor will the sale,

exchange, or other disposition of the recipient's business extinguish the debt for the deferred taxes. Transfer of ownership does not terminate the deferral. The deferral is transferred, subject to the successor meeting the eligibility requirements of this chapter, for the remaining periods of the deferral. Any person who becomes a successor (see WAC 458-20-216) to such investment project is liable for the full amount of any unpaid, deferred taxes under the same terms and conditions as the original recipient.

(26) **Disclosure of information.** Applications and reports received by the department under chapter 82.60 RCW are not confidential and are subject to disclosure. (RCW 82.60.100.)

PART III

Applications from July 1, 1992, to June 30, 1994

(27) **Definitions.** For the purposes of this part, the following definitions apply for applications made after July 1, 1992, but before July 1, 1994:

(a) "Acquisition of equipment or machinery" means the equipment and machinery is under the dominion and control of the recipient.

(b) "Applicant" means a person applying for a tax deferral under chapter 82.60 RCW.

(c) "Certificate holder" means an applicant to whom a tax deferral certificate has been issued.

(d) "Computer-related services" means services that are connected or interact directly in the manufacture of computer hardware or software or the programming of the manufactured hardware. This includes the manufacture of hardware such as chips, keyboards, monitors, any other hardware, and the components of these items. It includes creating operating systems and software that will be copied and sold as canned software. "Computer-related services" does not include information services. The activities performed by the manufacturer to test, correct, revise, and upgrade software or hardware before they are approved for sale to the consumer are considered computer-related services in this instance.

(e) "Department" means the department of revenue.

(f) "Eligible area" means:

(i) Unemployment county. A county in which the average level of unemployment for the three calendar years preceding the year in which an application is filed exceeds the average state unemployment for those years by twenty percent. The department may compare the county's average unemployment rate in the prior three years to one hundred twenty percent of the state's average unemployment rate based on official unemployment figures published by the department of employment security;

(ii) MSA. A metropolitan statistical area, as defined by the Office of Federal Statistical Policy and Standards, United States Department of Commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under chapter 82.60 RCW exceeds the average state unemployment for such calendar year by twenty percent; or

(iii) CEZ. Beginning July 1, 1993, a designated community empowerment zone approved under RCW 43.63A.700.

PERMANENT

(g)(i) "Eligible investment project" means that portion of an investment project which:

(A) Is directly utilized to create at least one new full-time qualified employment position for each three hundred thousand dollars of investment on which a deferral is requested; and

(B) Either initiates a new operation, or expands or diversifies a current operation by expanding, or renovating an existing building with costs in excess of twenty-five percent of the true and fair value of the plant complex prior to improvement. "Improvement" means the physical alteration by significant expansion, modernization, or renovation of an existing plant complex, excluding land, where the cost of such expansion, etc., exceeds twenty-five percent of the true and fair value of the existing plant complex prior to the initiation of the expansion or renovation. The term "improvement" is further defined to include those portions of an existing building which do not increase the usable floor space, but is limited to the renovation, modernization, or any other form of alteration or addition and the equipment and machinery installed therein during the course of construction. The twenty-five percent test may be satisfied by considering the value of both the building and machinery and equipment; however, at least forty percent of the total renovation costs must be attributable to the physical renovation of the building structure alone. "True and fair value" means the value listed on the assessment ~~((roles))~~ rolls as determined by the county assessor for the land, buildings, or equipment for ad valorem property tax purposes at the time of application; or

(C) Acquires machinery and equipment to be used for either manufacturing or research and development. The lessor/owner of the structure is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person.

(ii) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010 or investment projects that have already received deferrals under chapter 82.60 RCW.

(h) "Industrial fixture" means an item attached to a building or to land. Fixtures become part of the real estate to which they are attached and upon attachment are classified as real property, not personal property. Examples of "industrial fixtures" are fuel oil lines, boilers, cranes, and certain concrete slabs.

(i) "Initiation of construction," in regards to the construction of new buildings, means the commencement of on-site construction work.

(j) "Initiation of construction," in regards to the construction of expanding or renovating existing structures for the purpose of increasing floor space or production capacity used for manufacturing and research and development, means the commencement of new construction by renovation, modernization, or expansion, by physical alteration.

(k) "Investment project" means an investment in qualified buildings and qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(l) "Manufacturing" has the meaning given in RCW 82.04.120. Manufacturing, for purposes of the distressed

area deferral program, also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(m) "Operationally complete" means the project is capable of being used for its intended purpose as described in the application.

(n) "Person" has the meaning given in RCW 82.04.030. "Person" does not include the state of Washington or its institutions. "Person" can be either a lessee or a lessor, who can apply separately for individual investment projects at the same site, if they comply with the other requirements of this chapter. The lessor/owner of the structure is not eligible for deferral unless the underlying ownership of the buildings, machinery, or equipment vests in the lessor/owner ~~((or unless the lessor has by written contract agreed to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments))~~.

(o) "Qualified buildings" are limited to structures used for manufacturing and research and development activities. "Qualified buildings" include plant offices and warehouses if such facilities are essential or an integral part of a factory, mill, plant, or laboratory. "Office" means space used by professional, clerical, or administrative staff. For plant office space to be a qualified building, its use must be essential or integral to the manufacturing or research and development operation. Office space that is used by supervisors and their staff, by technicians, by payroll staff, by the safety officer, and by the training staff are examples of qualifying office space. "Warehouse" means facilities used for the storage of raw materials or finished goods.

(p) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year. The "entire tax year" means the full-time position is filled for a period of twelve consecutive months. "Full time" means at least 35 hours a week, 455 hours a quarter, or 1,820 hours a year.

(q) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing operation or research and development operation. "Qualified machinery and equipment" includes: Computers, software, data processing equipment, laboratory equipment; manufacturing components such as belts, pulleys, shafts and moving parts; molds, tools and dies; operating structures; and all equipment used to control or operate machinery. It also includes machinery and equipment acquired under the terms of a long- or short-term lease by the recipient. "New" as used in this subsection means either new to the taxing jurisdiction of the state or new to the certificate holder.

(r) "Recipient" means a person receiving a tax deferral under this program.

(s) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

PERMANENT

(28) **Issuance of deferral certificate.** The department will issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW for an eligible investment project. The department will state on the certificate the amount of tax deferral for which the recipient is eligible. Recipients must keep track of how much deferral is taken.

(29) **Eligible investment amount.** Recipients are eligible for a deferral on investment used to create employment positions.

(a) Total qualifying project costs must be examined to determine the number of positions associated with the project. Total qualifying project costs are divided by three hundred thousand, the result being the qualified employment positions. This is the number of positions used as the hiring benchmark at the end of year three. The qualified employment positions are reviewed in the third year, following December 31st of the year the project is operationally complete. If the recipient has failed to create the requisite number of positions, the department will issue an assessment under subsection (37) of this rule. Buildings that will be used partly for manufacturing or research and development and partly for other purposes are eligible for a deferral on a proportionate basis. Subsection (30) of this rule explains the procedure for apportionment.

(b) Qualified employment positions does not include those persons hired in excess of the ratio of one employee per required dollar of investment for which a deferral is granted. In the event an employee is either voluntarily or involuntarily separated from employment, the employment position will be considered filled if the employer is either training or actively recruiting a replacement employee so long as the position is not actually vacant for any period in excess of thirty consecutive days.

(30) **Apportionment of costs between qualifying and nonqualifying investments.** The deferral is allowable only in respect to investment in the construction of a new building or the expansion or renovation of existing buildings directly used in manufacturing ~~((activities, and directly used in the activities performed by)),~~ research and development, or commercial testing laboratories.

(a) Where a building(s) is used partly for manufacturing or research and development, or commercial testing and partly for purposes, which do not qualify for deferral under this rule, the deferral will be determined by apportionment of the total project costs. The applicable tax deferral will be determined by apportionment according to the ratio of the ~~((construction cost per))~~ square ~~((foot))~~ footage of that portion of the building(s) directly used for manufacturing or research and development purposes bears to the ~~((construction cost per))~~ square ~~((foot))~~ footage of the total building(s).

Apportionment formula:

Eligible square feet of building(s) _____ = Percent Eligible
Total square feet of building(s)
Percent Eligible x Total Project Costs = Eligible Costs.

"Total Project Costs" means cost of multipurpose buildings and other improvement costs associated with the deferral project. Machinery and equipment are not included in this calculation. Common areas, such as hallways and bathrooms, are not included in the square feet figure for either the numerator or the denominator. The cost of the common areas is multiplied by the percent eligible to determine the portion of the common area that is eligible for deferral.

Eligible Tax Deferred = Eligible Cost x Tax Rate.

(b) Qualified machinery and equipment is not subject to apportionment.

(31) **Leased equipment.** The amount of tax deferral allowable for leased equipment is the amount of the consideration paid by the recipient to the lessor over the initial term of the lease, excluding any period of extension or option to renew, up to the last date for repayment of the deferred taxes. After that date the recipient must pay the appropriate sales taxes to the lessor for the remaining term of the lease.

(32) **Application procedure and review process.** An application for sales and use tax deferral under this program must be made prior to the initiation of construction and the acquisition of equipment or machinery. Persons who apply after construction is initiated or finished or after acquisition of machinery and equipment are not eligible for the program.

(a) Application forms will be supplied to the applicant by the department upon request. The completed application may be sent by fax to ((+))360((+))-586-2163 or mailed to the following address:

State of Washington
Department of Revenue
Special Programs
P.O. Box ((448)) 47477
Olympia, WA 98507-((0448)) 7477

(b) The department will verify the information contained in the application and either approve or disapprove the application within sixty days. If approved, the department will issue a tax deferral certificate. If disapproved, the department will notify the applicant as to the reason(s) for disapproval. The U.S. Post Office postmark or fax date will be used as the date of application.

(c) The applicant may seek administrative review of the department's refusal to issue a certificate pursuant to the provisions of WAC 458-20-100, Appeals, small claims and settlements, within thirty days from the date of notice of the department's refusal, or within any extension of such time granted by the department. The filing of a petition for review with the department starts a review of departmental action.

(33) **Unemployment criteria.** For purposes of making application for tax deferral and of approving such applications, the statewide and county unemployment statistics last published by the department will be used to determine eligible areas. The department will update the list of eligible areas by county, on an annual basis.

(34) **Use of the certificate.** A tax deferral certificate issued under this program is for the use of the recipient for deferral of sales and use taxes due on each eligible investment project. Deferral is limited only to investment in qualified buildings or qualified machinery and equipment as

defined in this Part III. Thus, sales and use taxes cannot be deferred on items that do not become part of the qualified buildings, machinery, or equipment.

The tax deferral certificate is to be used in a manner similar to that of a resale certificate as set forth in WAC 458-20-102, Resale certificates. The certificate holder must provide a copy of the tax deferral certificate to the seller at the time goods or services are purchased. The seller will be relieved of the responsibility for collection of the sales or use tax upon presentation of the certificate. The seller must retain a copy of the certificate as part of its permanent records for a period of at least five years. A blanket certificate may be provided by the certificate holder and accepted by the seller covering all such purchases relative to the eligible project. The seller is liable for business and occupation tax on all tax deferral sales. The deferral certificate is to defer the taxes of the recipient. For example, the deferral is not to be used to defer the taxes of the persons with whom the recipient does business, persons the recipient hires, or employees of the recipient.

(35) Project operationally complete. An applicant must provide the department with the estimated cost of the investment project at the time the application is made. Following approval of the application and issuance of a tax deferral certificate, a certificate holder must notify the department, in writing, when the value of the investment project reaches the estimated cost as stated on the tax deferral certificate.

(a) If a certificate holder has reached its level of estimated costs and the project is not operationally complete, the certificate holder may request an amended certificate stating a revised amount upon which the deferral of sales and use taxes is requested. Requests must be mailed or faxed to the department.

(b) The certificate holder must notify the department in writing when the construction project is operationally complete. The department will certify the date on which the project was operationally complete. The recipient of the deferral must maintain the manufacturing or research and development activity for eight years from this date.

(c) The recipient will be notified in writing of the total amount of deferred taxes, the date(s) upon which the deferred taxes must be paid, and any reports required to be submitted in the subsequent years. If the department disallows all or any portion of the amount of sales and use taxes requested for deferral, the recipient may seek administrative review of the department's action pursuant to the provisions of WAC 458-20-100, within thirty days from the date of the notice of disallowance.

(36) Reporting and monitoring procedure. Requirement to submit annual reports. Each recipient of a sales and use tax deferral must submit a report to the department on December 31st of each year during the repayment period until the tax deferral is repaid. The report must be made to the department in a form and manner prescribed by the department. The report must contain information regarding the actual employment related to the project and any other information required by the department. If the recipient fails to submit a report or submits an inadequate or falsified report, the department may declare the amount of deferred taxes outstanding to be immediately assessed and payable. An inadequate or falsified report is one that contains material omissions or contains knowingly false statements and information.

quate or falsified report is one that contains material omissions or contains knowingly false statements and information.

(37) Repayment of deferred taxes. The recipient must begin paying the deferred taxes in the third year after the date certified by the department as the date on which the construction project has been operationally completed.

(a) The first payment will be due on December 31st of the third calendar year after such certified date, with subsequent annual payments due on December 31st of the following four years, with amounts of payment scheduled as follows:

Repayment Year	Percentage of Deferred Tax Repaid
1 (Year certified operationally complete)	0%
2	0%
3	0%
4	10%
5	15%
6	20%
7	25%
8	30%

(b) The department may authorize an accelerated repayment schedule upon request of the recipient. Interest will not be charged on any taxes deferred under this part during the period of deferral, although other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for any delinquent payments during the repayment period pursuant to chapter 82.32 RCW.

(c) Taxes deferred on the sale or use of labor directly applied in the construction of an investment project for which deferral has been granted need not be repaid, provided eligibility for the granted tax deferral has been perfected by meeting all of the eligibility requirements, based upon the recipient's annual December 31 reports and any other information available to the department. The recipient must establish, by clear and convincing evidence, the value of all construction and installation labor for which repayment of sales tax is sought to be excused. Such evidence must include, but is not limited to: A written, signed, and dated itemized billing from construction/installation contractors or independent third party labor providers which states the value of labor charged separately from the value of materials. This information must be maintained in the recipient's permanent records for the department's review and verification. In the absence of such itemized billings in its permanent records, no recipient may be excused from repayment of sales tax on the value of labor in an amount exceeding thirty percent of its gross construction or installation contract charges. The value of labor for which an excuse from repayment of sales or use tax may be received will not exceed the value which is subject to such taxes under the general provisions of chapters 82.08 and 82.12 RCW.

(d) **Failure of investment project to satisfy general conditions.** If, on the basis of the recipient's annual report or other information, including that submitted by the department of employment security, the department finds that an

PERMANENT

investment project is not eligible for tax deferral for reasons other than failure to create the required number of qualified employment positions, the department will declare the amount of deferred taxes outstanding to be immediately due. For example, a reason for disqualification would be the facility is not used for a manufacturing or research and development operation.

(e) **Failure of investment project to satisfy required employment positions.** If, on the basis of the recipient's annual report or other information, the department finds that an investment project has been operationally complete for three years and has failed to create the required number of qualified employment positions, the department will assess interest but not penalties, on the deferred taxes for the project. The department will assess interest at the rate provided for delinquent excise taxes under RCW 82.32.050, retroactively to the date of the date of deferral. No penalties will be assessed.

(f) The department of employment security makes and certifies to the department all determinations of employment and wages required under this subsection, per request.

(g) Any action taken by the department to assess interest or disqualify a recipient for tax deferral will be subject to administrative review pursuant to the provisions of WAC 458-20-100, Appeals, small claims and settlements. The filing of a petition for review with the department starts a review of departmental action.

(38) **Debt not extinguished because of insolvency or sale.** Insolvency or other failure of the recipient does not extinguish the debt for deferred taxes nor will the sale, exchange, or other disposition of the recipient's business extinguish the debt for the deferred taxes. Transfer of ownership does not terminate the deferral. The deferral is transferred, subject to the successor meeting the eligibility requirements of this chapter, for the remaining periods of the deferral. Any person who becomes a successor (see WAC 458-20-216) to such investment project will be liable for the full amount of any unpaid, deferred taxes under the same terms and conditions as the original recipient.

(39) **Disclosure of information.** Applications and reports received by the department under chapter 82.60 RCW are not confidential and are subject to disclosure. (RCW 82.60.100.)

**WSR 04-01-128
PERMANENT RULES**

PUBLIC DISCLOSURE COMMISSION

[Filed December 18, 2003, 4:20 p.m.]

Date of Adoption: December 10, 2003.

Purpose: The proposed rule amendment references WAC 390-16-037 and provides examples of how to itemize expenditures by agents and employees.

Citation of Existing Rules Affected by this Order: Amending 1, WAC 390-16-205 Expenditures by agents, employees—Reporting.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 03-22-066 on November 4, 2003.

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 18, 2003

Vicki Rippie

Executive Director

AMENDATORY SECTION (Amending Order 74, filed 4/26/76)

WAC 390-16-205 Expenditures by agents, employees—Reporting. Expenditures made on behalf of a candidate or political committee by any person, agency, firm, organization, etc. employed or retained for the purpose of organizing, directing, managing or assisting the candidate's or committee's efforts shall be deemed expenditures by the candidate or committee. In accordance with WAC 390-16-037, such expenditures shall be reported by the candidate or committee as if made or incurred by the candidate or committee directly.

Example A: If a campaign committee pays a consultant \$5,000 to prepare and mail a political advertising brochure, all costs associated with the project shall be itemized by identifying each service provided, vendor utilized and amount attributable to each:

<u>Vendor Name</u>	<u>Purpose</u>	<u>Amount</u>
Jones Consulting		\$5,000
ABC Graphics		\$1,200
XYZ Printing Co.		\$3,000
	(5,000 pieces)	
Your Mailhouse		\$800

Or, if Jones Consulting completes the project through a combination of services provided by its principals or employees and subcontractors:

<u>Vendor Name</u>	<u>Purpose</u>	<u>Amount</u>
Jones Consulting		\$5,000
Graphic design		\$1,200
XYZ Printing Co.		\$3,000
	(5,000 pieces)	
Your Mailhouse		\$800

PERMANENT

Example B: If a campaign committee pays a consultant to perform tasks such as fund-raising, survey design or campaign plan development, and the consultant does not subcontract with other vendors, the expense shall be reported as follows:

<u>Vendor Name</u>	<u>Purpose</u>	<u>Amount</u>
<u>Jones Consulting</u>	<u>Fund-raising, survey design campaign plan development</u>	<u>\$5,000</u>

WSR 04-01-129

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed December 18, 2003, 4:21 p.m.]

Date of Adoption: December 10, 2003.

Purpose: The new rule implements the requirements of a permanent injunction enjoining the commission from taking action to enforce RCW 42.17.680(4) by requiring employers to disclose the names or signatures of such individuals who have made contributions in the amount of twenty-five dollars or less during the year.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 03-22-066 on November 4, 2003.

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 1, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 18, 2003

Vicki Rippie

Executive Director

NEW SECTION

WAC 390-17-105 Small contributors of twenty-five dollars or less. (1) To comply with RCW 42.17.680(4), each person or entity who withholds contributions of individuals shall, in lieu of disclosing the names and signatures, substitute unique numerical identifiers for persons making contributions in the amount of twenty-five dollars or less during a calendar or fiscal year on the signed withholding authorization form or on other documents (such as payroll deductions) subject to RCW 42.17.680(4).

(2) Contribution withholding authorization forms or payroll deduction documentation of contributors whose annual aggregate contribution is twenty-five dollars or less during any calendar or fiscal year are not required by the commission to be made available for public inspection or copying when such records display the names, signatures, home addresses, Social Security numbers, or other information capable of personally identifying contributors whose annual aggregate contribution is twenty-five dollars or less during any calendar or fiscal year.

(3) The names, signatures, home addresses, Social Security numbers or other information capable of personally identifying contributors whose annual aggregate contribution to a person or entity is twenty-five dollars or less during any calendar or fiscal year shall not be provided by the commission to the public or made available for public inspection or copying.

(4) Each person or entity who withholds contributions under RCW 42.17.680 shall, upon request, deliver to the commission documents of books and accounts described in RCW 42.17.680(4).

WSR 04-01-130

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed December 18, 2003, 4:23 p.m.]

Date of Adoption: December 10, 2003.

Purpose: On January 1, 2004, the threshold for mandatory electronic filing of campaign finance reports is lowered from \$25,000 to \$10,000 in expenditures. The amendment reflects the new threshold level and establishes an additional benchmark for determining when a filer can reasonably "expect to expend" an amount equal to or more than \$10,000.

Citation of Existing Rules Affected by this Order: Amending 1, WAC 390-19-030 Electronic filing—Reporting threshold.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 03-22-066 on November 4, 2003.

Changes Other than Editing from Proposed to Adopted Version: In subsection 2(b) the word last was included between "office" and "sought."

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 18, 2003

Vicki Rippie

Executive Director

WSR 04-01-131

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed December 18, 2003, 4:24 p.m.]

Date of Adoption: December 10, 2003.

Purpose: To implement RCW 42.17.093 Out-of-state political committees—Reports.

Citation of Existing Rules Affected by this Order: Amending 1, WAC 390-16-050 Forms for contributions and expenditures of out-of-state or federal political committees.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 03-22-066 on November 4, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 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 18, 2003

Vicki Rippie

Executive Director

PERMANENT

AMENDATORY SECTION (Amending WSR 01-22-052, filed 10/31/01, effective 1/1/02)

WAC 390-19-030 Electronic filing—Reporting threshold. (1) ~~((Beginning with the reporting periods that start on or after January 1, 2002,))~~ The "electronic reporting threshold" that requires electronic filing of all contribution and expenditure reports is met when a candidate or political committee has expended ~~(((\$25,000))~~ \$10,000 or more in the preceding calendar year or expects to expend ~~(((\$25,000))~~ \$10,000 or more in the current calendar year. ~~((The electronic reporting threshold is \$10,000 effective January 1, 2004.))~~

(2) It is presumed that a filer "expects to expend" ((is defined as)) \$10,000 or more when any one of the following first occurs:

(a) ~~A filer ((meets or exceeds the electronic reporting threshold))~~ spends at least \$10,000;

(b) ~~A filer((s expenditures during the last election))~~ is a candidate for the same office last sought ((met or exceeded the electronic reporting threshold)), the filer's election is in the current calendar year, and his or her campaign expenditures in the previous election for the same office were \$10,000 or more;

(c) ~~A filer's expenditures meet or exceed ((one quarter of the electronic reporting threshold in the first calendar quarter))~~ \$2,500 on or before March 31 of the current calendar year;

(d) ~~A filer's expenditures meet or exceed ((one half of the electronic reporting threshold in the first half))~~ \$5,000 on or before June 30 of the current calendar year; ((or))

(e) A filer's expenditures meet or exceed \$7,500 on or before September 30 of the current calendar year; or

(f) A filer otherwise projects that ((the electronic reporting threshold will be met)) \$10,000 or more will be spent during the current calendar year.

(3) The following expenditures or transactions are excluded from the electronic reporting threshold calculation:

(a) Expenditures made to pay outstanding debts carried forward from a previous election; and

(b) Surplus funds disposed of in accordance with RCW 42.17.095.

(4) Candidate committees or political committees supporting or opposing ballot propositions that meet, exceed or expect to meet or exceed the electronic reporting threshold shall report electronically for the duration of the campaign.

(5) ~~((Beginning with the reporting periods that start on or after January 1, 2002,))~~ A report that is filed with the commission electronically need not also be filed with the county auditor or elections officer pursuant to RCW 42.17.080.

AMENDATORY SECTION (Amending WSR 02-12-007, filed 5/23/02, effective 6/23/02)

WAC 390-16-050 Forms for contributions and expenditures of out-of-state ((or federal)) political committees. The official form for the report required by RCW 42.17.093 of contributions and expenditures of an out-of-state political committee((s-a) registered with the Federal Election Commission, (b) not domiciled in Washington state, or (c) otherwise not required to report under RCW 42.17.040, 42.17.065, or 42.17.080)) organized for the purpose of supporting or opposing candidates or ballot propositions in another state that is not otherwise required to report under RCW 42.17.040 through 42.17.090 is designated "C-5," revised ~~((6/02))~~ 1/04. Copies of this form are available at the Commission Office, Room 206, Evergreen Plaza Building, Olympia, Washington 98504-0908. Any paper attachments shall be on 8 1/2" x 11" white paper.



Form C5 6/02	This space for office use P M A R K R E C E I V E D
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OUT OF STATE OR FEDERAL COMMITTEE CONTRIBUTION TO WASHINGTON CANDIDATES OR COMMITTEES

1. Name and address of person making contribution Name _____ Street address _____ City / State / Zip _____	2. Check appropriate box <input type="checkbox"/> This is the first report submitted during 20__ <input type="checkbox"/> This shows new expenditures, contributions or information changed from reports submitted previously this calendar year.
--	--

3. Explain briefly the purpose or affiliation of the committee. (e.g., A PAC of employees of the XYZ Trade Assn., or the election committee of US Senator Jane Doe, or a PAC of members of the United Worker's Union.)

4. Officers or responsible leaders of committee: Name and address _____	Title _____
---	-------------

5. Candidate contributions: List each Washington candidate for state or local office to whom you have made a contribution of more than \$50.00.

Candidate's name	Office sought	Political Party	Date	Amount given

6. Ballot measure committee contributions: List each Washington committee supporting or opposing a ballot measure to whom you have made a contribution of more than \$50.00.

Committee name and address	Ballot Number	For or Against?	Date	Amount given

7. Other contributions and expenditures: List each other contribution or expenditure of more than \$50.00 made to or on behalf of any Washington state or local candidate, ballot measure or political committee.

Recipient's name and address	Purpose	Date	Amount given

Check here if continued on an attached sheet

8. Total contributions and expenditures (Add parts 5, 6, 7)

CAUTION: Failure to report transactions within ten days will cause the funds to forfeit to Washington State.

PERMANENT

9. Contributions received from Washington residents: List all contributions of more than \$25.00 in the aggregate to this out of state, federal or other committee during the current calendar year from Washington residents or corporations with a place of business in Washington.

Name and address	Date	Amount
<div style="position: absolute; top: 0; left: 0; right: 0; bottom: 0; border-left: 2px solid black; border-right: 2px solid black; transform: rotate(45deg);"></div>		

Check here if continued on an attached sheet

10. Eligibility to Give to State Office Candidates: During the six months prior to making a contribution to a legislative or statewide executive candidate, your committee must have received contributions of \$10 or more from at least ten persons registered to vote in Washington State.

A check here indicates your awareness of and pledge to comply with this provision. Absence of a check mark means your committee does not qualify to give to legislative and statewide executive office candidates.

11. Certification: I certify the information contained in this report is true, complete and correct to the best of my knowledge.

Signature of Committee Official

Name - Typed or Printed

Title

Daytime Telephone No.: ()

(Be sure to notify each contribution recipient that you have filed this report, in order that they are aware they may spend the contribution given to them.)

INSTRUCTIONS

(Statutory reference: RCW 42.17.090 (1)(K))

WHO MUST REPORT

A political committee not domiciled in the state of Washington, a federal committee or other committee not required to register under Washington law, which has made contributions to a state or local candidate or political committee in Washington state.

WHEN TO REPORT

A C-5 report is due within ten days of a Washington state candidate or political committee receiving a contribution of more than \$50 from an out-of-state or federal PAC. After filing an initial C-5 report, subsequent reports during the same calendar year may be filed by letter updating or amending the information previously reported. These follow-up reports are also due within ten days of the contribution's receipt.

SEND REPORT TO

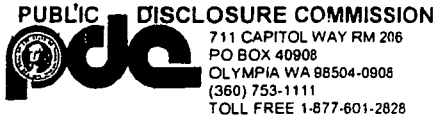
Public Disclosure Commission
711 Capitol Way, Room 206
PO Box 40908
Olympia, WA 98504-0908

VIOLATIONS AND PENALTIES

- Candidates for legislative office have a contribution limit of \$625 per election. Candidates for statewide executive office have a limit of \$1,250 per election. Each primary and general is a separate election.
- It is a violation of law for any person to make, or for any political committee of any local or judicial candidate to accept from any one person, contributions in the aggregate exceeding \$5,000 within 21 days of a general election.
- Failure to report contributions and file the information required by this report within 10 days after the Washington candidate or committee receives the funds will cause the funds to be returned or forfeited to the state.

PERMANENT





Form
C5
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**OUT OF STATE COMMITTEE CONTRIBUTION
TO WASHINGTON CANDIDATES OR COMMITTEES**

1. Name and address of committee making the contribution
Name
Street address
City / State / Zip

2. Check appropriate box
 This is the first report submitted during 20__
 This shows new expenditures, contributions or information changed from reports submitted previously this calendar year

3. Provide the purpose of the committee and the identity of any business, union, association or person with which the committee is affiliated (e.g., A State Committee of the Oregon Democratic or Republican Party, Idaho committee of United Workers Union or XYZ Trade Assn.)

4. Officers or responsible leaders of committee:
Name and address

Title

5. Candidate contributions: List each Washington candidate for state or local office to whom you have made a contribution of more than \$50.00.

Candidate's name	Office sought	Political Party	Date	Amount given

6. Ballot measure committee contributions: List each Washington committee supporting or opposing a ballot measure to whom you have made a contribution of more than \$50.00.

Committee name and address	Ballot Number	For or Against?	Date	Amount given

7. Other contributions and expenditures: List each other contribution or expenditure of more than \$50.00 made to or on behalf of any Washington state or local candidate, ballot measure or political committee.

Recipient's name and address	Purpose	Date	Amount given

Check here if continued on an attached sheet

8. Total contributions and expenditures (Add parts 5, 6, 7)

PERMANENT

9. Contributions received from Washington residents: List all contributions of more than \$25.00 in the aggregate to this out of state, federal or other committee during the current calendar year from Washington residents or corporations with a place of business in Washington.

Name and address	Date	Amount

Check here if continued on an attached sheet

10. Eligibility to Give to State Office Candidates: During the six months prior to making a contribution to a legislative or statewide executive candidate, your committee must have received contributions of \$10 or more from at least ten persons registered to vote in Washington State.

A check here indicates your awareness of and pledge to comply with this provision. Absence of a check mark means your committee does not qualify to give to legislative and statewide executive office candidates.

11. Certification: I certify the information contained in this report is true, complete and correct to the best of my knowledge.

Signature of Committee Official

Name - Typed or Printed

Title

Daytime Telephone No. ()

E-Mail Address

INSTRUCTIONS
(Statutory reference: RCW 42.17.093)

WHO MUST REPORT

An out-of-state political committee organized for the purpose of supporting or opposing candidates or ballot propositions in another state that is not otherwise required to report under RCW 42.17.040 through 42.17.090 which has made contributions or expenditures to or on behalf of a state or local candidate or political committee in Washington state.

WHEN TO REPORT

A C-5 report is due no later than the 20th day of the month following any month in which a contribution or other expenditure of more than \$50 is made to or on behalf of a Washington state candidate or political committee. After filing an initial C-5 report, subsequent reports during the same calendar year shall be filed updating or amending the information previously reported. These follow-up reports are also due no later than the 20th day of the month following any month in which an additional contribution or other expenditure of more than \$50 is made.

The C-5 report, like other standard PDC reports, is considered filed as of the postmark date or, if electronically filed, on the file transfer date.

SEND REPORT TO

Public Disclosure Commission
711 Capitol Way, Room 206
PO Box 40908
Olympia, WA 98504-0908

PERMANENT

WSR 04-01-132

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed December 18, 2003, 4:25 p.m.]

Date of Adoption: December 10, 2003.

Purpose: The proposed rule amendment clarifies the requirement to provide a detailed explanation of expenses on Schedules A and B to the C-4 Report. The rule also adds a note on the Expenditure Code Definitions and Uses section that reminds filers of the obligation to provide detailed information in the description block of both the Schedule A and Schedule B.

Citation of Existing Rules Affected by this Order: Amending 1, WAC 390-16-041 Forms—Summary of total contributions and expenditures.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 03-22-066 on November 4, 2003.

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 18, 2003

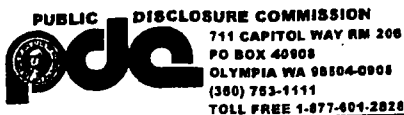
Vicki Rippie

Executive Director

AMENDATORY SECTION (Amending WSR 02-01-014, filed 12/7/01, effective 1/7/02)

WAC 390-16-041 Forms—Summary of total contributions and expenditures. (1) The official form for reports of contributions and expenditures by candidates and political committees who use the "full" reporting option is designated "C-4," revised 1/02, and includes Schedule A, revised ((11/93)) 1/04, Schedule B, revised ((1/02)) 1/04, Schedule C, revised 3/93, and Schedule L, revised 1/02.

(2) Copies of these forms are available at the Commission Office, 711 Capitol Way, Room 206, P.O. Box 40908, Olympia, Washington 98504-0908. Any paper attachments shall be on 8-1/2" x 11" white paper.



CAMPAIGN SUMMARY RECEIPTS & EXPENDITURES

PDC OFFICE USE C4 11/021

Candidate or Committee Name (Do not abbreviate. Include full name)
Mailing Address City

Zip + 4 Office Sought (Candidates) Election Date
Report Period Covered From (last C-4) To (end of period) Final Report? Yes No

*For PACs, Parties & Caucus Committees: During this report period, did the committee make an independent expenditure (i.e., an expense not considered a contribution) supporting or opposing a state or local candidate?
*See reverse Yes No

RECEIPTS
1. Previous total cash and in kind contributions (From line 8, last C-4)
2. Cash received (From line 2, Schedule A)
3. In kind contributions received (From line 1, Schedule B)
4. Total cash and in kind contributions received this period (Line 2 plus 3)
5. Loan principal repayments made (From line 2, Schedule L)
6. Corrections (From line 1 or 3, Schedule C) Show + or (-)
7. Net adjustments this period (Combine line 5 & 6) Show + or (-)
8. Total cash and in kind contributions during campaign (Combine lines 1, 4 & 7)
9. Total pledge payments due (From line 2, Schedule B)

EXPENDITURES
10. Previous total cash and in kind expenditures (From line 17, last C-4)
11. Total cash expenditures (From line 4, Schedule A)
12. In kind expenditures (goods & services) (From line 1, Schedule B)
13. Total cash and in kind expenditures made this period (Line 11 plus line 12)
14. Loan principal repayments made (From line 2, Schedule L)
15. Corrections (From line 2 or 3, Schedule C) Show + or (-)
16. Net adjustments this period (Combine lines 14 & 15) Show + or (-)
17. Total cash and in kind expenditures during campaign (Combine lines 10, 13 and 16)

CANDIDATES ONLY
Name not on ballot
Primary election Won Lost Unopposed
General election Won Lost Unopposed
Treasurer's Daytime Telephone No. ()

CASH SUMMARY
18. Cash on hand (Line 8 minus line 17)
19. Liabilities: (Sum of loans and debts owed)
20. Balance (Surplus or deficit) (Line 18 minus line 19)

CERTIFICATION: I certify that the information herein and on accompanying schedules and attachments is true and correct to the best of my knowledge.
Candidate's Signature Date Treasurer's Signature Date

SEE INSTRUCTIONS ON REVERSE

PERMANENT

**Please consult PDC instruction manuals when completing this report.
Reporting requirements are contained in and governed by RCW 42.17 and WAC 390.**

WHO MUST FILE

Each candidate and political committee using Full Reporting.

FILING DATES

- 1) File with C-1 or C-1pc (Registration form) if you received contributions or made expenditures before registering.
- 2) File on the 10th of each month if contributions or expenditures are over \$200 since last C-4 was filed. (These 10th-of-the-month reports are not required if another C-4 must be filed during that month. See #3 below.)
- 3) For each primary, general and special election in which the candidate or political committee makes an expenditure, file
 - 21 days prior to the election
 - 7 days prior to the election
 - 10th of the first month after the election -- see note below

(Note: Not required after primary election from candidates who will be in the general election or from continuing political committees.)

- 4) File final report when campaign is finished or committee closes operation. Often, this coincides with the primary or general post-election, 10th-of-the-month report.

All reports are considered filed as of the postmark date or the date hand-delivered to PDC.

WHERE TO SEND REPORTS

Send original C-4 reports, along with all schedules and attachments, to PDC. Candidates send a duplicate copy to their County Auditor (County Elections Department). Political committees send a copy to County Auditor of the county in which their headquarters is located or, if no headquarters, the county in which their treasurer resides.

Candidates for city offices, city ballot issue committees and other political committees who give to city candidates or ballot issue committees should check with city clerk regarding any local filing requirements.

**FOR ALL PACS,
POLITICAL PARTIES
CAUCUS POLITICAL COMMITTEES**

The question posted near the top of the first page of this form regarding independent expenditures applies to **ALL POLITICAL COMMITTEES** required to file C-4 reports, **except ballot issue committees** that neither contribute to candidates nor make independent expenditures regarding them **and candidate committees** (because they are prohibited from making expenditures that are not directly related to their own campaigns).

All other Political Committees and PACs must indicate whether they made any independent expenditures supporting or opposing one or more candidates for state or local office.

If the response is "yes," the independent expenditure(s) **MUST** be itemized on the appropriate schedule (either Schedule A, or Part 3 of Schedule B), showing:

- the date of the expense;
- the name and address of the vendor or recipient of the funds;
- if using Schedule A, an "I" in the Code column;
- the name and office sought of the candidate supported or opposed;
- an indication of support or opposition; and
- a brief description of the expense (e.g., brochure mailed to absentee voters).

PERMANENT

CASH RECEIPTS AND EXPENDITURE

SCHEDULE A
to C4
(11/83)

Candidate or Committee Name (Do not abbreviate. Use full name.)

1. CASH RECEIPTS (Contributions) which have been reported on C3. List each deposit made since last C4 report was submitted.

Date of deposit	Amount	Date of deposit	Amount	Date of deposit	Amount	Total deposits

2. TOTAL CASH RECEIPTS Enter also on line 2 of C4

CODES FOR CLASSIFYING EXPENDITURES: If one of the following codes is used to describe an expenditure, no other description is generally needed. The exceptions are:

- 1) If expenditures are in-kind or earmarked contributions to a candidate or committee or independent expenditures that benefit a candidate or committee, identify the candidate or committee in the Description block;
- 2) When reporting payments to vendors for travel expenses, identify the traveller and travel purpose in the Description block; and
- 3) If expenditures are made directly or indirectly to compensate a person or entity for soliciting signatures on a statewide initiative or referendum petition, use code "V" and provide the following information on an attached sheet: name and address of each person/entity compensated, amount paid each during the reporting period, and cumulative total paid all persons to date to gather signatures.

<p>CODE DEFINITIONS ON REVERSE</p>	<p>C - Contributions (monetary, in-kind & transfers) I - Independent Expenditures L - Literature, Brochures, Printing B - Broadcast Advertising (Radio, TV) N - Newspaper and Periodical Advertising O - Other Advertising (yard signs, buttons, etc.) V - Voter Signature Gathering</p>	<p>P - Postage, Mailing Permits S - Surveys and Polls F - Fundraising Event Expenses T - Travel, Accommodations, Meals M - Management/Consulting Services W - Wages, Salaries, Benefits G - General Operation and Overhead</p>
--	--	--

3. EXPENDITURES

- Expenditures of \$50 or less, including those from petty cash, need not be itemized. Add up these expenditures and show the total in the amount column on the first line below.
- Itemize each expenditure of more than \$50 by date paid, name and address of vendor, code/description, and amount.
- For each payment to a candidate, campaign worker, PR firm, advertising agency or credit card company, attach a list of detailed expenses or copies of receipts/invoices supporting the payment.

Date Paid	Vendor or Recipient (Name and Address)	Code	Purpose of Expense and/or Description	Amount
N/A	Expenses of \$50 or less	N/A	N/A	

Total from attached pages _____

Enter also on line 11 of C4 _____

4. TOTAL CASH EXPENDITURES

PDC form C4A (11/83) * * *

CODE DEFINITIONS ON REVERSE

PERMANENT

EXPENDITURE CODE DEFINITIONS AND USES
(for use on Schedule A and Schedule B, Item 3)

- C MONETARY, IN-KIND AND EARMARKED CONTRIBUTIONS** your campaign legally makes to other campaigns. Put a "C" in the Code column, in the Description column specify who was benefited and, if in-kind, what was purchased.
- I INDEPENDENT EXPENDITURES** (those expenditures that benefit other candidates or committees but are made independently of them). Put an "I" in the Code column and fully describe purpose.
- L LITERATURE.** Use "L" for expenditures made for the preparation and production of campaign literature and printed solicitations, including expenditures for mailing lists, design, photography, copy, layout, printing and reproduction. Use "P" for literature mailing costs.
- B BROADCAST ADVERTISING.** Use "B" for expenditures associated with the production and purchase of radio and television advertising.
- N NEWSPAPER & PERIODICAL ADVERTISING.** Use "N" for expenditures associated with the production and purchase of advertising in newspapers, periodicals and other publications.
- O OTHER ADVERTISING.** Use "O" for expenditures associated with the production and purchase of advertising on billboards, yard signs and campaign paraphernalia such as buttons, bumper stickers, T-shirts, etc.
- V VOTER SIGNATURE GATHERING.** Use "V" for expenditures made directly or indirectly to compensate a person or entity for soliciting or procuring signatures on a statewide initiative or referendum petition. Attach itemization of each such payment.
- P POSTAGE.** Use "P" for expenditures for stamps, postage, United Parcel Service, Federal Express and direct mail services (postage only). Use "L" for design and other production costs associated with producing campaign literature.
- F FUNDRAISING EVENTS.** Use "F" for expenditures associated with holding a fundraiser, including payments to restaurants, hotels, caterers, other food and refreshment vendors, entertainers and speakers. Use "L" for expenditures for printed matter produced in connection with fundraising events.
- S SURVEYS AND POLLS.** Use "S" for expenditures associated with designing or producing polls, reports on election trends, voter surveys, telemarketing, telephone banks, GOTV drives, etc.
- T TRAVEL, ACCOMMODATIONS, MEALS.** Use "T" for expenditures associated with travel. If vendor has been paid directly, identify the traveller in Description column. If travel payment was made to credit card company or traveller (for out-of-pocket expenses), itemize expenses on separate sheet and attach to Schedule A.
- M MANAGEMENT AND CONSULTING SERVICES.** Use "M" for salaries, fees and commissions paid to campaign management companies and contract consultants, including law firms, whether the person is retained or formally employed by the campaign (for tax withholding purposes).
- W WAGES, SALARIES, BENEFITS.** Use "W" for expenditures associated with hiring campaign employees and other freelance workers who provide miscellaneous services other than campaign management or consulting.
- G GENERAL OPERATION AND OVERHEAD.** Use "G" for general campaign operating expenses and overhead, including filing fees, miscellaneous campaign expenses, headquarters rental, utilities, and purchase or rental of office equipment and furniture for the campaign.

CASH RECEIPTS AND EXPENDITURE

SCHEDULE to C4 A (1/04)

Candidate or Committee Name (Do not abbreviate. Use full name.) Report Date

1. CASH RECEIPTS (Contributions) which have been reported on C3. List each deposit made since last C4 report was submitted.

Table with columns: Date of deposit, Amount, Date of deposit, Amount, Date of deposit, Amount, Total deposits

2. TOTAL CASH RECEIPTS Enter also on line 2 of C4 \$

CODES FOR CLASSIFYING EXPENDITURES: If one of the following codes is used to describe an expenditure, no other description is generally needed.

- The exceptions are:
1) If expenditures are in-kind or earmarked contributions to a candidate or committee or independent expenditures that benefit a candidate or committee, identify the candidate or committee in the Description block;
2) When reporting payments to vendors for travel expenses, identify the traveler and travel purpose in the Description block; and
3) If expenditures are made directly or indirectly to compensate a person or entity for soliciting signatures on a statewide initiative or referendum petition, use code "V" and provide the following information in the Description block: name and address of each person/entity compensated, amount paid each during the reporting period, and cumulative total paid all persons to date to gather signatures.

CODE DEFINITIONS ON NEXT PAGE

- C - Contributions (monetary, in-kind & transfers)
I - Independent Expenditures
L - Literature, Brochures, Printing
B - Broadcast Advertising (Radio, TV)
N - Newspaper and Periodical Advertising
O - Other Advertising (yard signs, buttons, etc.)
V - Voter Signature Gathering

- P - Postage, Mailing Permits
S - Surveys and Polls
F - Fundraising Event Expenses
T - Travel, Accommodations, Meals
M - Management/Consulting Services
W - Wages, Salaries, Benefits
G - General Operation and Overhead

3. EXPENDITURES

- a) Expenditures of \$50 or less, including those from petty cash, need not be itemized. Add up these expenditures and show the total in the amount column on the first line below.
b) Itemize each expenditure of more than \$50 by date paid, name and address of vendor, code/description, and amount.
c) For each payment to a candidate, campaign worker, PR firm, advertising agency, consultant or credit card company, provide a detailed breakdown in the Description block of expenses included in the payment.

Table with columns: Date Paid, Vendor or Recipient (Name and Address), Code, Purpose of Expense and/or Description, Amount

Total from attached pages \$

4. TOTAL CASH EXPENDITURES Enter also on line 11 of C4 \$

CODE DEFINITIONS ON NEXT PAGE

PERMANENT

Page 2 - For information only. Do not file as part of report.

EXPENDITURE CODE DEFINITIONS AND USES

(for use on Schedule A and Schedule B)

NOTE: Expenditures (including debts) for payments to a candidate, campaign worker, PR firm, advertising agency, consultant or credit card company require further detail in the Description block. See expenditure description on Schedule A, WAC 390-16-037 and WAC 390-16-205.

- C MONETARY, IN-KIND AND EARMARKED CONTRIBUTIONS** your campaign legally makes to other campaigns. Put a "C" in the Code column, in the Description column specify who was benefited and, if in-kind, what was purchased.
- I INDEPENDENT EXPENDITURES** (those expenditures that benefit other candidates or committees but are made independently of them). Put an "I" in the Code column and fully describe purpose.
- L LITERATURE.** Use "L" for expenditures made for the preparation and production of campaign literature and printed solicitations, including expenditures for mailing lists, design, photography, copy, layout, printing and reproduction. Use "P" for literature mailing costs.
- B BROADCAST ADVERTISING.** Use "B" for expenditures associated with the production and purchase of radio and television advertising.
- N NEWSPAPER & PERIODICAL ADVERTISING.** Use "N" for expenditures associated with the production and purchase of advertising in newspapers, periodicals and other publications.
- O OTHER ADVERTISING.** Use "O" for expenditures associated with the production and purchase of advertising on billboards, yard signs and campaign paraphernalia such as buttons, bumper stickers, T-shirts, etc.
- V VOTER SIGNATURE GATHERING.** Use "V" for expenditures made directly or indirectly to compensate a person or entity for soliciting or pro-curing signatures on a statewide initiative or referendum petition. Attach itemization of each such payment.
- P POSTAGE.** Use "P" for expenditures for stamps, postage, United Parcel Service, Federal Express and direct mail services (postage only). Use "L" for design and other production costs associated with producing campaign literature.
- F FUNDRAISING EVENTS.** Use "F" for expenditures associated with holding a fundraiser, including payments to restaurants, hotels, caterers, other food and refreshment vendors, entertainers and speakers. Use "L" for expenditures for printed matter produced in connection with fundraising events.
- S SURVEYS AND POLLS.** Use "S" for expenditures associated with designing or producing polls, reports on election trends, voter surveys, telemarketing, telephone banks, GOTV drives, etc.
- T TRAVEL, ACCOMMODATIONS, MEALS.** Use "T" for expenditures associated with travel. If vendor has been paid directly, identify the traveler in Description column. If travel payment was made to credit card company or traveler (for out-of-pocket expenses), itemize expenses on separate sheet and attach to Schedule A.
- M MANAGEMENT AND CONSULTING SERVICES.** Use "M" for salaries, fees and commissions paid to campaign management companies and contract consultants, including law firms, whether the person is retained or formally employed by the campaign (for tax withholding purposes).
- W WAGES, SALARIES, BENEFITS.** Use "W" for expenditures associated with hiring campaign employees and other freelance workers who provide miscellaneous services other than campaign management or consulting.
- G GENERAL OPERATION AND OVERHEAD.** Use "G" for general campaign operating expenses and overhead, including filing fees, miscellaneous campaign expenses, headquarters rental, utilities, and purchase or rental of office equipment and furniture for the campaign.

PERMANENT

IN KIND CONTRIBUTIONS, PLEDGES, ORDERS, DEBTS, OBLIGATIONS

SCHEDULE TO C4

B

(1/02)

Candidate or Committee Name (Do not abbreviate. Use full name.)

Report Date

1. IN KIND CONTRIBUTIONS RECEIVED (goods, services, discounts, etc.)

Date Received	Contributor's Name and Address	Description of Contribution	Fair Market Value	Aggregate Total	P R I G E N		If more than \$100, Employer Name, City, State & Occup.
							Occupation
							Occupation
							Occupation
<input type="checkbox"/> Check here if additional pages are attached.		TOTAL (Enter also on line 3 and line 12 of C4)					

2. PLEDGES RECEIVED BUT NOT YET PAID. List each pledge of \$100.00 or more.

Date Notified of Pledge	Name and Address of Pledge Maker	Fair Market Value	Aggregate Total	P R I G E N		If more than \$100, Employer Name, City, State & Occup.
						Occupation
						Occupation
<input type="checkbox"/> Check here if additional pages are attached.		TOTAL (include new pledges above and all other outstanding pledges.) (Enter also on line 9 of C4)		\$		Occupation

3. ORDERS PLACED, DEBTS, OBLIGATIONS. (Give estimate if actual amount not known. Exclude loans. Report loans on Schedule L.)

Expenditure Date	Vendor's/Recipient's Name and Address	Amount Owed	Code OR Description of Obligation	
		\$		
		\$		
		\$		
		\$		
		\$		
		\$		
		\$		
<input type="checkbox"/> Check here if additional pages are attached.		TOTAL (Include in line 19 of C4)		\$

CODE DEFINITIONS ON REVERSE

PERMANENT

EXPENDITURE CODE DEFINITIONS AND USES

(for use on Schedule A and Schedule B, Item 3)

- C MONETARY, IN-KIND AND EARMARKED CONTRIBUTIONS** your campaign legally makes to other campaigns. Put a "C" in the Code column, in the Description column specify who was benefited and, if in-kind, what was purchased.
- I INDEPENDENT EXPENDITURES** (those expenditures that benefit other candidates or committees but are made independently of them). Put an "I" in the Code column and fully describe purpose.
- L LITERATURE.** Use "L" for expenditures made for the preparation and production of campaign literature and printed solicitations, including expenditures for mailing lists, design, photography, copy, layout, printing and reproduction. Use "P" for literature mailing costs.
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- M MANAGEMENT AND CONSULTING SERVICES.** Use "M" for salaries, fees and commissions paid to campaign management companies and contract consultants, including law firms, whether the person is retained or formally employed by the campaign (for tax withholding purposes).
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**N KIND CONTRIBUTIONS, PLEDGES,
ORDERS, DEBTS, OBLIGATIONS**

**SCHEDULE
TO C4**

B

(1/04)

Candidate or Committee Name (Do not abbreviate. Use full name.)

Report Date

1. IN KIND CONTRIBUTIONS RECEIVED (goods, services, discounts, etc.)

Date Received	Contributor's Name and Address	Description of Contribution*	Fair Market Value	Aggregate Total	P R I		G E N		If more than \$100, Employer Name, City, State & Occup.
									Occupation
									Occupation
									Occupation
<input type="checkbox"/> Check here if additional pages are attached.				TOTAL					(Enter also on line 3 and line 12 of C4)

2. PLEDGES RECEIVED BUT NOT YET PAID. List each pledge of \$100.00 or more.

Date Qualified of Pledge	Name and Address of Pledge Maker	Fair Market Value	Aggregate Total	P R I		G E N		If more than \$100, Employer Name, City, State & Occup.
								Occupation
								Occupation
<input type="checkbox"/> Check here if additional pages are attached.		TOTAL (include new pledges above and all other outstanding pledges.)						Occupation
		(Enter also on line 9 of C4)	\$					

3. ORDERS PLACED, DEBTS, OBLIGATIONS. If debt is owed to a candidate, campaign worker, PR firm, advertising agency, consultant or credit card company, provide a detailed breakdown of expenses included in the debt. (Give estimate if actual amount not known. Exclude loans. Report loans on Schedule L.)

Expenditure Date	Vendor's/Recipient's Name and Address	Amount Owed	Code	OR	Description of Obligation*
		\$			
		\$			
		\$			
		\$			
		\$			
		\$			
		\$			
<input type="checkbox"/> Check here if additional pages are attached.		TOTAL			
		(Include in line 19 of C4)	\$		

*SEE NOTE AND CODE DEFINITIONS ON REVERSE

PERMANENT

EXPENDITURE CODE DEFINITIONS AND USES

(for use on Schedule A and Schedule B)

NOTE: Expenditures (including debts) for payments to a candidate, campaign worker, PR firm, advertising agency, consultant or credit card company require further detail in the Description block. See expenditure description on Schedule A, WAC 390-16-037 and WAC 390-16-205.

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- S SURVEYS AND POLLS**. Use "S" for expenditures associated with designing or producing polls, reports on election trends, voter surveys, telemarketing, telephone banks, GOTV drives, etc.
- T TRAVEL, ACCOMMODATIONS, MEALS**. Use "T" for expenditures associated with travel. If vendor has been paid directly, identify the traveler in Description column. If travel payment was made to credit card company or traveler (for out-of-pocket expenses), itemize expenses on separate sheet and attach to Schedule A.
- M MANAGEMENT AND CONSULTING SERVICES**. Use "M" for salaries, fees and commissions paid to campaign management companies and contract consultants, including law firms, whether the person is retained or formally employed by the campaign (for tax withholding purposes).
- W WAGES, SALARIES, BENEFITS**. Use "W" for expenditures associated with hiring campaign employees and other freelance workers who provide miscellaneous services other than campaign management or consulting.
- G GENERAL OPERATION AND OVERHEAD**. Use "G" for general campaign operating expenses and overhead, including filing fees, miscellaneous campaign expenses, headquarters rental, utilities, and purchase or rental of office equipment and furniture for the campaign.

CORRECTIONS

SCHEDULE
to C4 **C**

Candidate or Committee Name (Do not abbreviate. Use full name.)

Date

1. CONTRIBUTIONS AND RECEIPTS (Include mathematical corrections.)

Date of report	Contributor's name or description of correction	Amount reported	Corrected amount	Difference (+ or -)
----------------	---	-----------------	------------------	---------------------

Total corrections to contributions
Enter on line 6 of C4. Show + or (-).

2. EXPENDITURES (Include mathematical corrections.)

Date of report	Vendor's name or description of correction	Amount reported	Corrected amount	Difference (+ or -)
----------------	--	-----------------	------------------	---------------------

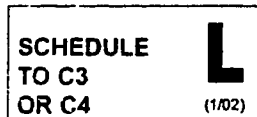
Total corrections to expenditures
Enter on line 15 of C4. Show + or (-).

3. REFUNDS FROM VENDORS. The below listed amounts have been received as refunds on expenditures previously reported. The refund has been deposited and reported on C3 report, Line 1d.

Date of refund	Source / person making refund	Amount of refund
----------------	-------------------------------	------------------

Total refunds
Enter as (-) on line 6 & line 15 of C4.

LOANS



Please consult PDC instruction manuals when completing this schedule.
Reporting requirements are contained in and governed by RCW 42.17 and WAC 390.

WHO MUST FILE Each candidate and political committee using full reporting that receives one or more campaign loans.

FILING DATES When a monetary loan is received by the campaign, complete Part 1 and file the Schedule L with the C-3 report that corresponds with the loan's deposit into the account. Use a separate schedule for each loan received.

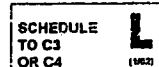
When an in-kind loan is received, complete Part 1 and file Schedule L along with the Schedule B (to the C-4) that itemizes the in-kind contribution.

When a loan is paid or forgiven, in whole or in part, complete Part 2 and/or Part 3 and file the Schedule L with the C-4 covering the period when the payment or forgiveness occurred.

When one or more loans remain unpaid, complete Part 4 and file the schedule with each C-4 report until all loans are repaid in full or forgiven. (The same schedule may be used to show loan payments, forgiveness information and to show which loans remain unpaid.)

PERMANENT

**Example
LOANS**



Candidate or Committee Name Adrian Adams for State Representative		Report Date 12/22/XXXX				
1. MONETARY OR IN-KIND LOAN RECEIVED. Loans are considered contributions and are subject to any applicable limit.						
Date Lended	Lender's Name and Address	Amount of Loan	Annual Interest Rate	Payment Schedule	Date Due	
2/12/XXXX	Tyler Adams PO Box 123 Olympia, WA	\$ 500.00	12%	\$100/month	Not fixed	
If monetary loan, also include this amount on line 1c, C1 report.		\$ 500.00		If Total Contributions is more than \$100, Show Lender's Occupation and Name, City, & State of Employer Accountant, First Accounting Firm, Tacoma, WA		
If in-kind loan, itemize in Part 1 of Schedule B.						
Name and Address of Each Loan Endorser, Co-Signer		Amount Liable For (Same as Loan Amount)	Aggregate Total	If Total Contributions is more than \$100, Show Endorser's Occupation and Name, City, & State of Employer		
<input type="checkbox"/> Continued on attached sheet						
2. LOAN PAYMENTS. Candidates may be repaid no more than amount loaned or permitted by WAC 390-05-400, which ever is less. See instruction manual.						
Date Paid	Lender's Name and Address	Principal Paid	Interest Paid	Total Payment	Balance Owed	
3/30/XXXX	Tyler Adams PO Box 123, Olympia, WA	\$ 100.00	\$ 10.00	\$ 110.00	\$ 400.00	
3/31/XXXX	Michael Murray 201 Westway Rd, Tacoma, WA	100.00	\$ 0	100.00	250.00	
Total Principal Paid Enter also on lines 5 and 14, C-4 report		\$ 200.00		Total Payments Enter as an expenditure on Schedule A	\$ 210.00	
3. LOANS FORGIVEN.						
Date	Lender's Name and Address	Original Amount	Principal Repaid	Amount Forgiven	Balance Owed	
3/15/XXXX	Kelly Adams 2222 Riverfront Rd, Olympia, WA	\$ 250.00	\$ 0	\$ 250.00	\$ 100.00	
4. LOANS STILL OWED. List each loan that has previously been reported and still has a balance due.						
Date	Lender's Name and Address	Original Amount	Principal Repaid or Forgiven	Amount Owed		
1/22/XXXX	Tyler Adams PO Box 123, Olympia, WA	\$ 500.00	\$ 100.00	\$ 400.00		
2/12/XXXX	Michael Murray 201 Westway Rd, Tacoma, WA		350.00	100.00	250.00	
3/21/XXXX	Kelly Adams 2222 Riverfront Rd, Olympia, WA		250.00	150.00	100.00	
3/11/XXXX	K.M. Lawrence PO Box 3456, Olympia, WA		1,000.00	0	1,000.00	
				Special	\$ 1,750.00	
				New Loans Received (and listed in Item 1 above)	\$ 0	
				Total Loans Owed Include in total on line 19, C-4 report	\$ 1,750.00	
<input type="checkbox"/> Continued on attached sheet						

LOAN RECEIVED
(Information would appear on separate Schedule L)


LOAN PAYMENTS

LOANS FORGIVEN

LOANS STILL OWED

LOANS

See Instructions and Example on reverse

SCHEDULE TO C3 OR C4	 (1/02)
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Candidate or Committee Name	Report Date
-----------------------------	-------------

1. MONETARY OR IN-KIND LOAN RECEIVED. Loans are considered contributions and are subject to any applicable limit.

Date Loaned	Lender's Name and Address	P R I	G E N	Amount of Loan	Annual Interest Rate	Repayment Schedule	Date Due
If monetary loan, also include this amount on line 1c, C3 report. → If in-kind loan, itemize in Part 1 of Schedule B.							
Name and Address of Each Loan Endorser, Co-Signer		P R I	G E N	Amount Liable For (Same as Loan Amount)	Aggregate Total	If Total Contributed is more than \$100, Show Endorser's Occupation and Name, City, & State of Employer	

Continued on attached sheet

2. LOAN PAYMENTS. Candidates may be repaid no more than amount loaned or permitted by WAC 390-05-400, whichever is less. See instruction manual.

Date Paid	Lender's Name and Address	Principal Paid	Interest Paid	Total Payment	Balance Owed
Total Principal Paid → Enter also on lines 5 and 14, C-4 report Total Payments → Enter as an expenditure on Schedule A					

3. LOANS FORGIVEN.

Date	Lender's Name and Address	Original Amount	Principal Repaid	Amount Forgiven	Balance Owed
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4. LOANS STILL OWED. List each loan that has previously been reported and still has a balance due.

Date	Lender's Name and Address	Original Amount	Principal Repaid or Forgiven	Amount Owed
Subtotal _____ New Loans Received (and listed in Item 1 above) _____ Total Loans Owed _____ Include in total on line 19, C-4 report _____				

Continued on attached sheet.

PERMANENT

WSR 04-01-133
PERMANENT RULES
PUBLIC DISCLOSURE COMMISSION

[Filed December 18, 2003, 4:26 p.m.]

Date of Adoption: December 10, 2003.
Purpose: Repeal WAC 390-16-055.
Citation of Existing Rules Affected by this Order: Repealing 1, WAC 390-16-055.
Statutory Authority for Adoption: RCW 42.17.370(1).
Adopted under notice filed as WSR 03-22-066 on November 4, 2003.

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 1.

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 [0], Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1 [0], Repealed 0.

Effective Date of Rule: Thirty-one days after filing.
December 18, 2003
Vicki Rippie
Executive Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 390-16-055 Forfeiture of contributions received from out-of-state or federal political committees.

WSR 04-01-134
PERMANENT RULES
PUBLIC DISCLOSURE COMMISSION

[Filed December 18, 2003, 4:28 p.m.]

Date of Adoption: December 10, 2003.
Purpose: The rule amendment clarifies the existing rule (WAC 390-17-037) by requiring detailed information and provides three examples of how the "purpose" of an expenditure should be reported.

Citation of Existing Rules Affected by this Order: Amending 1, WAC 390-16-037 Purpose of campaign expenditures—Reporting.

Statutory Authority for Adoption: RCW 42.17.370(1).
Adopted under notice filed as WSR 03-22-066 on November 4, 2003.

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 18, 2003
Vicki Rippie
Executive Director

AMENDATORY SECTION (Amending WSR 96-05-001, filed 2/7/96, effective 3/9/96)

WAC 390-16-037 Purpose of campaign expenditures—Reporting. Any person required to report the "purpose" of an expenditure under RCW 42.17.090 (1)(f) and (l), or 42.17.100 (5)(b) shall ((+specifically)) identify any candidate(s) or ballot proposition(s) that are supported or opposed by the expenditure unless such candidate(s) or ballot proposition(s) have been previously identified in a statement of organization of the person required to be filed under RCW 42.17.040 (2)(f) and (g), ((and))

(2) Whenever an expenditure is made to a candidate or a political committee pursuant to an agreement or understanding of any kind regarding how the recipient will use the expenditure, ((specifically)) the report shall describe in detail that agreement or understanding, and

(3) ((Specifically)) Describe in detail the goods and/or services to be provided by the recipient of the expenditure.

Example A: If an expenditure is for a get-out-the-vote campaign, the purpose shall include the following details:

Table with 3 columns: Vendor Name, Purpose, Amount. Example: XYZ Consulting, GOTV—phone bank 28th and 29th Legislative districts, \$1,000

Example B: If an expenditure is for printing, the purpose shall include the following details:

Table with 3 columns: Vendor Name, Purpose, Amount. Example: ABC Printing, 5,000 brochures, \$3,000

Example C: If an expenditure is for broadcast political advertisements, the purpose shall include the following details:

PERMANENT

Vendor Name	Purpose	Amount
Media King	Television ads	\$50,000
	WZUB TV	\$30,000
	WXXX TV	\$10,000
	WCRB TV	\$10,000

**WSR 04-01-152
PERMANENT RULES
UTILITIES AND
TRANSPORTATION COMMISSION**

[General Order No. R-511, Docket No. A-030852—Filed December 22, 2003, 9:13 a.m.]

In the matter of amending several rules in Title 480 WAC, relating to adoption-by-reference date revisions and other minor administrative changes.

1 STATUTORY OR OTHER AUTHORITY: The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 03-19-130 for an expedited rule making, filed with the code reviser on September 17, 2003. The commission brings this proceeding pursuant to RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353.

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 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 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.

6 REFERENCE TO AFFECTED RULES: This rule amends the following sections of the Washington Administrative Code:

Rule Changes			
Action	WAC No.	Rule Title	Changes
	Chapter 480-14 WAC,	Motor carriers excluding household goods carriers and common brokers	

Amend	480-14-999	Adoption by reference.	1. Adoption by reference dates changed as follows: North American Uniform Out-of-Service Criteria, April 1, 2003, Title 49 Code of Federal Regulations, October 1, 2002. 2. Includes section titles in WAC references.
Chapter 480-15 WAC, Household goods carriers			
Amend	480-15-999	Adoption by reference.	1. Adoption by reference dates changed as follows: North American Uniform Out-of-Service Criteria, April 1, 2003, Title 49 Code of Federal Regulations, October 1, 2002. 2. Includes section titles in WAC references.
Chapter 480-30 WAC, Auto transportation companies			
Amend	480-30-999	Adoption by reference.	1. Adoption by reference dates changed as follows: North American Uniform Out-of-Service Criteria, April 1, 2003, Title 49 Code of Federal Regulations, October 1, 2002. 2. Includes section titles in WAC references.
Chapter 480-31 WAC, Private nonprofit transportation providers			
Amend	480-31-999	Adoption by reference.	1. Adoption by reference dates changed as follows: North American Uniform Out-of-Service Criteria, April 1, 2003, Title 49 Code of Federal Regulations, October 1, 2002. 2. Includes section titles in WAC references.
Chapter 480-40 WAC, Passenger charter carriers			
Amend	480-40-999	Adoption by reference.	1. Adoption by reference dates changed as follows: North American Uniform Out-of-Service Criteria, April 1, 2003, Title 49 Code of Federal Regulations, October 1, 2002. 2. Includes section titles in WAC references.
Chapter 480-62 WAC, Railroad companies—Operations			
Amend	480-62-999	Adoption by reference.	1. Adoption by reference dates changed as follows: Title 49 Code of Federal Regulations, October 1, 2002, MUTCD, January 29, 2003, WSDOT chapter 468-95 WAC, February 28, 2003, ANSI Z308.1, April 29, 2003,

PERMANENT

PERMANENT

Rule Changes			
Action	WAC No.	Rule Title	Changes
			ANSI/ISEA 107, no change, Title 49 United States Code, no change. 2. Changes in subsection (4) and (4)(c) update the 1998 American National Standard for Minimum Requirements for the Workplace First Aid Kits to 2003 version. 3. Typographical change in subsection (3)(c) capitalizes Internet. 4. Removes reference to Internet address in subsections (4)(c) and (5)(c) for publication availability. 5. Includes section titles in WAC references.
Chapter 480-70 WAC, Solid waste collection companies			
Amend	480-70-999	Adoption by reference.	1. Adoption by reference dates changed as follows: North American Uniform Out-of-Service Criteria, April 1, 2003, Title 40 Code of Federal Regulations, July 1, 2003, Title 49 Code of Federal Regulations, October 1, 2002. 2. Includes section titles in WAC references.
Chapter 480-75 WAC, Hazardous liquid, gas, oil and petroleum pipeline companies—Safety			
Amend	480-75-999	Adoption by reference.	1. Adoption by reference dates changed as follows: Title 49 Code of Federal Regulations - no change, The American Society of Mechanical Engineers (ASME) B31.4 - no change, Section IX, ASME Boiler and Pressure Vessel Code - no change, American Petroleum Institute (API), Standard 1104 - no change, API RP standard 1117 - no change. 2. Change in subsection (1)(b) corrects outdated WAC reference to 480-75-005 to read WAC 480-75-370, 480-75-630, and 480-75-660. 3. Includes section titles in WAC references.
Chapter 480-90 WAC, Gas companies—Operations			
Amend	480-90-999	Adoption by reference.	1. Adoption by reference dates changed as follows:

			Title 18 Code of Federal Regulations, April 1, 2003, ¹ NARUC, The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies - no change. 2. Typographical changes within section.
Chapter 480-100 WAC, Electric companies			
Amend	480-100-999	Adoption by reference.	1. Adoption by reference dates changed as follows: Title 18 Code of Federal Regulations, April 1, 2003. ¹ NARUC, The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies - no change. National Electrical Code - no change. ANSI C12.1, 2001 - no change. 2. Typographical changes within section.

7 The accounting and reporting requirements in these rules do not affect treatment by this commission for ratemaking purposes.²

8 PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER: A preproposal statement of inquiry is not required under RCW 34.05.353, "Expedited rule making."

9 NOTICE OF EXPEDITED RULE MAKING: The commission filed notice of expedited rule making (CR-105) on September 17, 2003, at WSR 03-19-130. The notice informed interested persons that the rules were being proposed under an expedited rule-making process as required by RCW 34.05.353. The commission provided notice of its expedited rule making to all persons on the commission's list of persons requesting such information pursuant to RCW 34.05.353, and by sending notice to all companies affected by the adoption-by-reference rule proposal. The notice provided interested persons the opportunity to submit written comments to the commission not later than November 17, 2003. The commission posted the relevant rule-making information on its Internet website at www.wutc.wa.gov.

10 COMMENTERS (WRITTEN COMMENTS): No comments were received on the proposed rules.

11 RULE-MAKING HEARING: The rule proposal was considered for adoption, pursuant to the notice, at a rule-making hearing scheduled during the commission's regularly scheduled open public meeting on November 26, 2003, before Chairwoman Marilyn Showalter, Commissioner Richard Hemstad and Commissioner Patrick J. Oshie. No interested person commented.

12 COMMISSION ACTION: After considering all of the information regarding this proposal, the commission amended the rules as proposed in the CR-105 at WSR 03-19-130.

13 CHANGES FROM PROPOSAL: The commission adopted the proposal with minor housekeeping changes from the text noticed at WSR 03-19-130.

14 STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE: In reviewing the entire record, the commission determines that WAC 480-14-999, 480-15-999, 480-30-999, 480-31-999, 480-40-999, 480-62-999, 480-70-999, 480-75-999, 480-90-999, and 480-100-999 should be amended to read as set forth in Appendix A, as rules 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.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 0, Amended 0, Repealed 0; or **Recently Enacted State Statutes:** New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 10, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 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.

¹ 18 C.F.R. Parts 201, 101, and 352, Federal Energy Regulatory Commission (FERC): Accounting and Reporting of Financial Instruments, Comprehensive Income, Derivatives and Hedging Activities, Effective January 6, 2003 (Docket No. RM 02-3-000). The FERC has amended the General Instructions of 18 C.F.R. Parts 201, 101, and 352 to update the accounting and financial reporting requirements under its Uniform System of Accounts for jurisdictional public utilities and licensees, natural gas companies and oil pipeline companies.

² *WUTC v. Puget Sound Power & Light Company*, Docket Nos. UE-921262, UE-920499, UE-920433, Fifteenth Supplemental Order (December 1993).

ORDER

15 THE COMMISSION ORDERS That:

16 WAC 480-14-999, 480-15-999, 480-30-999, 480-31-999, 480-40-999, 480-62-999, 480-70-999, 480-75-999, 480-90-999, and 480-100-999 are amended to read as set forth in Appendix A, as rules 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.

17 This order and the rules set out in Appendix A, 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 22nd day of December, 2003.

Washington Utilities and Transportation Commission
Marilyn Showalter, Chairwoman
Richard Hemstad, Commissioner
Patrick J. Oshie, Commissioner

AMENDATORY SECTION (Amending Docket No. A-020379, General Order No. R-501, filed 8/26/02, effective 9/26/02)

WAC 480-14-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Uniform Out-of-Service Criteria (OOSC)** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ((2002)) 2003.

(b) This publication is referenced in WAC 480-14-360 (Equipment—Inspection—Ordered out-of-service for repairs), WAC 480-14-370 (Equipment—Drivers—Safety), and WAC 480-14-390 (Hazardous materials regulations).

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, ((2001)) 2002.

(b) This publication is referenced in WAC 480-14-040 (Definitions), WAC 480-14-070 (Federal regulations, 49 CFR, Part 390—General applicability and definitions), WAC 480-14-250 (Insurance requirements; cause for suspension or cancellation), WAC 480-14-360 (Equipment—Inspection—Ordered out-of-service for repairs), WAC 480-14-370 (Equipment—Drivers—Safety), WAC 480-14-380 (Hours of service—On duty—Federal safety regulations), WAC 480-14-390 (Hazardous materials regulations), and WAC 480-14-400 (Transportation of radioactive materials—Driving and parking rules).

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

AMENDATORY SECTION (Amending Docket No. A-020379, General Order No. R-501, filed 8/26/02, effective 9/26/02)

WAC 480-15-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Uniform Out-of-Service Criteria (OOSC)** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ((2002)) 2003.

(b) This publication is referenced in WAC 480-15-560 (Equipment safety requirements).

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, ~~((2001))~~ 2002.

(b) This publication is referenced in WAC 480-15-560 (Equipment safety requirements) and WAC 480-15-570 (Driver safety requirements).

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

AMENDATORY SECTION (Amending Docket No. A-020379, General Order No. R-501, filed 8/26/02, effective 9/26/02)

WAC 480-30-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Uniform Out-of-Service Criteria** (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ~~((2002))~~ 2003.

(b) This publication is referenced in WAC 480-30-097 (Equipment—Inspection—Ordered for repairs) and WAC 480-30-100 (Operation of motor vehicles).

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, ~~((2001))~~ 2002.

(b) This publication is referenced in WAC 480-30-095 (Equipment—Safety) and WAC 480-30-100 (Operation of motor vehicles).

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

AMENDATORY SECTION (Amending Docket No. A-020379, General Order No. R-501, filed 8/26/02, effective 9/26/02)

WAC 480-31-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Uniform Out-of-Service Criteria** (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ~~((2002))~~ 2003.

(b) This publication is referenced in WAC 480-31-120 (Equipment—Inspection—Ordered for repairs).

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, ~~((2001))~~ 2002.

(b) This publication is referenced in WAC 480-31-100 (Equipment—Safety), WAC 480-31-120 (Equipment—Inspection—Ordered for repairs), WAC 480-31-130 (Operation of motor vehicles) and WAC 480-31-140 (Safety inspections).

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

AMENDATORY SECTION (Amending Docket No. A-020379, General Order No. R-501, filed 8/26/02, effective 9/26/02)

WAC 480-40-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Uniform Out-of-Service Criteria** (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ~~((2002))~~ 2003.

(b) This publication is referenced in WAC 480-40-065 (Equipment—Inspection—Ordered for repairs) and WAC 480-40-100 (Out-of-service criteria).

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, ~~((2001))~~ 2002.

(b) This publication is referenced in WAC 480-40-070 (Operation of motor vehicles) and WAC 480-40-075 (Equipment—Safety) and WAC 480-40-110 (Registered carriers).

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

AMENDATORY SECTION (Amending Docket No. A-020379, General Order No. R-501, filed 8/26/02, effective 9/26/02)

WAC 480-62-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) Title 49 Code of Federal Regulations, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, ~~((2001))~~ 2002.

(b) This publication is referenced in WAC 480-62-160 (Compliance policy), WAC 480-62-200 (Roadway worker safety and operating rules and statutes), WAC 480-62-205 (Track safety standards), WAC 480-62-210 (Crossing signal circuitry), WAC 480-62-215 (Hazardous materials regulations), WAC 480-62-235 (Flaggers), and WAC 480-62-240 (Passenger carrying vehicles—Equipment).

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle Office of the Government Printing Office and from various third-party vendors.

(2) **Manual on Uniform Traffic Control Devices**, cited as Manual on Uniform Traffic Control Devices, or MUTCD, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on January 29, ~~((2001))~~ 2003.

(b) This publication is referenced in WAC 480-62-230 (Traffic control devices), WAC 480-62-235 (Flaggers), and WAC 480-62-245 (Passenger carrying vehicles—Operation).

(c) Copies of the MUTCD are available from the Seattle Office of the Government Printing Office and from various third-party vendors.

(3) **Washington state department of transportation rules**, cited as chapter 468-95 WAC, are published by the statute law committee.

(a) The commission adopts the version in effect on ~~((January 29, 2001))~~ February 28, 2003.

(b) This publication is referenced in WAC 480-62-230 (Traffic control devices).

(c) Copies of the Washington state department of transportation rules are available from the department of transportation or on the Internet website for the office of the code reviser (slc.leg.wa.gov).

(4) **ANSI Z308.1 - ~~((1998))~~ 2003 American National Standard for Minimum Requirements for Workplace First Aid Kits** is published by the American National Standards Institute.

(a) The commission adopts the version in effect on ~~((December 31, 1998))~~ April 29, 2003.

(b) This publication is referenced in WAC 480-62-240 (Passenger carrying vehicles—Equipment).

(c) Copies of ANSI Z308.1 - ~~((1998))~~ 2003 American National Standard for Minimum Requirements for Workplace First Aid Kits are available from the American National Standards Institute, 11 West 42nd Street, ~~((NY, NY))~~ New

York, New York, 10036 ~~((or on the internet website for the American National Standards Institute (<http://web.ansi.org>))~~.

(5) **ANSI/ISEA 107-1999 - American National Standard for High-Visibility Safety Apparel** is published by the American National Standards Institute.

(a) The commission adopts the version in effect on January 29, 2001.

(b) This publication is referenced in WAC 480-62-235 (Flaggers).

(c) Copies of ANSI/ISEA 107-1999 - American National Standard for High-Visibility Safety Apparel are available from the American National Standards Institute, 11 West 42nd Street, ~~((NY, NY))~~ New York, New York, 10036 ~~((or on the internet website for the American National Standards Institute (<http://web.ansi.org>))~~.

(6) Title 49 United States Code, cited as 49 U.S.C., is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on January 2, 2002.

(b) This publication is referenced in WAC 480-62-200 (Roadway worker safety and operating rules and statutes).

(c) Copies of Title 49 United States Code are available from the Seattle office of the Government Printing Office and from various third-party vendors.

AMENDATORY SECTION (Amending Docket No. A-020379, General Order No. R-501, filed 8/26/02, effective 9/26/02)

WAC 480-70-999 Adoption by reference. In this chapter, the commission adopts by reference all, or portions of, regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **The North American Uniform Out-of-Service Criteria** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ~~((2002))~~ 2003.

(b) This publication is referenced in WAC 480-70-201 (Vehicle and driver safety requirements).

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 40 Code of Federal Regulations**, cited as 40 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on July 1, ~~((2002))~~ 2003.

(b) This publication is referenced in WAC 480-70-041 (Definitions, general).

(c) Copies of Title 40 Code of Federal Regulations are available from the Government Printing Office and from various third-party vendors.

(3) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, ~~((2001))~~ 2002.

(b) This publication is referenced in WAC 480-70-201 (Vehicle and driver safety requirements), WAC 480-70-431 (Biomedical waste, adoption of federal regulations), and WAC 480-70-486 (Hazardous waste, adoption of federal regulations).

(c) Copies of Title 49 Code of Federal Regulations are available from the Government Printing Office and from various third-party vendors.

AMENDATORY SECTION (Amending Docket No. TO-000712, General Order No. R-500, filed 8/26/02, effective 9/26/02)

WAC 480-75-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) Title 49 Code of Federal Regulations, cited as 49 CFR, Parts 195 and 199 including all appendices and amendments except for 195.0, 195.1, 199.1 and 199.2 published by the United States Government Printing Office.

(a) The commission adopts the version in effect on June 1, 2002.

(b) This publication is referenced in WAC ~~((480-75-005))~~ 480-75-370 (Design factor (F) for steel pipe), WAC 480-75-630 (Incident reporting), and WAC 480-75-660 (Operations safety plan requirements).

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

(2) *The American Society of Mechanical Engineers* (ASME) B31.4, 1998 edition.

(a) This publication is referenced in WAC 480-75-350 (Design specifications for new pipeline projects), WAC 480-75-440 (Pipeline repairs), and WAC 480-75-450 (Construction specifications).

(b) Copies of ASME B31.4 are available from The American Society of Mechanical Engineers, Park Avenue New York, New York.

(3) The 2001 edition of *Section IX of the ASME Boiler and Pressure Vessel Code*.

(a) This publication is referenced in WAC 480-75-430 (Welding procedures).

(b) Copies of *Section IX of the ASME Boiler and Pressure Vessel Code* ~~((§))~~ are available from The American Society of Mechanical Engineers, Park Avenue, New York, New York.

(4) The commission adopts *American Petroleum Institute (API) standard 1104* 18th edition.

(a) This publication is referenced in WAC 480-75-430(;) (Welding procedures) and WAC 480-75-460 (Welding inspection requirements).

(b) Copies of API standard 1104 18th edition are available from the Office of API Publishing Services in Washington DC.

(5) The commission adopts *API RP standard 1117* Second Edition, August 1996.

(a) This publication is referenced in WAC 480-75-500 (Moving and lowering hazardous liquid pipelines).

(b) Copies of API standard 1117 Second Edition are available from the Office of API Publishing Services in Washington DC.

AMENDATORY SECTION (Amending Docket No. A-020379, General Order No. R-501, filed 8/26/02, effective 9/26/02)

WAC 480-90-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) Title 18 Code of Federal Regulations, cited as 18 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on April 1, ~~((2002))~~ 2003.

(b) This publication is referenced in WAC 480-90-203(;) (Accounting system requirements(;;)) and WAC 480-90-208(;) (Financial reporting requirements).

(c) Copies of 18 CFR are available from the U.S. Government Printing Office in Pittsburgh, Pennsylvania.

(2) *The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 1985.

(b) This publication is referenced in WAC 480-90-228(;) (Retention and preservation of records and reports).

(c) *The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is a copyrighted document. Copies are available from NARUC, in Washington, D.C.

AMENDATORY SECTION (Amending Docket No. A-020379, General Order No. R-501, filed 8/26/02, effective 9/26/02)

WAC 480-100-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) Title 18 Code of Federal Regulations, cited as 18 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on April 1, ~~((2002))~~ 2003.

(b) This publication is referenced in WAC 480-100-203(;) (Accounting system requirements) and WAC 480-100-208(;) (Financial reporting requirements(;;)).

(c) Copies of 18 CFR are available from the U.S. Government Printing Office in Pittsburgh, Pennsylvania.

(2) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 1985.

(b) This publication is referenced in WAC 480-100-228((;)) (Retention and preservation of records and reports).

(c) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is a copyrighted document. Copies are available from NARUC((;)) in Washington, D.C.((;))

(3) The National Electrical Code is published by the National Fire Protection Association (NFPA).

(a) The commission adopts the version published in 2002.

(b) This publication is referenced in WAC 480-100-163((;)) (Service entrance facilities((;))).

(c) The National Electrical Code is a copyrighted document. Copies are available from the NFPA((;)) in Quincy, Massachusetts.

(4) The American National Standard for Electric Meters: Code for Electricity Metering, ANSI C12.1 is published by the American National Standards Institute.

(a) The commission adopts the version published in 2001.

(b) This publication is referenced in WAC 480-100-318((;)) (Meter readings, multipliers, and test constants((;))), WAC 480-100-338((;)) (Accuracy requirements for electric meters((;))), and WAC 480-100-343((;)) (Statement of meter test procedures).

(c) The ANSI C12.1 is a copyrighted document. Copies are available from Global Engineering Documents in Englewood, Colorado.

WSR 04-01-159

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 02-05—Filed December 22, 2003, 11:45 a.m.]

Date of Adoption: December 22, 2003.

Purpose: The purpose of this rule making is to incorporate new federal language, change existing definitions, provide alternative means of compliance, and make editorial changes.

Citation of Existing Rules Affected by this Order: Amending chapter 173-434 WAC, Solid waste incinerators.

Statutory Authority for Adoption: RCW 70.94.331 Powers and duties of the department and 70.94.510 Policy to cooperate with the federal government.

Adopted under notice filed as WSR 03-13-077 on June 13, 2003, and WSR 03-16-027 on July 29, 2003.

Changes Other than Editing from Proposed to Adopted Version: Explanation added to purpose section. Cement-plant exemption altered in definition of "solid waste." Cement plant exemption from subpart Eb restored. Trigger dates moved forward.

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 11, 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 13, 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 13, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 22, 2003

Linda Hoffman

Interim Director

AMENDATORY SECTION (Amending Order 90-10, filed 9/17/90, effective 10/18/90)

WAC 173-434-020 Applicability and compliance. (1) The provisions of this chapter shall apply statewide to all ~~((solid waste or solid waste derived fuel))~~ incinerator facilities that:

~~((+))~~ (a) Are constructed after January 1, 1985, which are designed to burn twelve or more tons per day of solid waste; or

~~((2) Was)~~ (b) Were constructed prior to January 1, 1985, but begin~~((s))~~ to burn twelve or more tons per day of solid waste after January 1, 1985.

(2) This chapter subjects solid waste incinerator facilities to either a primary compliance scheme or an alternate compliance scheme. The requirements for the primary compliance scheme are contained in WAC 173-434-090, 173-434-130, 173-434-160, 173-434-170, 173-434-190, 173-434-200, and 173-434-210. The requirements for the alternate compliance scheme are contained in WAC 173-434-110. The alternate compliance scheme applies to solid waste incinerator facilities that meet the criteria specified in WAC 173-434-110 and to solid waste incinerator facilities that opt in to the alternate compliance scheme pursuant to WAC 173-434-110 (3)(b). The primary compliance scheme applies to all other solid waste incinerator facilities.

AMENDATORY SECTION (Amending Order 90-10, filed 9/17/90, effective 10/18/90)

WAC 173-434-030 Definitions. The definitions of terms contained in chapter 173-400 WAC are incorporated by reference. Unless a different meaning is clearly required by context, the following words and phrases as used in this chapter, shall have the following meanings.

(1) "Incinerator facility" means all of the emissions unit(s), including quantifiable fugitive emissions, which are located in one or more contiguous or adjacent properties, and are under the control of the same person(s), whose activities

are principal or ancillary to the incineration of solid waste. Ancillary activities include, but are not limited to, solid waste receiving, segregating and processing, solid waste derived fuel receiving and handling, fuel storage and mixing, heat recovery equipment, steam generating equipment, cooling towers, emissions control equipment, ash handling, ash storage, and combustion.

(2) "Residence time" means the minimum amount of time that a parcel of gas is subject to a given temperature.

(3) "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes, including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, ~~((and)) discarded commodities~~~~((This includes all liquid, solid and semisolid))~~, septage from septic tanks, dangerous waste, refuse derived fuel, solid waste derived fuel, problem wastes, and all materials~~((;))~~ which are not primary products of public, private, industrial, commercial, mining, and agricultural operations. ~~((Solid waste includes but is not limited to septage from septic tanks, dangerous waste, and problem wastes.))~~ This definition includes, but is not limited to, all materials that fit the definitions of municipal solid waste in 40 CFR 60, subparts Cb, Ea, Eb, AAAA, or BBBB, as well as all materials that fit the definitions of commercial and industrial solid waste in 40 CFR 60, subparts CCCC or DDDD, in effect on July 1, 2003. Notwithstanding the above, solid waste does not include:

(a) Creosote treated wood at facilities with an order of approval or Prevention of Significant Deterioration (PSD) permit issued on or after December 1, 2003, for burning such wood, provided that such wood has not been in or repeatedly splashed by marine or brackish water;

(b) At a Portland cement plant kiln;

(i) Tires; and

(ii) Waste oil that is nonhazardous as defined by WAC 173-303-515, Standards for the management of used oil;

(c) Wood waste; or

(d) Sludge from waste water treatment plants.

(4) "Transmissometer" means a device that measures opacity and conforms to EPA Performance Specification Number 1 in Title 40 Code of Federal Regulations, Part 60, Appendix B ~~((as promulgated prior to July 1, 1988))~~ in effect on July 1, 2003.

AMENDATORY SECTION (Amending Order 90-10, filed 9/17/90, effective 10/18/90)

WAC 173-434-110 Standards of performance.

~~((Sources and emissions units to which this chapter is applicable, shall comply with any applicable provisions of WAC 173-400-115 "Standards of performance for new sources."))~~

(1) Notwithstanding WAC 173-400-115, the following sections of 40 CFR part 60, subpart Eb, in effect on July 1, 2003, are hereby incorporated by reference with the exceptions in subsection 110(2):

(a) 40 CFR part 60, subpart Eb, subsections 60.52b(a)(3), (a)(5), (b)(2), (c)(1), and (c)(2);

(b) All the rest of 40 CFR part 60, subpart Eb.

(2) Exceptions.

(a) The 250 tons per day figures throughout 40 CFR part 60, subpart Eb shall be 12 tons per day;

(b) The terms "municipal solid waste," "municipal type solid waste," and "MSW" in subpart Eb shall include all materials that fit the definition of solid waste in this chapter;

(c) 40 CFR part 60, subpart Eb, subsection 60.50b(j) shall not be incorporated by reference with respect to facilities constructed, reconstructed or modified after December 1, 2003;

(d) The November 20, 1997, dates in subsection 60.52b(c) are changed to November 20, 2005.

(3) Except for WAC 173-434-130 (4)(c), the following sections, WAC 173-434-090, 173-434-130, 173-434-160, 173-434-170, 173-434-190 and 173-434-200 shall not apply to:

(a) An incinerator facility regulated under this section; and

(b) An incinerator facility that elects to become subject to this section in an order of approval or other regulatory order from the permitting agency.

(4) The effective date of this section shall be May 1, 2004.

AMENDATORY SECTION (Amending Order 90-10, filed 9/17/90, effective 10/18/90)

WAC 173-434-130 Emission standards. In addition to the general applicability of chapters 173-400 and 173-490 WAC to all emission sources; no incinerator facility shall cause or permit air contaminant emissions in excess of the limits listed below. Specific emission standards listed in this chapter will take precedence over the general emission standards of chapter 173-400 WAC.

(1) Particulate.

(a) For incinerator facilities that are capable of burning two hundred fifty or more tons of solid waste per day, emissions from each stack shall not exceed 0.046 grams of particulate per dry cubic meter at standards conditions (0.020 grains/dscf) corrected to seven percent oxygen for an hourly average.

(b) For incinerator facilities that have a maximum capability of burning less than two hundred fifty tons of solid waste per day, emissions from each stack shall not exceed 0.069 grams of particulate per dry cubic meter at standards conditions (0.030 grains/dscf) corrected to seven percent oxygen for an hourly average.

(2) Hydrogen chloride. The hydrogen chloride emissions from each stack shall not exceed fifty ppm on a volumetric dry basis corrected to seven percent oxygen for an hourly average, except if the owner or operator demonstrates that uncontrolled emissions of hydrogen chloride are reduced by at least eighty percent and a procedure acceptable to ecology or the authority for monitoring is developed.

(3) Sulfur dioxide. The sulfur dioxide emissions from each stack shall not exceed fifty ppm on a volumetric dry basis corrected to seven percent oxygen for an hourly average, except if the owner or operator demonstrates that the uncontrolled emissions of sulfur dioxide are reduced by at least eighty percent and a procedure acceptable to ecology or the authority for monitoring is developed. ~~((When more than~~

~~fifty percent of the heat input is fossil fuel, ecology or the authority may establish a higher sulfur dioxide limit provided that limit meets BACT requirements.)~~

(4) Opacity.

(a) The opacity as measured visually from any incinerator stack shall not exceed an average of five percent opacity for more than six consecutive minutes in any sixty minute period.

(b) The opacity as measured by a transmissometer shall not exceed an average of ten percent opacity for more than six consecutive minutes in any sixty minute period.

(c) The opacity as measured visually shall not exceed an average of zero percent from any emissions unit except incinerator stacks for more than six consecutive minutes in any sixty minute period.

(5) Fugitive emissions. Each operator or owner shall take reasonable precautions to prevent fugitive emissions which includes the paving of all normally traveled roadways within the plant boundary and enclosing or hooding material transfer points.

(6) Source testing. To demonstrate compliance with this chapter, refer to WAC 173-400-105.

AMENDATORY SECTION (Amending Order 90-10, filed 9/17/90, effective 10/18/90)

WAC 173-434-160 Design and operation. (1) Combustion.

(a) Combustion zone temperature. Whenever solid waste is being burned, the temperature of the final combustion zone shall not be below 982°C (1800°F) for a fifteen minute average nor below 871°C (1600°F) for any reading.

~~((2))~~ (b) Combustion zone residence time. The minimum combustion chamber temperature must be maintained for at least one second (1.0 second) in a zone after the last over fire air has entered the combustion chamber. If over fire air is not used, the combustion chamber shall maintain the minimum combustion temperature or greater for at least one second with all combustion gases. Procedures for determining the residence time shall be a part of the new source review.

~~((3))~~ (c) Excess air. The combustion gases leaving the final combustion zone must contain at least three percent oxygen measured on a wet basis.

~~((4))~~ (d) Combustion air distribution and control. The air distribution shall be fully controllable where pressurized air is introduced and the air flow shall be monitored and recorded.

(2) Combustion air. To minimize odor, fugitive emissions and to maintain a negative pressure in the tipping area, the combustion air shall be withdrawn from the tipping area, or shall utilize an equivalent means of odor and fugitive emission control acceptable to ecology or the authority.

~~((5) Combustion air distribution and control. The air distribution shall be fully controllable where pressurized air is introduced and the air flow shall be monitored and recorded.~~

~~((6))~~ (3) Particulate control device temperature. The inlet temperature of the primary particulate control device shall not exceed 177°C (350°F).

~~((7))~~ (4) Operation. At all times, the owner or operator shall, to the extent practicable, maintain and operate any incinerator facility, including associated air pollution control equipment, in a manner consistent with good air pollution control practice. This may mean that if the emissions limits are being exceeded, no more waste should be fed into the incinerator until the problem is corrected. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to ecology or the authority which may include, but is not limited to, monitoring and recording results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

AMENDATORY SECTION (Amending Order 90-10, filed 9/17/90, effective 10/18/90)

WAC 173-434-170 Monitoring and reporting. The owners or operators of each incinerator facility shall conduct routine monitoring of emissions in accordance with a program that has been approved by ecology or the authority. The program must contain quality control and quality assurance procedures.

(1) Monitoring.

(a) The owners or operators shall install, operate, and maintain continuous monitors and recorders for the following:

~~((a))~~ (i) Opacity;

~~((b))~~ (ii) Combustion zone temperature;

~~((c))~~ (iii) Particulate control device temperature;

~~((d))~~ (iv) Hydrogen chloride and/or sulfur dioxide;

~~((e))~~ (v) Oxygen;

~~((f))~~ (vi) Carbon monoxide;

~~((g))~~ (vii) Combustion air distribution.

(b) The monitors for ~~((opacity))~~ sulfur dioxide, carbon monoxide, and oxygen shall comply with EPA performance specifications and quality assurance and control criteria in Title 40, Code of Federal Regulations, Part 60, Appendix B ~~((as promulgated prior to))~~ and Appendix F respectively, in effect on July 1, ((1989)) 2003.

(c) The monitor for opacity shall comply with EPA performance specifications and quality assurance and control criteria in Title 40, Code of Federal Regulations, Part 60, Appendix B in effect on July 1, 2003, and EPA-340/1-86-010, Recommended Quality Assurance Procedure for Opacity Continuous Emission Monitoring Systems.

(2) Reporting. Results of the monitoring shall be reported within fifteen days of the end of each calendar month and shall include but may not be limited to data such as:

(a) The average daily maximum and the daily maximum concentration of each monitored pollutant and the daily amount of solid waste burned.

(b) The date, time, and magnitude of any periods during which the standards were exceeded, and what corrective action was or will be taken.

(c) Any period(s) of monitor down time.

(3) Testing. The owners or operators shall conduct emission tests for particulate, sulfur dioxide and hydrogen chloride on a regular basis. These tests may be used to determine

acceptable operating parameters. Testing shall be at least annually for incinerator facilities capable of burning two hundred fifty tons or more of solid waste per day and biennially for other facilities.

(4) Other data. Each owner or operator shall furnish upon request by ecology or the authority, other data required to evaluate the incinerator's emissions or emissions control program.

AMENDATORY SECTION (Amending Order 90-10, filed 9/17/90, effective 10/18/90)

WAC 173-434-190 Changes in operation. (1) If a startup, shutdown, breakdown, or upset condition occurs which could result in an emissions violation or a violation of an ambient air quality standard, the owner or operator of the source shall take the following actions as applicable:

((1)) (a) For a planned condition, such as a startup or shutdown, the condition shall be reported to ecology or the authority not less than twenty-four hours in advance of its occurrence. For incinerator facilities that normally operate for less than twenty-four hours per day, this provision may be waived provided that daily startup and shutdown procedures are developed that are acceptable to ecology or the authority.

((2)) (b) For unplanned conditions, such as a breakdown or upset, the condition shall be reported to ecology or the authority as soon as possible, but no later than the end of the next business day.

(2) If, upon reviewing the available information, ecology or the authority determines that continued operation of any emissions unit is likely to cause a significant risk to the public, it may order an immediate shutdown of the emissions unit.

(3) Upon request ecology or the authority, the owner or operator of the source shall submit a full written report including known causes of any infraction, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.

(4) Compliance with the requirement of WAC 173-434-100((3)) does not relieve the owner or operator of the source from the responsibility to maintain continuous compliance with all the requirements of chapter 173-434 WAC nor from the resulting liabilities for failure to comply.

AMENDATORY SECTION (Amending Order 90-10, filed 9/17/90, effective 10/18/90)

WAC 173-434-200 Emission inventory. The owner or operator of any solid waste incinerator shall submit an inventory of emissions that complies with WAC 173-400-105. The inventory shall include but may not be limited to stack and fugitive emissions of particulate matter, PM-10, sulfur dioxide, nitrogen oxides, carbon monoxide, volatile organic compounds, hydrogen chloride, and other contaminants as requested by ecology or the authority or as required by federal emissions reporting requirements.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 173-434-050	New source review (NSR).
WAC 173-434-070	Prevention of significant deterioration (PSD).
WAC 173-434-100	Requirement for BACT.
WAC 173-434-120	Emission standards for hazardous air pollutants.

WSR 04-01-162
PERMANENT RULES
DEPARTMENT OF LICENSING
 [Filed December 22, 2003, 1:55 p.m.]

Date of Adoption: December 2, 2003.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Amending 2, WAC 308-96A-180 and 308-88-020.

Statutory Authority for Adoption: RCW 46.01.110.

Adopted under notice filed as WSR 03-20-069 on September 29, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 2, 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 17, 2003

Fred Stephens
 Director

AMENDATORY SECTION (Amending WSR 00-06-024, filed 2/23/00, effective 3/25/00)

WAC 308-88-020 Application and registration of rental ~~((car))~~ vehicle businesses. (1) ~~((What is the definition of a "place of business"? For the purposes of this section: "Place of business" means a street address location within the state of Washington.~~

~~((2) What is the first step in becoming a rental car business? Applicants shall complete an application supplied by master licensing service.~~

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~~(3))~~ **What ((information)) is required ((for applica-
tion as)) to become a rental ((ear)) vehicle business?**
~~((Every complete application for a rental car business shall
require:~~

~~(a) The business name and address of the principal place
of business of the applicant.~~

~~(b) The business name and address on the application
and all required supporting documents must be the same.~~

~~(c) Evidence that the corporation is authorized to do
business in this state.~~

~~(4)) (a) Applicants must apply for a rental vehicle busi-
ness license by submitting a completed master license appli-
cation to the department of licensing's master license service.~~

~~(b) A separate master license application must be filed
for each place of business operated as a rental vehicle busi-
ness. For the purposes of this section, "place of business"
means a physical location at which arrangements to rent a
rental vehicle may be made.~~

~~(c) Businesses operating in the form of a corporation,
limited liability company, limited liability partnership, or
similar form of legal entity must register their legal entity
through the office of the secretary of state before applying for
a rental vehicle business license.~~

~~(2) What will I receive as proof that I qualified as a
vehicle rental ((ear)) business? ((Master licensing service's
will assign you a rental car Washington tax registration num-
ber and a Unified Business Identifier (UBI) number if none
has been previously issued.~~

~~(5) How will I register my rental car vehicles? Vehicle
registration and annual renewals shall be made to the depart-
ment of licensing.~~

~~(6) Can I transfer my business registration number to
another company? No. The registration number issued by the
master licensing service is not assignable or transferable, and
is valid only for the rental car business in whose name it is
issued. The name of the legal or registered owner of all rental
vehicle registrations must be identical to the business name
on the master business license application.) A rental vehicle
business registration number will be issued to your business
and displayed on the master license.~~

~~(3) Can I transfer my business registration number to
another company? No. The rental vehicle business regis-
tration number issued through the master license service is
not assignable or transferable, and is valid for the rental vehi-
cle business the registration number was issued to.~~

~~Rental vehicles must be registered in Washington unless:~~

~~(a) Rented by a customer at a location outside of the state
of Washington;~~

~~(b) The vehicle was dropped off at a Washington rental
vehicle business by its previous renter and is being rented for
a one-way trip out of Washington; or~~

~~(c) The vehicle is part of a properly registered Interna-
tional Registration Plan (IRP) rental vehicle business fleet.~~

~~(4) Does the current certificate of registration issued
by the department need to be carried in the rental vehi-
cle? A photocopy of the current certificate of registration
may be carried in a rental vehicle in lieu of the original certifi-
cate of registration.~~

~~(5) Who may operate a rental vehicle? Rental vehicles
may only be used by rental customers, unless the rental vehi-~~

~~cle is being moved by the business to another business site, to
or from maintenance or repair facilities, or for testing pur-
poses.~~

~~(6) What does a rental vehicle business do when they
remove a rental vehicle from their fleet? The rental vehi-
cle business may submit a vehicle seller's report of sale that
protects the seller of a vehicle from certain criminal and civil
liabilities arising from use of the vehicle by another person
after the vehicle has been sold or change in ownership has
occurred.~~

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

**WAC 308-96A-180 Registration of rental ((ears))
vehicles. (1) What is a rental ((ear)) vehicle?**

A rental ((ear)) vehicle is defined in RCW 46.04.465.

~~(2) ((How is a rental car licensed?~~

~~Registrations shall be maintained for the period in which
the rental car is operated as part of the rental car business
fleet.) Who registers a rental vehicle? Any Washington
vehicle licensing office registers rental vehicles.~~

~~(3) How will I register my rental vehicles? Annual
renewal of rental vehicle registration may be processed
through any Washington vehicle licensing office or by mail
by meeting the qualifications and paying the appropriate fees.
The rental vehicle business registration number must be
included on the vehicle registration. The name of the legal or
registered owner on a rental vehicle registration must be
identical to the business name displayed on the master
license.~~

~~(4) Do rental ((ears)) vehicles operated in Washing-
ton need to be registered in Washington?~~

Rental ((ears)) vehicles must be registered in Washing-
ton unless:

~~(a) Rented by a customer at a location outside of the state
of Washington;~~

~~(b) The vehicle was dropped off at a Washington rental
((ear)) vehicle business by its previous renter and is being
rented for a one-way trip out of Washington; or~~

~~(c) The vehicle is part of a properly registered Interna-
tional Registration Plan (IRP) rental ((ear)) vehicle business
fleet.~~

~~((4)) (5) Does the current certificate of registration
issued by the department need to be carried in the rental
((ear)) vehicle?~~

A photocopy of the current certificate of registration may
be carried in a rental ((ear)) vehicle in lieu of the original cer-
tificate of registration.

~~((5)) (6) Who may operate a rental ((ear)) vehicle?~~

Rental ((ears)) vehicles may only be used by rental cus-
tomers, unless the rental ((ear)) vehicle is being moved by the
business to another business site, to or from maintenance or
repair facilities, or for testing purposes.

~~((6)) (7) What does a rental ((ear-company)) vehicle
business do when they remove a rental ((ear)) vehicle
from their fleet?~~

~~((When a rental car company removes a vehicle from
their fleet, they shall alter the current month and year tab on
the license plates. To alter these tabs, the rental car company~~

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will place blank tabs over both the month and year tab on the front and rear plate issued for that vehicle.) The rental vehicle business may submit a vehicle seller's report of sale that protects the seller of a vehicle from certain criminal and civil liabilities arising from use of the vehicle by another person after the vehicle has been sold or a change in ownership has occurred.

WSR 04-01-163
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed December 22, 2003, 1:56 p.m.]

Date of Adoption: December 2, 2003.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Amending [WAC 308-97-011, 308-97-125, and 308-97-230.]

Statutory Authority for Adoption: RCW 46.16.160.

Adopted under notice filed as WSR 03-19-007 on September 4, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 3, Repealed 0; Pilot Rule 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 17, 2003

Fred Stephens

Director

AMENDATORY SECTION (Amending WSR 00-07-053, filed 3/8/00, effective 4/8/00)

WAC 308-97-011 Definitions. "Motor carrier" is a person or business who owns, leases or operates a vehicle which carries freight and/or passengers and either:

- (1) The vehicle has a gross vehicle weight or combined gross vehicle weight greater than twenty-six thousand pounds;
- (2) Is a trailer with a gross vehicle weight rating of greater than ten thousand pounds; or
- (3) Carries sixteen or more passengers, including the driver.

AMENDATORY SECTION (Amending WSR 98-23-026, filed 11/9/98, effective 12/10/98)

WAC 308-97-125 Display of trip permits. How is a trip permit displayed?

The vehicle display copy of the trip permit (~~shall~~) **must** be displayed as indicated below. Locations for display are indicated in relation to the vehicle driver when seated in the vehicle.

(1) Passenger cars, neighborhood electric vehicles (NEV), small trucks and campers: Affix permit to the inside lower left corner of the rear window, upright so that it may be easily read.

(2) Trucks, tractors, truck tractors and motor homes: Affix permit to the inside lower right corner of the windshield.

(3) Trailers, semi-trailer, motorcycles and mopeds: Permit must be in possession of the vehicle operator (driver) or driver of the power unit pulling it.

(4) If display of the permit as prescribed above would obstruct the operator's vision, the permit will be displayed in an alternate location, which is visible from outside the vehicle and does not obstruct the operator's view.

AMENDATORY SECTION (Amending WSR 01-17-085, filed 8/17/01, effective 9/17/01)

WAC 308-97-230 Appointment of vehicle trip permit agents. (1) Who can sell vehicle trip permits?

Vehicle trip permits may be sold by those entities cited in RCW 46.16.160. These entities include government and (~~nongovernment~~) nongovernmental organizations.

(2) How does a (~~nongovernment~~) nongovernmental organization obtain approval to sell vehicle trip permits? (~~Nongovernment~~) Nongovernmental organizations must:

- (a) Apply to the department;
- (b) Execute an agreement to abide by the requirements of this section and RCW 46.16.160;
- (c) Provide a surety bond; and
- (d) Provide transmission fee schedule if issuing permits electronically.

(3) How do I obtain an application to become an agent for selling trip permits?

Any (~~nongovernment~~) nongovernmental organization may obtain an application form from the department of licensing, prorate and fuel tax section.

(4) What are the components of the agreement?

The components of the agreement require the agent to:

- (a) Timely account and pay all permit fees;
- (b) Subject their books and records to periodic audit;
- (c) Pay interest and penalties upon any deficiency;
- (d) Maintain records of transmittals for a period of four calendar years and make these records available to the department or its representative during business hours at the agent's office;
- (e) Mail or deliver transmittals at least bimonthly to the department by the last Friday of each recording period for permit sales covering the preceding fifteen days. Transmittals (~~shall~~) **must** be accompanied by the appropriate fees and any documents required by the department;

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(f) Reimburse the department for the administrative fee and excise tax of any permit, which is missing, lost, or otherwise unaccounted for. For the purposes of this section, "excise tax" means the tax collected as explained in RCW 46.16.160(9).

(5) What are the requirements of a surety bond?

The requirements of a surety bond are to:

- (a) Be on a form provided by the department;
- (b) Meet the provisions of chapter 48.28 RCW for a corporate surety bond;
- (c) Be executed by the applicant as principal;
- (d) Be payable to the state conditioned upon the performance of all the requirements of this section and RCW 46.16.160, including payment of any and all permit fees, payment of audit assessments, interest and penalties due or which become due;

(e) Be in an amount equal to the monetary value of vehicle trip permits issued to an agent.

(6) What is the agent fee for selling a vehicle transit permit?

The agent fee is the filing fee mandated by RCW 46.01.140.

(7) How may vehicle trip permits be issued?

Vehicle trip permits may be issued by:

- (a) Original (~~two-part~~) manual form;
- (b) Facsimile of the (~~two-part~~) manual form; or
- (c) Authorized electronic form.

(8) If the permit is issued by facsimile or other electronic means, may the agent collect an additional transmission fee?

Yes. As long as the fee does not exceed that listed on the transmission schedule filed with the department.

(9) What happens if the agent fails to comply with the agreement?

The department may, after proper notice, served personally or by an affidavit of mailing, revoke the appointment of any agent who has violated any provisions of RCW 46.16.-160, chapter 308-97 WAC, or breached the appointment agreement. Upon notice of revocation of an agent's appointment, the agent (~~shall~~) must return to the department any vehicle trip permits in inventory and any money owed to the department.

WSR 04-01-171

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed December 23, 2003, 8:50 a.m.]

Date of Adoption: December 23, 2003.

Purpose: By this rule-making order, the department is repealing chapter 16-607 WAC, Inspection and identification of livestock and replacing it with chapter 16-610 WAC, Livestock inspection and identification. Chapter 16-610 WAC:

- Incorporates new rule requirements resulting from the enactment of chapter 326, Laws of 2003 (SSB 5891).
- Reflects the "clarity criteria" in Executive Order 97-02 by being written in a clear and readable style based upon clear rule-writing principles.

- Updates references and reflects current industry terms and practices.

Citation of Existing Rules Affected by this Order: Repealing chapter 16-607 WAC.

Statutory Authority for Adoption: Chapters 16.57, 16.58, 16.65, and 34.05 RCW.

Adopted under notice filed as WSR 03-21-170 on October 22, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 4, Amended 0, Repealed 4.

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 31, Amended 0, Repealed 23.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 35, Amended 0, Repealed 27.

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 35, Amended 0, Repealed 27.

Effective Date of Rule: Thirty-one days after filing.

December 23, 2003

Valoria H. Loveland

Director

Chapter 16-610 WAC

LIVESTOCK INSPECTION AND IDENTIFICATION

NEW SECTION

WAC 16-610-005 What definitions are important to this chapter? "Association of livestock breeders" means any properly incorporated association whose membership is made up of livestock breeders.

"Brand" means a permanent firebrand, or any artificial mark, other than an individual identification symbol, that is approved by the director and is used with a brand or by itself.

"Livestock inspection" means examining livestock or livestock hides for brands or any other means of identifying livestock or livestock hides including the examination of any documents providing evidence of ownership.

"Certificate of permit" or **"transportation permit"** means a department form which, when completed by the livestock owner, or a person authorized to act as his/her agent, serves as a declaration of ownership. The form must not be used as a bill of sale for cattle. This form must accompany livestock:

- (1) In transit;
- (2) Consigned to a public livestock market, special sale, or livestock processing facility; or
- (3) Upon entry into a certified feedlot.

"Collection point" means a livestock inspection point, designated by the Washington state beef commission, for the purpose of collecting beef commission assessment payments

directly from cattle producers and remitting those assessments to the Washington state beef commission.

"Department" means the Washington state department of agriculture.

"Director" means the director of the department or the director's designated representative.

"Farmers cooperative association" means any cooperative association of livestock producers. "Farmers cooperative association" does not include livestock youth organizations such as 4-H, FFA, or other junior livestock groups.

"Individual identification symbol" means a department-approved permanent mark placed on the neck of a horse for the purpose of individually identifying and registering the horse.

"Inspection certificate" means a certificate issued by the director or a veterinarian certified by the director that documents animal ownership based on a visual inspection of the animal. An inspection certificate includes an individual identification certificate.

"Licensee" means any person licensed to operate a market under chapter 16.65 RCW.

"Livestock" means all cattle, horses, burros, mules, sheep, swine, and goats of any species, breed or age.

"Lot" means a group of livestock owned by one owner.

"Market" means public livestock market as defined in RCW 16.65.010(1).

"Person" means any natural person, individual, firm, partnership, corporation, company, society, or association, and every officer, agent or employee thereof. Depending upon the context in which it is used, "person" may have a singular or plural meaning.

"Production brand" means a number brand that is used only for production identification purposes.

"Purchase invoice" means the invoice issued by a public livestock market to the purchaser of livestock consigned to the market.

"Self-inspection" means an ownership verification inspection conducted solely by the buyer and seller of cattle, without the benefit of the director. Self-inspection is limited to fifteen head or less of cattle.

"Self-inspection certificate" means a department form that is used when cattle are inspected by their purchaser and seller. The purchaser and seller must sign the self-inspection certificate. The purpose of the self-inspection certificate is to document that self-inspection has occurred.

"Special sale" means a public sale conducted by a producer, youth organization, livestock breeders association, farmers cooperative association, etc., on a seasonal or occasional basis. A livestock market may also conduct a special sale on sale days not specifically assigned to it when its original application was filed with the director. "Special sale" does not mean a public sale by a group of individuals conducting private treaty sales of horses brought to a central location, provided that the:

(1) Funds are not handled by a third party; and

(2) Buyer meets the inspection requirements contained in RCW 16.57.260.

NEW SECTION

WAC 16-610-010 What is the livestock identification advisory board? (1) The livestock identification advisory board is established in RCW 16.57.015 for the purpose of advising the director regarding:

(a) Livestock identification programs administered under chapter 16.57 RCW and these rules;

(b) Inspection fees; and

(c) Related licensing fees.

(2) The board is composed of six members appointed by the director representing beef producers, public livestock market operators, horse owners, dairy farmers, cattle feeders and meat processors.

(3) The board must elect a member to serve as board chair. The board chair, or the chair's designee, is responsible for organizing and conducting board meetings.

(4) The board must meet with the director at least once a year to offer its advice. Additional meetings may be held at the request of the director or a majority of the board's membership.

NEW SECTION

WAC 16-610-011 Who can serve on the livestock identification advisory board? (1) Advisory board members must be:

(a) Residents of the state of Washington; and

(b) Actively engaged in the industry they represent.

(2) The director is an ex officio member of the advisory board.

NEW SECTION

WAC 16-610-012 How long of term does a board member serve? (1) Advisory board members serve three-year terms. Terms begin on July 1 and end on June 30.

(2) Positions are numbered one through six as follows:

(a) Position one - beef producers;

(b) Position two - public livestock market operators;

(c) Position three - horse owners;

(d) Position four - dairy farmers;

(e) Position five - cattle feeders; and

(f) Position six - meat processors.

Note: When the board first began operating, positions one and four served a one-year term; positions two and five served a two-year term; and positions three and six served a three-year term. The purpose of this "staggered start" was to provide the board with a continuity of membership by staggering vacancies on the board.

NEW SECTION

WAC 16-610-013 How are board vacancies filled? (1) To fill a vacancy resulting from an expired term, the director must solicit nominations from affected statewide industry groups. Nominations from industry groups must be submitted to the director before May 1 of the year in which the term expires.

(2) The director may fill, for the unexpired portion of a term, vacancies that occur before a term expires. When such vacancies occur, advisory board members and the presidents

of affected statewide industry groups may submit names to the director for consideration.

NEW SECTION

WAC 16-610-015 What specific livestock identification forms are required by the director? (1) Official livestock identification forms required by the director include the following:

- (a) Certificate of permit (WSDA form #7020);
 - (b) Livestock inspection certificate; and
 - (c) Self-inspection certificate (WSDA form #7059 or #7065).
- (2) The official forms must include:
- (a) Owner's name and address;
 - (b) Breed;
 - (c) Sex;
 - (d) Brand or other methods of livestock identification;
- and
- (e) Any other information, which the director considers necessary.

NEW SECTION

WAC 16-610-016 How do I obtain a "certificate of permit" or a "self-inspection" certificate? (1) You may purchase these forms by contacting the department at: 360-902-1855.

- (2)(a) The purchase price of a certificate of permit is one dollar for a book of twenty-five.
- (b) The purchase price of a self-inspection certificate is equal to the sum of the number of head involved in the transaction multiplied by the current inspection fee and the number of head involved in the transaction multiplied by the beef promotion fee.

NEW SECTION

WAC 16-610-018 What documents can I use to establish proof of ownership of my livestock? (1) Your proof of ownership for cattle and horses may be established by presenting one of the following documents:

- (a) An official livestock inspection certificate issued by the director.
- (b) A duplicate certificate or certified copy of an original inspection document issued by the director.
- (c) A self-inspection certificate (cattle only) signed by both the seller and the buyer. Additional proof of ownership must be provided to the buyer for all livestock bearing brands not recorded to the seller.
- (d) An official inspection certificate issued by another inspection state or province.
- (e) Registration papers on purebred horses.
- (f) Registration papers on purebred cattle provided the brand is not recorded in this state.
- (g) Bill of sale (horses only).
- (h) Health papers issued by a nonbrand state. Vaccination/test tags must be verifiable and match the document.
- (i) A statement declaring that the animal was raised and not purchased.

(2) The director will only accept original, official duplicate certificates, or certified copies. The director will not accept carbon copies, faxed copies or photocopies. The name of the livestock owner must appear on the document that is submitted.

NEW SECTION

WAC 16-610-020 When are cattle required to be inspected for brands or other proof of ownership? (1) All cattle must be inspected for brands or other proof of ownership:

- (a) Before being moved out-of-state unless the provisions of WAC 16-610-035(2) apply.
- (b) When offered for sale at any public livestock market or special sale approved by the director.
- (c) Upon delivery to any cattle processing plant where the United States Department of Agriculture maintains a meat inspection program, unless the cattle:
 - (i) Originate from a certified feedlot; or
 - (ii) Are accompanied by an inspection certificate issued by the director or a veterinarian certified by the director or any other agency authorized in any other state or any Canadian province by law to issue such a certificate.

(2) All cattle, entering or reentering (but before commingling with other cattle) any certified feed lot licensed under chapter 16.58 RCW, must be inspected for brands or other proof of ownership unless the cattle are accompanied by an inspection certificate issued by the director or a veterinarian certified by the director or any other agency authorized in any other state or any Canadian province by law to issue such a certificate.

(3) At any point of private sale, trade, gifting, barter or any other action that constitutes a change of ownership, subject to title passing, when an intended purchaser or private agent takes possession, except for individual:

- (a) Private sales of unbranded female dairy breed cattle involving fifteen head or less; or
- (b) Sales of unbranded dairy breed calves under thirty days of age provided the seller holds a Grade A dairy permit issued by the director.

(4) Exemptions from mandatory inspections do not exempt cattle sellers from paying assessments they owe the Washington state beef commission under chapter 16.67 RCW.

NEW SECTION

WAC 16-610-025 When are horses required to be inspected for brands or other proof of ownership? All horses must be inspected for brands or other proof of ownership:

- (1) Before being moved out-of-state unless the provisions of WAC 16-610-035 apply.
- (2) When offered for sale at any public livestock market or special sale approved by the director.
- (3) When offered for sale at any special open consignment horse sale as defined in RCW 16.65.010.
- (4) When offered for sale at any special sale where horses of more than one owner are offered for sale on an occasional and seasonal basis by public auction.

NEW SECTION

WAC 16-610-035 What procedures apply to inspections of cattle and horses that are moving out-of-state? (1) Except as provided in subsection (2) of this section, all cattle and horses must be inspected by the director or a certified veterinarian for brands or other proof of ownership before being moved out-of-state.

(2)(a) Cattle and horses may be moved out-of-state without inspection when they are destined for a public livestock market or a livestock processing plant in another state where brand inspection is performed by the director or an agent according to an agreement with the other state.

(b) Cattle and horses moving out-of-state to public livestock markets or livestock processing plants described in subsection (2)(a) of this section must be accompanied by a certificate of permit showing that the livestock are destined for and are being transported directly to the designated out-of-state inspection point. The certificate of permit is not valid for transportation to any point other than the designated inspection point.

NEW SECTION

WAC 16-610-045 What procedures apply to inspection of cattle at certified feedlots and slaughter plants? Inspections of cattle required under WAC 16-610-020 (1)(c) or 16-610-020(2) and at any other beef commission assessment collection point must be conducted by the director.

NEW SECTION

WAC 16-610-050 What cattle inspection procedures apply to private transactions? (1) Inspections of cattle required under WAC 16-610-020(3) may be conducted by:

- (a) The director; or
- (b) Veterinarians certified by the director; or
- (c) The buyer and seller.

(2) Inspections of cattle required under WAC 16-610-020(3) that are conducted by the buyer and seller must be documented using a self-inspection certificate. Self-inspection is limited to transactions involving fifteen head or less of cattle.

(a) Self-inspection certificates must be completed and signed by the buyer and seller. The original completed copy of the certificate must be given to the buyer and must accompany the cattle. The seller must also retain a copy of the completed certificate.

(b) The buyer must be given proof of ownership for all cattle bearing brands not recorded to the seller.

(c) The cost of self-inspection certificates includes the current inspection fee and the current assessment for the National Beef Promotion and Research Act.

(d) The director will remit all assessments collected from self-inspections to the Washington state beef commission.

NEW SECTION

WAC 16-610-055 Does the director review ownership disputes? The director may review or investigate any

verified complaint involving disputed ownership that is filed with the director.

NEW SECTION

WAC 16-610-060 Does the director allow veterinarians to issue inspection certificates? (1) The director may certify veterinarians, who are licensed and accredited in Washington state and who comply with the requirements of this section, to issue inspection certificates for livestock.

(2) Veterinarians licensed and accredited in Washington state that wish to issue inspection certificates for livestock must apply for certification on the department's application form (WSDA form #7028). The application must include the following:

(a) The full name and principal business address of the individual applying for certification;

(b) The applicant's Washington state veterinary license number;

(c) The geographic area in which the applicant will issue inspection certificates for livestock;

(d) A statement describing the applicant's experience with large animals, especially cattle and horses;

(e) A brief statement indicating if the applicant is requesting certification to issue inspection certificates for cattle, horses or both;

(f) The signature of the applicant; and

(g) Any other reasonable information the director needs to achieve the purpose of this chapter.

(3) All applications must be accompanied by a check or money order for the amount of the certification fee.

(4) The certification fee is thirty-five dollars per applicant.

(5) Certifications expire on the third December 31st following the date of issuance. For example, if your certificate was issued on October 14, 2003, it would expire on December 31, 2005.

(6) All veterinarians applying for certification must complete department-provided training. The department will provide, to each person certified, a copy of the most current brand book and any supplements issued to date. Training will include, but not be limited to, the:

(a) Reading of printed brands;

(b) Reading of brands or other marks on live animals;

(c) Completion of official documents; and

(d) Review of satisfactory ownership documents.

(7) The director will maintain a list of veterinarians certified to perform livestock inspection. Interested parties may request a copy of the list from the director by calling 360-902-1855 or by accessing the department's website.

(8) Inspections by certified veterinarians are conducted upon request and provided at the discretion of the veterinarian.

(9) Certified veterinarians must submit all required inspection fees to the director with copies of each certificate issued.

Note: Certified veterinarians may charge an additional fee that is separate from the fees collected under RCW 16.57.220 and WAC 16-610-065.

NEW SECTION

WAC 16-610-062 Can the director withdraw or deny a veterinarian's certification to issue inspection certificates? The director may withdraw or deny a veterinarian's certification to issue inspection certificates if the veterinarian knowingly:

- (1) Makes false or inaccurate statements on an application regarding their qualifications.
- (2) Makes or acquiesces in false or inaccurate statements on livestock inspection certificates regarding:
 - (a) The date or location of the inspection;
 - (b) The marks or brands on the livestock inspected;
 - (c) The owner's name; or
 - (d) Any other statement material to the livestock inspected.
- (3) Fails to properly verify the ownership status of the animal before issuing an inspection certificate.

NEW SECTION

WAC 16-610-065 What livestock identification fees are charged by the director? All livestock identification inspection fees charged by the director are specified in statute but are reproduced in this section for your convenience:

RCW Chapter:	Fees:
(1) Chapter 16.57 RCW Identification of livestock	
Base livestock inspection fee for cattle	(a) A livestock inspection fee for cattle of \$0.85 per head or \$15.00 per hour and the current mileage rate set by the office of financial management (OFM), whichever is greater.
Base livestock inspection fee for horses	(b) A livestock inspection fee of horses is \$3.50 per head or \$15.00 per hour and the current OFM mileage rate, whichever is greater.
Group livestock inspection fee for horses	(c) A livestock inspection fee for groups of thirty or more horses is \$2.00 per head or \$15.00 per hour and the current OFM mileage rate, whichever is greater, provided:
	(i) The horses are owned by one individual; and
	(ii) The inspection is performed on one date and at one location; and
	(iii) Only one certificate is issued.

RCW Chapter:	Fees:
Minimum certificate fee	(d) A minimum certificate fee of \$5.00 for each certificate issued.
Annual livestock inspection fee	(e) A livestock inspection fee for cattle and horses of \$20.00 per head for an individual identification certificate (annual) or \$15.00 per hour and the current OFM mileage rate, whichever is greater.
Annual group livestock inspection fee	(f) A livestock inspection fee for an individual identification certificate (annual) for groups of thirty or more horses or cattle of \$5.00 per head or \$15.00 per hour and the current OFM mileage rate, whichever is greater, provided:
	(i) The horses or cattle are owned by one individual;
	(ii) The inspection is performed on one date and at one location; and
	(iii) Only one certificate is issued.
Lifetime livestock inspection fee	(g) A livestock inspection fee for horses and cattle of \$60.00 per head for an individual identification certificate (lifetime) or \$15.00 per hour and the current OFM mileage rate, whichever is greater.
(2) Chapter 16.58 RCW Identification of cattle through licensing of certified feedlots	A livestock inspection fee for cattle of \$0.85 per head or \$15.00 per hour and the current OFM mileage rate, whichever is greater.
(3) Chapter 16.65 RCW Public livestock markets	(a) A livestock inspection fee for cattle of \$0.85 per head.
	(b) A livestock inspection fee for horses of \$3.50 per head.

PERMANENT

NEW SECTION

WAC 16-610-070 What is the schedule for renewing recorded brands? Except as noted below, brand recordings are renewed for a period of four years. Owners of recorded brands, upon notification by the director, must file for

renewal by December 31st of the year in which a recording expires.

Note: To establish a staggered renewal schedule the director may renew, for a two-year period, approximately half of the brand recordings that expire on December 31st. When these recordings expire at the end of the two-year period, they will then be renewed for a four-year period.

NEW SECTION

WAC 16-610-080 Does the director allow livestock identification by freeze branding? Freeze branding techniques to identify livestock may be used to comply with the requirements of chapters 16.57 RCW and 16-610 WAC, provided the brand is recorded with the director.

NEW SECTION

WAC 16-610-085 Can production brands be used to identify dairy cattle? Owners may use any digit or combination of digits as a production brand to identify their dairy cattle as long as the brand is located either on the neck or between the hock and the stifle of a hind leg.

NEW SECTION

WAC 16-610-090 Can production brands be used to identify beef cattle? (1) Owners may use a production brand to identify beef cattle but only when the cattle also bear a brand, which is currently recorded, to the owner of the animal.

(2) On beef cattle, production brands must be located high on either the left or right shoulder, or both.

(3) Any digit or combination of digits may be used for a beef cattle production brand provided they do not conflict with currently recorded ownership brands.

NEW SECTION

WAC 16-610-092 What style of numbers must be used for production brands? Only Arabic numbers can be used for production brands.

NEW SECTION

WAC 16-610-094 Are production brands recorded with the director? (1) Before a production brand can be legally used in Washington state, it must be recorded with the director:

(a) According to the provisions of chapter 16.57 RCW; and

(b) In the same manner as an ownership brand.

(2) Forms to record a brand may be obtained from the director.

(3) The director will not charge a fee to record a production brand if the person recording the brand has already paid to record an ownership brand.

(4) Production brands are not:

(a) Recognized for ownership purposes;

(b) Recorded for ownership purposes; or

(c) Accepted for livestock inspection purposes.

NEW SECTION

WAC 16-610-100 What are custom slaughter beef tags? (1) Any person licensed as a custom slaughterer must complete and attach a custom slaughter beef tag to each of the four quarters of all slaughtered cattle they handle. These tags must remain attached to the quarters until the quarters are cut and wrapped.

(2) The purpose of attaching the beef tag to the carcass is to identify the owner of the carcass while the carcass is being processed.

(3) Only the department may provide custom slaughter beef tags to custom slaughterers. The fee for each set of four custom slaughter beef tags is one dollar and fifty cents.

NEW SECTION

WAC 16-610-105 Are certificates of permit required for custom slaughtered cattle? Any person presenting cattle for slaughter to a licensed custom slaughterer must give the custom slaughterer a completed certificate of permit. This form (WSDA form #7020) documents the ownership of the animal at the time of slaughter.

NEW SECTION

WAC 16-610-110 Can a custom meat facility accept carcasses of cattle slaughtered by the cattle owner? (1) Custom meat facilities may accept carcasses of cattle slaughtered by the cattle owner only if a certificate of permit, signed by the owner, accompanies the carcass.

(2) Without a certificate of permit signed by the owner, custom meat facilities can only accept carcasses from mobile or fixed location custom farm slaughterers or officially inspected slaughter plants.

NEW SECTION

WAC 16-610-115 What requirements must be met before a license to operate a certified feedlot is granted? (1)(a) Before issuing an initial certified feedlot license, the director will conduct an inspection of all cattle in the feedlot inventory and their corresponding ownership documents.

(b) The fee for this inspection is set in RCW 16.57.220.

(2) If a certified feedlot license is not renewed, all cattle in the feedlot inventory are subject to the inspection requirements for noncertified feedlots.

NEW SECTION

WAC 16-610-120 Who is responsible for identifying cattle and horses consigned to a public livestock market? (1) The licensee is responsible for identifying each head of cattle and horses consigned to a public livestock market.

(2) Identification may occur either before or at the time the animals are inspected.

(3) Acceptable methods of identification are:

(a) Placing a numbered tag on each animal; or

(b) Using some other director-approved method of identification to identify each animal.

(4) The licensee is responsible for moving, confining, and/or restraining livestock as needed to insure that a complete inspection can be performed.

(5) The director may exempt certain lots of one-brand or no-brand cattle from the individual identification requirements of this section provided the integrity of the inspection process can be maintained.

(6) It is the responsibility of the licensee or consignor to present livestock to the director so an inspection can be performed.

NEW SECTION

WAC 16-610-122 What requirements must be satisfied before cattle and horses consigned or purchased at a public livestock market can be removed from that facility? (1) Before allowing the removal of any cattle or horses from any public livestock market, a licensee or their agent or employee must:

(a) Obtain a livestock inspection clearance for the cattle or horses being removed; and

(b) Issue a release to the person wishing to remove the cattle or horses.

(2) If stamped by the director, the purchase invoice, with specific livestock identification information drawn and written on it can serve as an inspection clearance document provided the animals listed are unbranded and will not be shipped to an out-of-state destination. It is the director's responsibility to:

(a) Add the livestock identification information to the purchase invoices; and

(b) Ensure its accuracy.

(3) At the request of the purchaser, a livestock inspection certificate will be issued in lieu of a stamped purchase invoice at no additional cost.

NEW SECTION

WAC 16-610-124 What if cattle and horses consigned to a public livestock market are not sold? Cattle and horses that have been offered for sale, but did not sell, will not be assessed an additional inspection fee upon reconignment provided:

(1) The reconignment occurs within eight days of the original sale;

(2) The animals are reconsigned to the original sale facility;

(3) The animals have not been removed from the original sale facility before reconignment;

(4) The animals have not been commingled with other animals; and

(5) No animals have been added or removed from the group.

NEW SECTION

WAC 16-610-125 What requirements apply to public livestock market livestock inspection facilities? The director must approve all livestock inspection facilities at public livestock markets. For the director's approval, inspection facilities must:

(1) Include a chute that is constructed according to the following specifications:

(a) Constructed with a solid base on each side of sufficient strength to contain cattle and horses. The base must be at least twenty-four inches in height, but no more than thirty-six inches in height.

(b) Above the base on each side, the chute must have wire cables extended along its entire length. The cables must be separated by six-inch intervals and must extend vertically to a height of at least six feet.

(c) For support and to ensure that the cables are maintained in a tight condition, the cables must be attached to a vertical post every sixteen feet that is alternated with a pipe or stay every eight feet.

(d) The chute must be well lit by shop, spot, or floodlights. These lights must be located on both sides of the chute at a height of five feet above the highest cable. Beginning at the head of the chute, this lighting must extend along three-fourths of the length of the chute.

(2) Electrical outlets must be available at all chutes so clippers can be conveniently used.

(3) Inspection areas must be well covered by adequate roofing and kept free of any water leaks or water build-up of any kind.

(4) Inspection areas must incorporate a work area for livestock inspectors on each side of the chute. The work area must:

(a) Provide an inspector with at least thirty inches of workspace along the entire length of the chute; and

(b) Be enclosed by fencing or some other permanent-type structure that protects inspectors while cattle and horses are unloaded and moved along the chute.

(5) Inspection areas must include an office. The office must:

(a) Be constructed according to dimensions of at least eight feet by ten feet;

(b) Contain adequate heating; and

(c) Be equipped with a counter built at a standing work level height and with a width of approximately eighteen inches.

NEW SECTION

WAC 16-610-130 What regulations apply to the installation of scales in a public livestock market? (1) To ensure that scales can be tested with relative ease and convenience:

(a) All scales that are inaccessible to a test truck must be accessible by a convenient, unobstructed, hard-surfaced approach ramp or walkway that connects with the scale deck at the scale deck level; and

(b) All doors and passageways leading to the scale must have a minimum width of six feet.

(2) Preferably, scale decks should be constructed using reinforced concrete with "Z" bar coping. If cleats are used that are more than three-fourths inch in thickness, they must be:

(a) Hinged; or

(b) Readily removable; or

(c) Accompanied by a satisfactory covering to allow for proper testing.

(3) All stock racks must be securely fastened to the scale deck. There must be a minimum clearance of three inches between the rack and the surrounding dead construction.

(4) Adequate space and visibility must be provided around scales so that interested parties may observe the weighing operation.

(5) All dial scales used by the licensee must be:

(a) Readily visible to all interested parties; and

(b) Equipped with a mechanical weight recorder.

(6) All beam scales used by the licensee must be equipped with a balance indicator, a weigh beam and a mechanical weight recorder. The balance indicator, weigh beam and mechanical weight recorder must be readily visible to all interested parties.

(7)(a) The pit and foundation beneath the scale deck must be constructed in a singular, uniform and massively solid way.

(b) Coping iron is required on all corners adjacent to the deck.

(c) The pit must be six feet in depth, dry and readily accessible for inspection. When conditions are sufficiently adverse, the director may allow exceptions to this six-foot depth requirement. However, a minimum of two feet clearance between the lowest scale lever and the pit floor must always be provided.

(d) To insure safe and accurate inspections, sufficient electrical lighting must be provided in the inspection facility, especially around the chute and scales and in the pit beneath the scale deck.

(8) The recording element must be adequately housed for protection against wind and weather.

(9) Scales are not required at markets only licensed to handle horses and mules unless these animals are sold by weight. When these animals are sold by weight, the scale requirements of this section apply.

NEW SECTION

WAC 16-610-135 What if a public livestock market fails to conduct a sale on an allocated sale day? (1) If a licensed operator of a public livestock market fails, more than six times in a twelve-month period, to conduct a sale on a sale day that has been allocated to the licensee by the director, the allocation of that sale day is subject to change or revocation by the director.

(2) Any change or revocation of an allocated sale day must be considered in an administrative hearing conducted according to the provisions of chapter 34.05 RCW.

NEW SECTION

WAC 16-610-140 Does the director approve special sales? (1) The director must approve all special sales and approval is at the discretion of the director.

(2) Application for approval of a special sale must be made at least fifteen days in advance of the proposed sale. The application must contain the following:

(a) Name, address, and contact number of the applicant;

(b) Type of applicant: Producer, livestock market or association;

(c) Name of sale and/or event;

(d) Type and number of livestock expected to be sold;

(e) Date, time, and location of the sale;

(f) Name and the contact number of the veterinarian who will be providing animal health services; and

(g) Signature of the applicant.

Note: Use WSDA form #7046 (Application: Special livestock sale permit) to apply for the director's approval of a special sale.

(3) The director charges a special sale application fee, which is specified in RCW 16.65.420. Special sale applications will not be processed until the application fee is paid.

NEW SECTION

WAC 16-610-145 What is the relationship between membership in an association and a special sale? To assure that any special sale proposed by a farmers cooperative association or association of livestock breeders is limited to the sale of their own livestock, the association may be required to provide verification to the director that any person offering livestock for sale at the special sale was a member of the association at the time of the filing of any consignment application, contract or commitment.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-607-005	Definitions.
WAC 16-607-010	The livestock identification advisory board.
WAC 16-607-015	Official forms.
WAC 16-607-020	Point of inspection—Cattle.
WAC 16-607-025	Point of inspection—Horses.
WAC 16-607-035	Out-of-state inspection procedure.
WAC 16-607-045	Livestock inspection procedures—Certified feed lots, slaughterplants, beef commission assessment collecting points.
WAC 16-607-050	Livestock inspection procedures—Private treaty sales.
WAC 16-607-055	Review of complaints and procedures.
WAC 16-607-060	Certification of veterinarians to issue inspection certificates.
WAC 16-607-065	Inspection fees.
WAC 16-607-070	Renewal of registered brands.

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WAC 16-607-075	Recording fees.
WAC 16-607-080	Identification by freeze branding.
WAC 16-607-085	Use of production brands for dairy cattle.
WAC 16-607-090	Use of production brands for beef cattle.
WAC 16-607-095	Production record brands to consist of Arabic numbers only—Exception.
WAC 16-607-100	Custom slaughter beef tag.
WAC 16-607-105	Certificate of permit required for custom slaughtered cattle.
WAC 16-607-110	Livestock identification on slaughtered cattle by owner.
WAC 16-607-115	Certified feed lot licensing.
WAC 16-607-120	Livestock inspection procedures—Public livestock markets.
WAC 16-607-125	Public livestock market livestock inspection facilities.
WAC 16-607-130	Public livestock market scale installation regulations.
WAC 16-607-135	Sale day.
WAC 16-607-140	Special sale approval.
WAC 16-607-145	Association membership.

WSR 04-01-175

PERMANENT RULES

OFFICE OF THE

INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2003-04—Filed December 23, 2003, 1:57 p.m.]

Date of Adoption: December 23, 2003.

Purpose: WAC 284-24-120 sunsets on December 31, 2003. This rule suspends the rate filing requirements under chapter 48.19 RCW for a "large commercial property casualty account" - as defined in the rule. The adopted rule will eliminate the sunset provision and update the definition of a large commercial property account.

Citation of Existing Rules Affected by this Order: Amending WAC 284-24-120.

Statutory Authority for Adoption: RCW 48.02.060, 48.18.100(6), and 48.19.080.

Adopted under notice filed as WSR 03-22-094 on November 5, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 23, 2003

Mike Kreidler

Insurance Commissioner

AMENDATORY SECTION (Amending Order R 2001-09, filed 12/28/01, effective 12/31/01)

WAC 284-24-120 Suspension of rate filing requirements—Large commercial accounts. (1) Under RCW 48.19.080, the rate filing requirements in chapter 48.19 RCW are suspended with respect to large commercial property casualty accounts.

(2) For purposes of this section, "large commercial property casualty account" means insurance coverage that:

(a) ~~((Pertains to))~~ Involves the lines of property and casualty insurance defined in RCW 48.11.040, 48.11.050, 48.11.060, 48.11.070, and/or 48.11.080; and

(b) Is purchased by a business, ((nonprofit)) not-for-profit organization, or public entity((;

(b) Involves the lines of property and casualty insurance defined in RCW 48.11.040, 48.11.050, 48.11.060, 48.11.070, and/or 48.11.080; and

(c) Has an estimated annual collected premium of \$25,000)) with enough insurance buying experience to negotiate with insurers in a largely unregulated environment and that meets any two of the following criteria:

(i) Annual premiums of one hundred thousand dollars or more, excluding workers compensation insurance issued by the department of labor and industries and types of insurance listed in subsection (6) of this section;

(ii) Net revenues or sales in excess of one hundred million dollars;

(iii) More than two hundred employees;

(iv) Net worth over fifty million dollars;

(v) Is a not-for-profit organization or public entity with an annual budget or assets of at least forty-five million dollars;

(vi) Is a municipality with a population over fifty thousand.

(3) Before an insurer issues coverage in reliance on this section, the insurer or its agent shall notify the insured in writing that the rates have not been and will not be filed for the commissioner's approval.

(4) Property rates used on large commercial property casualty accounts will not be audited by the Washington Insurance Examining Bureau under WAC 284-20-006.

(5) The commissioner retains the right and ability to examine the rates used on large commercial property casualty accounts to ascertain whether they meet the requirements of RCW 48.19.020 and other statutes. The insurer shall maintain records supporting the rating and premium determination of each policy issued in reliance on this section. These records shall be retained by the insurer for a minimum of three years and made available at all reasonable times for the commissioner's examination.

(6) Subsection (1) of this section does not apply to:

(a) Professional liability insurance, including medical malpractice insurance;

(b) Directors' and officers' liability insurance purchased by individuals;

(c) Motor vehicle service contract reimbursement insurance, as defined in RCW 48.96.010(4); and

(d) Master policies under which certificates of coverage are issued to individual consumers, households, businesses, or other organizations.

~~((7) If this subsection is not amended, the provisions of this section shall expire on December 31, 2003.-))~~

WSR 04-01-176

PERMANENT RULES

OFFICE OF THE

INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2003-07—Filed December 23, 2003, 1:59 p.m.]

Date of Adoption: December 23, 2003.

Purpose: The rule making corrects an inadvertent error in a provision in recently adopted rules regarding automobile claims, repairs, and total loss settlements. The timeline for the insured's action is shortened from thirty-five days to three days. The insured will receive the same protections and have the same duties, only the time period is changed. The change will make the regulation easier and more cost-effective to administer.

Citation of Existing Rules Affected by this Order: Amending WAC 284-30-3912.

Statutory Authority for Adoption: RCW 48.02.060 and 48.30.010.

Adopted under notice filed as WSR 03-20-123 on October 1, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 23, 2003

Mike Kreidler

Insurance Commissioner

AMENDATORY SECTION (Amending Matter No. R 2002-06, filed 6/30/03, effective 10/1/03)

WAC 284-30-3912 What if I, as an insured, accept the settlement based on my insurer's valuation and cannot find a comparable vehicle within a reasonable distance of my vehicle's principally garaged area? (1) When you accept the settlement, your insurer must provide you with written notice regarding reopening of your claim file.

(2) If you notify your insurer within thirty-five days of receipt of the settlement that you cannot purchase a comparable vehicle for the settlement amount and you located, but did not purchase a comparable vehicle that costs more than the settlement amount, your insurer must reopen your claim file and either:

(a) Locate a comparable vehicle that is currently available for the settlement amount;

(b) Pay you the difference between the settlement amount and the cost of the comparable vehicle or purchase the comparable vehicle for you; or

(c) If not previously utilized, conclude the loss settlement in the manner provided in the appraisal section of your insurance policy in force at the time of the loss.

(3) Your insurer is not required to reopen your claim file if:

(a) At the time of settlement, you were provided written notification of the availability and location of a specific and comparable vehicle that could have been purchased for the settlement amount; and

(b) You did not purchase the vehicle within ~~((thirty-five))~~ three days of the receipt of the settlement.

WSR 04-01-194

PERMANENT RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

(Board of Boiler Rules)

[Filed December 24, 2003, 9:24 a.m.]

Date of Adoption: December 23, 2003.

Purpose: The purpose of these rule changes is to address actions and requests of the Board of Boiler Rules by:

- Clarifying the rules so that they are easier to use and understand;
- Incorporating necessary policy and practice into rule;
- Including provisions from nationally recognized consensus codes adopted by the Board of Boiler Rules;
- Eliminating unnecessary definitions;
- Reorganizing the rules so they are easier to locate and in a more applicable location;
- Making changes to ensure consistency with statute;

- Allowing for more flexibility via the use of alternate means to test the operation of hot water heating boiler low water fuel cutoff(s) without resorting to draining the entire system;
- Eliminating rules that are unnecessary or that are no longer necessary; and
- Making several other necessary changes identified by the Board of Boiler Rules.

Subject: Board of Boiler Rules—Substantive (chapter 296-104 WAC).

Citation of Existing Rules Affected by this Order: Repealing WAC 296-104-055 and 296-104-530; and amending WAC 296-104-010, 296-104-050, 296-104-060, 296-104-065, 296-104-100, 296-104-256, 296-104-265, 296-104-300, 296-104-307, 296-104-316, 296-104-320, 296-104-325, 296-104-405, 296-104-510, 296-104-515, 296-104-520, and 296-104-700.

Statutory Authority for Adoption: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, and 70.79.350.

Other Authority: Chapter 70.79 RCW.

Adopted under notice filed as WSR 03-20-120 on October 1, 2003.

Changes Other than Editing from Proposed to Adopted Version: A minor editing change was made to WAC 296-104-300 (3)(b) to correct the usage of the terms "shall" and "should" in that subsection.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 17, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 17, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 17, Repealed 2.

Effective Date of Rule: Thirty-one days after filing.

December 23, 2003

Craig Hopkins
Chair

AMENDATORY SECTION (Amending WSR 02-23-036, filed 11/13/02, effective 12/14/02)

WAC 296-104-010 Administration—What are the definitions of terms used in this chapter? "Agriculture purposes" shall mean any act performed on a farm in production of crops or livestock, and shall include the storage of such crops and livestock in their natural state, but shall not be construed to include the processing or sale of crops or livestock.

"Attendant" shall mean the person in charge of the operation of a boiler or unfired pressure vessel.

"Automatic operation of a boiler" shall mean unattended control of feed water and fuel in order to maintain the pressure and temperature within the limits set. Controls must be such that the operation follows the demand without interruption. Manual restart may be required when the burner is off because of low water, flame failure, power failure, high temperatures or pressures.

"Board of boiler rules" or "board" shall mean the board created by law and empowered under RCW 70.79.010.

"Boiler and unfired pressure vessel installation/reinstallation permit," shall mean a permit approved by the chief inspector before starting installation or reinstallation of any boiler and unfired pressure vessel in this state.

Owner/user inspection agency's, Washington specials and rental boilers are exempt from "boiler and unfired pressure vessel installation permit."

"Boilers and/or unfired pressure vessels" - below are definitions for types of boilers and unfired pressure vessels used in these regulations:

- **"Condemned boiler or unfired pressure vessel"** shall mean a boiler or unfired pressure vessel that has been inspected and declared unsafe or disqualified by legal requirements by an inspector who has applied a stamping or marking designating its condemnation.
- **"Hot water heater"** shall mean a closed vessel designed to supply hot water for external use to the system. All vessels must be listed by a nationally recognized testing agency and shall not exceed any of the following limits:
 - * Pressure of 160 psi (1100 kpa);
 - * Temperature of 210 degrees F (99°C);
 - * Capacity of 120 U.S. gallons (454 liters);
 - * Input of 200,000 BTU/hr (58.58 kw). Note that if input exceeds 200,000 BTU/hr (58.58 kw), other terms defined in this section may apply.
 - * Hot water heaters exceeding 200,000 BTU/hr (58.58 kw) must be ASME code stamped.
 - * Each vessel shall be protected with an approved temperature and pressure safety relief valve.
- **"Low pressure heating boiler"** shall mean a steam or vapor boiler operating at a pressure not exceeding 15 psig or a boiler in which water or other fluid is heated and intended for operation at pressures not exceeding 160 psig or temperatures not exceeding 250 degrees F by the direct application of energy from the combustion of fuels or from electricity, solar or nuclear energy including lined potable water heaters.
- **"Nonstandard boiler or unfired pressure vessel"** shall mean a boiler or unfired pressure vessel that does not bear marking of the codes adopted in WAC 296-104-200.
- (~~• **"Pool heaters"** shall be considered a boiler or unfired pressure vessel unless it meets all of the following criteria:~~
 - * ~~Appliance used to heat water for swimming pools and spas;~~
 - * ~~A flow switch shall be wired to shut off the heating source under a condition of low flow;~~

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- * ~~There are no intervening stop valves on the inlet or outlet side of the unit. Any valves used for maintaining the appliance must be locked open during operation.~~
- * ~~Appliance is equipped with an ASME approved pressure relief device, with no intervening stop valves, set not to exceed the maximum allowable working pressure (MAWP) of the appliance.~~
- * ~~Unit is rated at less than 200,000 BTU/hr, and is operated at pressure and temperature no greater than 160 psig (1100 kpa) and 210°F (99°C), respectively.~~
- * ~~Heating source operation is wired in series with the circulating pump.~~
- * ~~Unit is built to the ASME code or approved by a nationally recognized testing laboratory.)~~
- **"Power boiler"** shall mean a boiler in which steam or other vapor is generated at a pressure of more than 15 psig for use external to itself or a boiler in which water or other fluid is heated and intended for operation at pressures in excess of 160 psig and/or temperatures in excess of 250 degrees F by the direct application of energy from the combustion of fuels or from electricity, solar or nuclear energy.
- **"Reinstalled boiler or unfired pressure vessel"** shall mean a boiler or unfired pressure vessel removed from its original setting and reset at the same location or at a new location without change of ownership.
- **"Rental boiler"** shall mean any power or low pressure heating boiler that is under a rental contract between owner and user.
- **"Second hand boiler or unfired pressure vessel"** shall mean a boiler or unfired pressure vessel of which both the location and ownership have changed after primary use.
- **"Standard boiler or unfired pressure vessel"** shall mean a boiler or unfired pressure vessel which bears the marking of the codes adopted in WAC 296-104-200.
- **"Unfired pressure vessel"** shall mean a closed vessel under pressure excluding:
 - * Fired process tubular heaters;
 - * Pressure containers which are integral parts of components of rotating or reciprocating mechanical devices where the primary design considerations and/or stresses are derived from the functional requirements of the device;
 - * Piping whose primary function is to transport fluids from one location to another;
 - * Those vessels defined as low pressure heating boilers or power boilers.
- **"Unfired steam boiler"** shall mean a pressure vessel in which steam is generated by an indirect application of heat. It shall not include pressure vessels known as evaporators, heat exchangers, or vessels in which steam is generated by the use of heat resulting from the operation of a processing system containing a number of pressure vessels, such as used in the manufacture of chemical and petroleum products, which will be classed as unfired pressure vessels.

"Certificate of competency" shall mean a certificate issued by the Washington state board of boiler rules to a person who has passed the National Board Examination for Commissioned Inspectors.

"Code, API-510" shall mean the Pressure Vessel Inspection Code of the American Petroleum Institute with addenda and revisions, thereto made and approved by the institute which have been adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.

"Code, ASME" shall mean the boiler and pressure vessel code of the American Society of Mechanical Engineers with amendments thereto made and approved by the council of the society which have been adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.

"Code, NBIC" shall mean the National Board Inspection Code of the National Board of Boiler and Pressure Vessel Inspectors with addenda and revisions, thereto made and approved by the National Board of Boiler and Pressure Vessel Inspectors and adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.

"Commission" shall mean an annual commission card issued to a person in the employ of ((the)) Washington state, an insurance company or a company owner/user inspection agency holding a Washington state certificate of competency which authorizes them to perform inspections of boilers and/or unfired pressure vessels.

"Department" as used herein shall mean the department of labor and industries of the state of Washington.

"Director" shall mean the director of the department of labor and industries.

"Domestic and/or residential purposes" shall mean serving a private residence or an apartment house of less than six families.

"Existing installations" shall mean any boiler or unfired pressure vessel constructed, installed, placed in operation, or contracted for before January 1, 1952.

"Inspection, external" shall mean an inspection made while a boiler or unfired pressure vessel is in operation and includes the inspection and demonstration of controls and safety devices required by these rules.

"Inspection, internal" shall mean an inspection made when a boiler or unfired pressure vessel is shut down and handholes, manholes, or other inspection openings are open or removed for examination of the interior. An external ultrasonic examination of unfired pressure vessels less than 36" inside diameter shall constitute an internal inspection.

"Inspector" shall mean the chief boiler inspector, a deputy inspector, or a special inspector.

- **"Chief inspector"** shall mean the inspector appointed under RCW 70.79.100 who serves as the secretary to the board without a vote.
- **"Deputy inspector"** shall mean an inspector appointed under RCW 70.79.120.
- **"Special inspector"** shall mean an inspector holding a Washington commission identified under RCW 70.79.130.

"Nationwide engineering standard" shall mean a nationally accepted design method, formulae and practice acceptable to the board.

"Owner" or "user" shall mean a person, firm, or corporation owning or operating any boiler or unfired pressure vessel within the state.

"Owner/user inspection agency" shall mean an owner or user of boilers and/or pressure vessels that maintains an established inspection department, whose organization and inspection procedures meet the requirements of a nationally recognized standard acceptable to the department.

"Place of public assembly" or "assembly hall" shall mean a building or portion of a building used for the gathering together of 50 or more persons for such purposes as deliberation, education, instruction, worship, entertainment, amusement, drinking, or dining or waiting transportation. This shall also include child care centers (those agencies which operate for the care of thirteen or more children), public and private hospitals, nursing and boarding homes.

"Special design" shall mean a design using nationwide engineering standards other than the codes adopted in WAC 296-104-200 or other than allowed in WAC 296-104-230.

AMENDATORY SECTION (Amending WSR 02-23-036, filed 11/13/02, effective 12/14/02)

WAC 296-104-050 Administration—What examinations must a boiler inspector take? In order to qualify as a prospective National Board Commissioned Inspector an applicant shall meet the minimum requirements as set forth in the national board's "Rules for Commissioned Inspectors," NB263, Revision 8 (4/02).

Application for examination for certificate of competency shall be in writing upon a form to be furnished by the chief inspector stating the school and education of the applicant, a list of employers, period of employment and position held with each employer. Applications containing willful falsification or untruthful statements shall be rejected.

If the applicant's history and experience meet with the approval of the board of boiler rules, the candidate shall be given the national board and Washington state examinations. If the applicant is accepted on the merits of ~~((the national board examination))~~ these examinations or as provided for in WAC 296-104-065, a certificate of competency will be issued by the chief inspector.

Examinations shall be held at locations and times when considered necessary by the board of boiler rules. The examinations may be offered four times each year, namely, the first Wednesday and following Thursday of the months of March, June, September and December. Special examinations may be held when considered necessary by the board.

AMENDATORY SECTION (Amending WSR 02-23-036, filed 11/13/02, effective 12/14/02)

WAC 296-104-060 Administration—When shall an inspectors' Washington state commission(s) be issued, suspended, or revoked? The chief inspector shall issue a commission as a deputy or special inspector in accordance with RCW 70.79.120 and 70.79.130.

The deputy inspector commission shall be held by the chief inspector. The deputy inspector commission shall be valid for one year and may be renewed annually at the request of the chief inspector. ~~((The fee for the special inspector~~

~~commission is twenty five dollars.))~~ The special inspector commission shall be held at the home office of the employing company and shall be valid for one year and may be renewed annually at the request of the employing company ~~((for a fee of ten dollars))~~. Inspectors shall carry identifying commission cards while they are inspecting. The state or employing company shall return the commission and the identifying commission card at once to the chief inspector when the inspector to whom the commission was issued is no longer in its employ, or at the request of the chief inspector.

An inspector's commission may be suspended or revoked in accordance with RCW 70.79.180.

AMENDATORY SECTION (Amending WSR 01-24-061, filed 11/30/01, effective 12/31/01)

WAC 296-104-065 Administration—How should ~~((a certified or commissioned))~~ an inspector obtain a Washington state commission? A commission as a deputy inspector of boilers and/or unfired pressure vessels may be issued by the chief inspector to an inspector complying with WAC 296-104-065 (1) or (4). Upon the request of a boiler insurance company authorized to insure and insuring against loss from explosion of boilers and/or unfired pressure vessels in this state, or a company with an owner/user inspection agency, a commission as a special inspector of boilers and/or unfired pressure vessels shall be issued by the chief inspector to an inspector in the employ and supervision of such company provided the inspector has had the experience prescribed in ~~((RCW 70.79.130 and))~~ chapter 70-79 RCW and complies with one of the following:

(1) Passed an examination covering the Washington state boilers and unfired pressure vessels law, chapters 70.79 RCW and 296-104 WAC; and holds a national board commission.

(2) ~~((Holds a certificate of competency or commission issued by a state which has adopted one or more sections of the ASME Code, or a national board commission, in either case having taken and passed a written examination equivalent to that required by the state of Washington; or~~

~~(3))~~ Is certified by the American Petroleum Institute in accordance with API-510 ~~((, having taken and passed a written examination equivalent to that required by the state of Washington. Certified API-510 inspectors who are specifically and temporarily in the direct employ of an owner/user inspection agency as set forth in RCW 70.79.130 are exempted from the exam requirement set forth in WAC 296-104-065(1)))~~ for pressure vessel inspection, having passed an examination covering the Washington state boilers and unfired pressure vessels law, chapters 70.79 RCW and 296-104 WAC.

(3) Is certified by the American Petroleum Institute in accordance with API-510 for pressure vessel inspection, and specifically and temporarily in the direct employ of an owner/user inspection agency as set forth in RCW 70.79.130. This inspector shall be exempted from the state examination requirement in WAC 296-104-065(2).

(4) Is an inspector holding the national board "A" endorsement and performs shop inspections only. This

inspector shall be exempt from the exam requirement set forth in WAC 296-104-065(1).

AMENDATORY SECTION (Amending WSR 01-24-061, filed 11/30/01, effective 12/31/01)

WAC 296-104-100 Inspection—How often must boilers and unfired pressure vessels be inspected? In accordance with RCW 70.79.080, 70.79.090, and 70.79.240 the following inspection requirements shall apply:

(1) **Power boilers** shall be inspected:

(a) Internally and externally while not under pressure - Annually.

(b) Externally while under pressure - Annually.

(2) **Organic vapor boilers** shall be inspected:

(a) Internally and externally while not under pressure - Biennially.

(b) Externally while under pressure - Annually.

(3) **Low pressure heating boilers** shall be inspected:

(a) Externally while in operation and under pressure - Biennially.

(b) Where construction permits, internally while not under pressure ((except where construction does not permit an internal) — Every 4th year.

(c) Internally, all steam heating boilers will have as a minimum, an internal of their low water fuel cutoff). Also, as a minimum, an internal of their low water fuel cutoff(s) must be completed, where construction permits - Biennially.

((d) Internally, none required for nonvapor boilers using glyeol, oil or adequately treated with a corrosion inhibitor.))

(4) **Hot water heaters** shall be inspected:

(a) Externally - Biennially.

(b) Internally - None required.

(5) **Unfired pressure vessels** shall be inspected:

(a) Externally - Biennially.

(b) Internally:

(i) When subject to corrosion and construction permits - Biennially. Vessels in an owner/user inspection program may follow intervals established by the NBIC or API-510 eighth edition with supplements, provided nondestructive examination (NDE) is performed at the biennial external inspection.

(ii) Pulp or paper dryer rolls may be inspected on a five-year basis in accordance with TAPPI TIP 0402-16 1999 edition, provided the owner has established a written inspection program accepted by the inspector that requires the minimums in section 8 of TAPPI TIP 0402-16 1999 edition.

(iii) Vessels not subject to corrosion do not require an internal.

AMENDATORY SECTION (Amending WSR 02-23-036, filed 11/13/02, effective 12/14/02)

WAC 296-104-256 Installation—What are the required clearances for boilers? When boilers are replaced or new boilers installed in either existing or new buildings, ~~((minimum clearance shall be provided as specified below:~~

(4)) sufficient access must be provided for inspection, maintenance, operation, and repair. As a minimum clearance at sides, front and back wall shall be the manufacturers' recommendations, but in no case less than eighteen inches. Boil-

ers having manholes shall have five feet clearance from the manhole opening and any wall, ceiling, or piping that will prevent a person from entering the boiler.

~~((2) Clearance in front and back shall be sufficient for operation, maintenance, and repair.))~~

AMENDATORY SECTION (Amending WSR 02-23-036, filed 11/13/02, effective 12/14/02)

WAC 296-104-265 Installation—What are the requirements for unfired pressure vessels installed underground ((installations))? ~~((Where necessary to install a pressure vessel underground:~~

~~(1) It shall be enclosed in a concrete or masonry pit.))~~

Unfired pressure vessels installed underground shall comply with the following requirements:

(1) A pit with concrete or masonry sides and floor shall enclose the underground portion of the unfired pressure vessel.

~~(2) ((If covered the)) Pit covers shall be removable.~~

~~(3) ((A minimum clearance of 18 inches shall be provided between the pressure vessel proper and the ceiling, adjacent walls, or other structures.~~

~~(4) All manhole openings shall have a minimum of 5 feet of clearance from any wall, ceiling, or piping that could prevent a person from entering the pit or vessel.)) Clearances shall be as required by WAC 296-104-260.~~

AMENDATORY SECTION (Amending WSR 02-23-036, filed 11/13/02, effective 12/14/02)

WAC 296-104-300 Installation—What control and limit devices are required on automatically fired boilers?

(1) Installations prior to June 1989: All automatically fired steam, vapor, or hot water boilers except boilers having a constant attendant who has no other duties while the boiler is in operation, shall be equipped with:

(a) An automatic low-water fuel cutoff; and

(b) An automatic water feeding device.

(c) All devices shall be designed so that they may be readily tested at frequent intervals.

(2) Installations after June 1989:

(a) All boilers that are automatically fired low pressure steam heating boilers, small power boilers, and power steam boilers without a constant attendant who has no other duties shall be equipped with:

(i) Two high steam pressure limit controls, the highest of which shall be provided with a manual reset.

(ii) Two low-water fuel cutoffs, one of which shall be provided with a manual reset device and independent of the feed water controller.

(iii) Coil type flash steam boilers may use two high-temperature limit controls, one of which shall have a manual reset. This is instead of the low-water fuel cutoff.

(iv) All control and limit devices shall be independently connected and electrically wired in series.

(b) All automatically fired hot water supply, low-pressure hot water heating boilers, and power hot water boilers shall be equipped with:

(i) Two high-temperature limit controls, the highest of which shall be provided with a manual reset.

(ii) One low-water fuel cutoff with a manual reset and independent of the feed water controller.

(iii) For coil type hot water boilers a low-water flow limit control installed in the circulating water line may be used instead of a low-water fuel cutoff.

(iv) All control and limit devices shall be independently connected and electrically wired in series.

(3) Installations or refits of gas, oil, or combinations of gas or oil after December 1998 shall have the following additional requirements:

(a) All boilers excluding lined potable water heaters of all BTU input installed or refitted after December 1998, with fuel input ratings of less than 12,500,000 BTU/hr which are fired by gas, oil, or a combination of gas or oil shall comply with the fuel train requirements defined in ASME CSD-1 (CF), as adopted in WAC 296-104-200 where applicable.

(b) A manually operated remote shutdown switch or circuit breaker should be located just outside the boiler room door and marked for easy identification. Consideration shall be given to the type and location of the switch to safeguard against tampering.

(c) Verification of fuel train compliance will be per CSD-1. A CSD-1 report will be filled out and signed by an authorized representative of the manufacturer and/or the installing contractor.

~~((e))~~ (d) The CSD-1 report must be made available to the authorized inspection agency or the inspector after which a certificate of operation may be issued. The report shall remain in the possession of the boiler owner.

(e) A means shall be provided for testing the operation of hot water heating boiler low water fuel cutoff(s) without resorting to draining the entire system. Such means shall not render the device(s) inoperable. If the means temporarily isolates the device from the boiler during testing, it shall automatically return to its normal position.

AMENDATORY SECTION (Amending WSR 02-23-036, filed 11/13/02, effective 12/14/02)

WAC 296-104-307 Installation—When ~~((do I need to provide))~~ are platforms around boilers required? Provide platforms allowing safe access to each boiler, when the ~~((boiler))~~ controls, valves, manholes, or casing openings are over ten feet above the floor.

AMENDATORY SECTION (Amending WSR 02-23-036, filed 11/13/02, effective 12/14/02)

WAC 296-104-316 Installation—What safety pressure relief devices are required on boilers and unfired pressure vessels? All boiler and unfired pressure vessels shall be safeguarded by safety valves, safety relief valves, or rupture discs as specified in the ASME Code. As an alternative they may be safeguarded by a fail safe pressure relief control system that is evaluated by a professional engineer knowledgeable with boilers and pressure vessels, licensed by the state of Washington, and accepted by the chief inspector.

AMENDATORY SECTION (Amending WSR 02-23-036, filed 11/13/02, effective 12/14/02)

WAC 296-104-320 Installation—Where should the discharge from safety ~~((valves))~~ pressure relief devices, blow offs and drains be directed? ~~((Direct the))~~ Discharge from safety ~~((valves))~~ pressure relief devices, blow offs and drains shall be directed to a safe point of discharge to prevent injury to personnel ~~((or))~~ and property. ~~((Run the discharge line outside the building from single or multiple safety valves on boilers, pressure vessels))~~ Discharge lines from boilers, accumulators, or headers, with a capacity of ~~((5,000))~~ 1,000 pounds of steam per hour or more, shall be directed outside of the building.

AMENDATORY SECTION (Amending WSR 97-20-109, filed 9/30/97, effective 10/31/97)

WAC 296-104-325 Installation—What are the requirements for boiler and unfired pressure vessel supports? Each boiler or unfired pressure vessel shall be supported by masonry or structural supports of sufficient strength and rigidity to safely support the vessel and its contents. There shall be no excessive vibration in either the vessel or its connecting piping.

AMENDATORY SECTION (Amending WSR 98-22-024, filed 10/28/98, effective 11/28/98)

WAC 296-104-405 Existing installation—How can the maximum allowable working pressure be established for nonstandard boilers or unfired pressure vessels? The maximum allowable working pressure MAWP shall be established as follows:

(1) For nonstandard steel low pressure steam heating boilers the MAWP shall be computed from the formula in subsection (5) of this section not exceeding 15 psi steam.

(2) For nonstandard steel low pressure water heating boilers the MAWP shall be computed from the formula in subsection (5) of this section not exceeding ~~((160))~~ 30 psi.

(3) For nonstandard cast iron low pressure steam heating boilers the MAWP shall not exceed 15 psi steam.

(4) For nonstandard cast iron low pressure water heating boilers the MAWP shall not exceed 30 psi.

(5) For boilers and unfired pressure vessels not listed above, where the original code of construction is unknown, the following formula will be used.

$$\frac{TS \times t \times E}{R \times FS} = MAWP$$

TS = Tensile Strength in psi as given in ASME Code, when material cannot be identified use 55,000 for steel and 45,000 for wrought iron.

t = thickness in inches of the thinnest part determined by actual measurement.

- E = efficiency of longitudinal joint or ligament, whichever is the least, determined by the rules and formula in the ASME Code. When construction methods are not known welded joint efficiency will be 70%.
- R = radius of largest course in inches.
- FS = Factor of Safety, for boilers shall be a minimum of 5. For boilers with a longitudinal lap seam it shall be a minimum 8. Boilers with a longitudinal lap seam, unless granted a special permit, may only be used at a maximum of 15 psi provided they have passed inspection. The minimum for unfired pressure vessels shall be 4 when less than 20 years old, 4 1/2 when over 20 years old.

(6) For miniature hobby boilers the MAWP shall be computed using the formulas referenced in the ASME Code Section I, but the MAWP may not exceed 150 psi. For these formulas the maximum allowable stress (MAS) value shall be 0.75 times the maximum stress at 400 degrees F. in ASME Code Section II Part D, for listed materials or as set by the department for nonlisted materials.

AMENDATORY SECTION (Amending WSR 98-22-024, filed 10/28/98, effective 11/28/98)

WAC 296-104-510 Repairs—~~((Do riveted patches require prior approval))~~ **When a lap seam crack is discovered along a riveted longitudinal joint on a boiler or unfired pressure vessel, what action is required and what repairs are allowed?** ~~((Yes, prior to applying riveted patches the design of the patch and method of installation shall be approved by the inspector.))~~ **A "lap seam crack" is a crack found in a riveted lap seam, extending parallel to the longitudinal joint and located either between or adjacent to rivet holes. Repairs to a "lap seam crack" on a shell or drum of any boiler or unfired pressure vessel is not allowed. The shell or drum of any boiler or unfired pressure vessel in which a lap seam crack is discovered shall be immediately discontinued from use.**

AMENDATORY SECTION (Amending WSR 98-22-024, filed 10/28/98, effective 11/28/98)

WAC 296-104-515 Repairs—~~((What are the requirements for repair of nonnuclear safety devices))~~ **Do riveted repairs to boilers and unfired pressure vessels require prior approval?** ~~((The resetting, repairing, and restamping of safety valves and relief valves shall be done by a qualified manufacturer or valve repair organization holding a valid "V," "UV," or "VR" Certificate of Authorization issued by the National Board of Boiler and Pressure Vessel Inspectors. Section IV safety valves shall be repaired only by the valve manufacturer.~~

~~Boiler and pressure vessel users, however, may authorize external adjustments to be made to bring their installed safety valves and relief valves, except Section IV safety valves, back to the stamped set pressure. This adjustment~~

~~shall be witnessed and approved by a National Board Commissioned Inspector. All such external adjustments shall be resealed showing the identification of the organization making the adjustments and the date.~~

~~Repairing of noncode relief or safety valves shall not be allowed, except as specified below. Noncode liquid relief valves installed prior to 1-1-85 shall be repaired by an organization holding a valid "V," "UV," or "VR" Certificate of Authorization, but need not be stamped.))~~ **Yes, riveted repairs to boilers and unfired pressure vessels requires prior approval by the chief inspector.**

AMENDATORY SECTION (Amending WSR 98-22-024, filed 10/28/98, effective 11/28/98)

WAC 296-104-520 Repairs—~~((When a lap seam crack is discovered along a riveted longitudinal joint what action is required and what repairs are allowed))~~ **What are the requirements for repair of nonnuclear safety devices?** ~~((1) A "lap seam crack" is a crack found in riveted lap seams, extending parallel to the longitudinal joint and located either between or adjacent to rivet holes.~~

~~(2) The shell or drum of any boiler or unfired pressure vessel in which a lap seam crack is discovered along a longitudinal riveted joint shall be immediately discontinued from use.~~

~~(3) If the boiler or unfired pressure vessel is not more than 15 years of age, a complete new course of the original thickness may be installed at the discretion of the inspector (and after approval of the chief inspector).~~

~~(4) If the boiler or unfired pressure vessel is over 15 years of age the shell or drum of the boiler or unfired pressure vessel shall be replaced.~~

~~(5) Patching of a lap seam is prohibited.))~~ **The resetting, repairing, and restamping of safety valves and relief valves shall be done by a qualified manufacturer or valve repair organization holding a valid "V," "UV," or "VR" Certificate of Authorization issued by the National Board of Boiler and Pressure Vessel Inspectors. Section IV safety valves shall be repaired only by the valve manufacturer.**

Boiler and pressure vessel users, however, may authorize external adjustments to be made to bring their installed safety valves and relief valves, except Section IV safety valves, back to the stamped set pressure. This adjustment shall be witnessed and approved by a National Board Commissioned Inspector. All such external adjustments shall be resealed showing the identification of the organization making the adjustments and the date.

Repairing of noncode relief or safety valves shall not be allowed, except as specified below. Noncode liquid relief valves installed prior to 1-1-85 shall be repaired by an organization holding a valid "V," "UV," or "VR" Certificate of Authorization, but need not be stamped.

AMENDATORY SECTION (Amending WSR 03-12-051, filed 5/30/03, effective 6/30/03)

WAC 296-104-700 What are the inspection fees—Examination fees—Certificate fees—Expenses? The following fees shall be paid by, or on behalf of, the owner or user upon the completion of the inspection. The inspection

fees apply to inspections made by inspectors employed by the state.

Heating boilers:		
	Internal	External
Cast iron—All sizes	29.40	23.50
All other boilers less than 500 sq. ft.	35.40	23.50
500 sq. ft. to 2500 sq. ft.	59.00	29.40
Each additional 2500 sq. ft. of total heating surface, or any portion thereof	23.50	11.70
Power boilers:	Internal	External
Less than 100 sq. ft.	29.40	23.50
100 sq. ft. to less than 500 sq. ft.	35.40	23.50
500 sq. ft. to 2500 sq. ft.	59.00	29.40
Each additional 2500 sq. ft. of total heating surface, or any portion thereof	23.50	11.70
Pressure vessels:		
Automatic utility hot water supply heaters per RCW 70.79.090		5.70
All other pressure vessels:		
Square feet shall be determined by multiplying the length of the shell by its diameter.		
	Internal	External
Less than 15 sq. ft.	23.50	17.60
15 sq. ft. to less than 50 sq. ft.	35.40	17.60
50 sq. ft. to 100 sq. ft.	41.20	23.50
For each additional 100 sq. ft. or any portion thereof	41.20	11.70
Certificate of inspection fees: For objects inspected, the certificate of inspection fee is \$17.60 per object.		
Boiler and pressure vessel installation/reinstallation permit (excludes inspection and certificate of inspection fee)		\$50.00
Nonnuclear shop inspections, field construction inspections, and special inspection services:		
For each hour or part of an hour up to 8 hours		35.40
For each hour or part of an hour in excess of 8 hours		53.00
Nuclear shop inspections, nuclear field construction inspections, and nuclear triennial shop survey and audit:		
For each hour or part of an hour up to 8 hours		53.00

For each hour or part of an hour in excess of 8 hours 82.60

Nonnuclear triennial shop survey and audit:
 When state is authorized inspection agency:
 For each hour or part of an hour up to 8 hours 35.40
 For each hour or part of an hour in excess of 8 hours 53.00
 When insurance company is authorized inspection agency:
 For each hour or part of an hour up to 8 hours 53.00
 For each hour or part of an hour in excess of 8 hours 82.60

Examination fee: A fee of \$65.40 will be charged for each applicant sitting for an inspection examination(s).

Special inspector commission: An initial fee of \$25 and an annual renewal fee of \$10 will be charged.

Expenses shall include:
 Travel time and mileage: The department shall charge for its inspectors' travel time from their offices to the inspection sites and return. The travel time shall be charged for at the same rate as that for the inspection, audit, or survey. The department shall also charge the current Washington office of financial management accepted mileage cost fees or the actual cost of purchased transportation. Hotel and meals: Actual cost not to exceed the office of financial management approved rate.

Washington state specials: For each vessel to be considered by the board for a Washington state special certificate, a fee of \$327.60 must be paid to the department before the board meets to consider the vessel. The board may, at its discretion, prorate the fee when a number of vessels that are essentially the same are to be considered.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-104-055 Administration—What are the examination fees?
- WAC 296-104-530 Repairs—Can air or vapor testing be performed?

WSR 04-01-197
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Filed December 24, 2003, 10:54 a.m.]

Date of Adoption: December 10, 2003.

PERMANENT

Purpose: The 2003 legislature passed HB 1753 which authorized the practice of nurse delegation in the in-home setting, including home care, home health, hospice and hospice care centers. At the request of interested parties, the department made very minor changes to chapter 246-335 WAC to enable nurse delegation in these licensed agencies.

Citation of Existing Rules Affected by this Order: Amending WAC 246-335-015 and 246-335-060.

Statutory Authority for Adoption: Chapter 70.127 RCW.

Adopted under notice filed as WSR 03-19-135 on September 17, 2003.

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 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 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 24, 2003

M. C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 02-18-026, filed 8/23/02, effective 10/1/02)

WAC 246-335-015 Definitions. For the purposes of this chapter, the following words and phrases will have the following meanings unless the context clearly indicates otherwise:

(1) "AAA" means the area agency on aging designated by the aging and adult services administration to contract for home care services with the department of social and health services.

(2) "Acute care" means care provided by an in-home services agency licensed to provide home health services for patients who are not medically stable or have not attained a satisfactory level of rehabilitation. These patients require frequent monitoring by a licensed nurse, therapist, dietician, or social worker to assess health status and progress.

(3) "Administrator" means an individual responsible for managing the operation of an in-home services agency.

(4) "Agency" means an in-home services agency licensed to provide home health, home care, hospice or hospice care center services.

(5) "Assessment" means:

(a) For home health and hospice agencies and hospice care centers, an evaluation of patient needs by an appropriate health care professional; or

(b) For home care agencies, an on-site visit by appropriate agency personnel to determine services requested or recommended to meet client needs.

(6) "Authenticated" means a written signature or unique identifier verifying accuracy of information.

(7) "Authorizing practitioner" means an individual authorized to approve a home health, hospice or hospice care center plan of care.

(a) For home health services:

(i) A physician licensed under chapter 18.57 or 18.71 RCW;

(ii) A podiatric physician and surgeon licensed under chapter 18.22 RCW; or

(iii) An advanced registered nurse practitioner (ARNP), as authorized under chapter 18.79 RCW;

(b) For hospice and hospice care center services:

(i) A physician licensed under chapter 18.57 or 18.71 RCW; or

(ii) An advanced registered nurse practitioner (ARNP), as authorized under chapter 18.79 RCW;

(8) "Bereavement" means care provided to the patient's family with the goal of alleviating the emotional and spiritual discomfort associated with the patient's death.

(9) "Client" means an individual receiving home care services.

(10) "Construction" for the purposes of hospice care centers means:

(a) New building(s) to be used as a hospice care center;

(b) Addition(s) to or conversion(s), either in whole or in part, of an existing building or buildings to be used as a hospice care center or a portion thereof; or

(c) Alteration or modification to a hospice care center.

(11) "Contractor" means an individual, person, or licensee who has a written contract with a licensee to provide patient or client care services or equipment.

(12) "Deemed status" means a designation assigned by the department for an in-home services agency licensed to provide home health, home care, or hospice services meeting the provisions of WAC 246-335-050, certified or accredited by organizations recognized by RCW 70.127.085, or monitored under contract with the department of social and health services under RCW 70.127.085 to provide home care services.

(13) "Department" means the Washington state department of health.

(14) "Dietician" means a person certified under chapter 18.138 RCW or registered by the American Dietetic Association.

(15) "Director of clinical services" means an individual responsible for nursing, therapy, nutritional, social, or related services that support the plan of care provided by in-home services agencies licensed to provide home health, hospice or hospice care center services.

(16) "Document" means the process of recording information relating to patient or client care verified by signature or unique identifier, title, and date.

(17) "Family" means an individual or individuals who are important to, and designated in writing by, the patient or client and need not be relatives, or who are legally authorized to represent the patient or client.

(18) "Health care professional" means an individual who provides health or health-related services within the individual's authorized scope of practice and who is licensed, registered or certified under Title 18 RCW, Business and professions.

(19) "Home care agency" or "in-home services agency licensed to provide home care services" means a person administering or providing home care services directly or through a contract arrangement to clients in places of permanent or temporary residence. A home care agency that provides delegated tasks of nursing under RCW 18.79.260 (3)(e) and rules adopted thereunder is not considered a home health agency for purposes of this chapter.

(20) "Home care aide" means an individual providing home care services.

(21) "Home care services" means nonmedical services and assistance provided to ill, disabled, (~~infirm~~) or vulnerable clients that enables them to remain in their residences. Home care services include, but are not limited to: Personal care such as assistance with dressing, feeding and personal hygiene to facilitate self-care; homemaker assistance with household tasks, such as housekeeping, shopping, meal planning and preparation, and transportation; respite care assistance and support provided to the family; or other nonmedical tasks, as defined in this section or delegated tasks of nursing under RCW 18.79.260 (3)(e) and rules adopted thereunder.

(22) "Home health agency" or "in-home services agency licensed to provide home health services" means a person administering or providing two or more home health services directly or through a contract arrangement to patients in places of permanent or temporary residence. A person administering or providing only nursing services may elect to be an in-home services agency licensed to provide home health services.

(23) "Home health aide" means an individual registered or certified as a nursing assistant under chapter 18.88A RCW.

(24) "Home health aide services" means services provided by home health aides in an in-home services agency licensed to provide home health, hospice, or hospice care center services under the supervision of a registered nurse, physical therapist, occupational therapist, or speech therapist. Such care may include ambulation and exercise, medication assistance level 1 and level 2, reporting changes in patients' conditions and needs, completing appropriate records, and personal care or homemaker services, and other nonmedical tasks, as defined in this section.

(25) "Home health services" means services provided to ill, disabled, (~~infirm~~) or vulnerable patients. These services include, but are not limited to, nursing services, home health aide services, physical therapy services, occupational therapy services, speech therapy services, respiratory therapy services, nutritional services, medical social services, home medical supplies or equipment services, and professional medical equipment assessment services.

(26) "Home medical supplies or equipment services" means providing diagnostic, treatment, and monitoring equipment and supplies used in the direct care of patients or clients as stated in a plan of care.

(27) "Homelike" for the purposes of a hospice care center means an environment having the qualities of a home, including privacy, comfortable surroundings, opportunities for patient self-expression, and supporting interaction with the family, friends, and community.

(28) "Hospice agency" or "in-home services agency licensed to provide hospice services" means a person administering or providing hospice services directly or through a contract arrangement to patients in places of permanent or temporary residence under the direction of an interdisciplinary team.

(29) "Hospice care center" or "in-home services agency licensed to provide hospice care center services" means a homelike, noninstitutional facility where hospice services are provided, and that meet the requirements for operation under RCW 70.127.280 and applicable rules.

(30) "Hospice care center service category" means the different levels of care provided in a hospice care center, including continuous care, general inpatient care, inpatient respite care, and routine home care.

(a) "Continuous care" means care for patients requiring a minimum of eight hours of one-to-one services in a calendar day, with assessment and supervision by an RN. An RN, LPN or home health aide may provide the care or treatment, according to practice acts and the rules adopted thereunder, of acute or chronic symptoms, including a crisis in their caregiving.

(b) "General inpatient care" means care for patients requiring an RN on-site twenty-four hours a day, for assessment and supervision. An RN, LPN or home health aide may provide the care or treatment, according to practice acts and the rules adopted thereunder, of acute or chronic symptoms, including a crisis in their caregiving.

(c) "Inpatient respite care" means care for patients whose caregivers require short-term relief of their caregiving duties.

(d) "Routine home care" means the core level of service for patients not receiving continuous care, general inpatient care, or inpatient respite care.

(31) "Hospice care center services" means hospice services provided in a hospice care center and may include any of the levels of care defined as hospice care center service categories.

(32) "Hospice services" means symptom and pain management provided to a terminally ill patient, and emotional, spiritual and bereavement support for the patient and family in a place of temporary or permanent residence, including hospice care centers, and may include the provision of home health and home care services for the terminally ill patient through an in-home services agency licensed to provide hospice or hospice care center services.

(33) "In-home services agency" or "in-home services licensee" means a person licensed to administer or provide home health, home care, hospice or hospice care center services directly or through a contract arrangement to patients or clients in a place of temporary or permanent residence.

(34) "In-home services category" means home health, home care, hospice, or hospice care center services.

(35) "Interdisciplinary team" means the group of individuals involved in patient care providing hospice services or hospice care center services including, at a minimum, a phy-

sician, registered nurse, social worker, spiritual counselor and volunteer.

(36) "Licensed practical nurse" or "LPN" means an individual licensed as a practical nurse under chapter 18.79 RCW.

(37) "Licensed nurse" means a licensed practical nurse or registered nurse.

(38) "Licensee" means the person to whom the department issues the in-home services license.

(39) "Maintenance care" means care provided by in-home services agencies licensed to provide home health services that are necessary to support an existing level of health, to preserve a patient from further failure or decline, or to manage expected deterioration of disease. These patients require periodic monitoring by a licensed nurse, therapist, dietician, or social worker to assess health status and progress.

(40) "Managed care plan" means a plan controlled by the terms of the reimbursement source.

(41) "Medical director" means a physician licensed under chapter 18.57 or 18.71 RCW responsible for the medical component of patient care provided in an in-home services agency licensed to provide hospice and hospice care center services according to WAC 246-335-055 (4)(a).

(42) "Medication assistance level 1" means home health aide assistance with medications (~~that are ordinarily self-administered by the~~), that includes the application, instillation or insertion of medications under a plan of care, for patients of an in-home services agency licensed to provide home health, hospice or hospice care center services and are under the direction of appropriate agency health care personnel. The assistance must be provided in accordance with the Nurse Practice Act as defined in chapter 18.79 RCW and rules adopted thereunder and the nursing assistant scope of practice as defined in chapter 18.88A RCW and the rules adopted thereunder.

(43) "Medication assistance level 2" means assistance with medications as defined by the board of pharmacy in chapter 246-888 WAC.

(44) "Nonmedical tasks" means those tasks which do not require clinical judgment and which can be performed by unlicensed individuals. These tasks are ordinarily performed by the patient or client, which if not for the patient or client's cognitive or physical limitation(s), would be completed independently by the patient, client, or family. These tasks may be completed by home health aides or home care aides. These nonmedical tasks include, but are not limited to:

(a) "Ambulation" which means assisting the patient or client to move around. Ambulation includes supervising or guiding the patient or client when walking alone or with the help of a mechanical device such as a walker, assisting with difficult parts of walking such as climbing stairs, supervising or guiding the patient or client if the patient or client is able to propel a wheelchair, pushing of the wheelchair, and providing constant or standby physical assistance to the patient or client if totally unable to walk alone or with a mechanical device.

(b) "Bathing" which means assisting the patient or client to wash. Bathing includes supervising or guiding the patient or client to bathe, assisting the patient or client with difficult

tasks such as getting in or out of the tub or washing the back, and completely bathing the patient or client if totally unable to wash self.

(c) "Body care" which means skin care including the application of over the counter ointments or lotions. "Body care" excludes foot care for patients or clients who are diabetic or have poor circulation.

(d) "Feeding" which means assistance with eating. Feeding includes supervising or guiding the patient or client when able to feed self, assisting with difficult tasks such as cutting food or buttering bread, and orally feeding the patient or client when unable to feed self.

(e) "Medication assistance level 2" which means assistance with medications as defined in the board of pharmacy rules, chapter 246-888 WAC, and consistent with nursing assistant rules under chapter 18.88A RCW.

(f) "Positioning" which means assisting the patient or client to assume a desired position, and with turning and exercises to prevent complications, such as contractures and pressure sores. Range of motion ordered as part of a physical therapy treatment is not included, unless such activity is authorized in agency policies and procedures and is supervised by a licensed physical therapist in a home health or hospice agency or hospice care center.

(g) "Protective supervision" which means being available to provide safety guidance protection to the patient or client who cannot be left alone due to impaired judgment.

(h) "Toileting" which means helping the patient or client to and from the bathroom, assisting with bedpan routines, using incontinent briefs, cleaning the patient or client after elimination, and assisting the patient or client on and off the toilet.

(i) "Transfer" which means assistance with getting in and out of a bed or wheelchair or on and off the toilet or in and out of the bathtub. Transfer includes supervising or guiding the patient or client when able to transfer, providing steadying, and helping the patient or client when the patient or client assists in own transfer. This does not include transfers when the patient or client is unable to assist in their own transfer or needs assistive devices unless specific training or skills verification has occurred consistent with agency policies and procedures.

(45) "One-time visit" means a single visit by one individual to provide home health, hospice or home care services with no predictable need for continuing visits, not to exceed twenty-four hours.

(46) "On-site" means the location where services are provided.

(47) "Patient" means an individual receiving home health, hospice, or hospice care center services.

(48) "Person" means any individual, business, firm, partnership, corporation, company, association, joint stock association, public or private organization, or the legal successor thereof that employs or contracts with two or more individuals.

(49) "Personnel" means individuals employed and compensated by the licensee.

(50) "Plan of care" means a written document based on assessment of patient or client needs that identifies services to meet these needs.

(51) "Pressure relationships" of air to adjacent areas means:

(a) Positive (P) pressure is present in a room when the:

(i) Room sustains a minimum of 0.001 inches of H₂O pressure differential with the adjacent area, the room doors are closed, and air is flowing out of the room; or

(ii) Sum of the air flow at the supply air outlets (in CFM) exceeds the sum of the air flow at the exhaust/return air outlets by at least 70 CFM with the room doors and windows closed;

(b) Negative (N) pressure is present in a room when the:

(i) Room sustains a minimum of 0.001 inches of H₂O pressure differential with the adjacent area, the room doors are closed, and air is flowing into the room; or

(ii) Sum of the air flow at the exhaust/return air outlets (in CFM) exceeds the sum of the air flow at the supply air outlets by at least 70 CFM with the room doors and windows closed;

(c) Equal (E) pressure is present in a room when the:

(i) Room sustains a pressure differential range of plus or minus 0.0002 inches of H₂O with the adjacent area, and the room doors are closed; or

(ii) Sum of the air flow at the supply air outlets (in CFM) is within ten percent of the sum of the air flow at the exhaust/return air outlets with the room doors and windows closed.

(52) "Professional medical equipment assessment services" means periodic care provided by a licensed nurse, therapist or dietician, within their scope of practice, for patients who are medically stable, for the purpose of assessing the patient's medical response to prescribed professional medical equipment, including, but not limited to, measurement of vital signs, oximetry testing, and assessment of breath sounds and lung function (spirometry).

(53) "Quality improvement" means reviewing and evaluating appropriateness and effectiveness of services provided under this chapter.

(54) "Registered nurse" or "RN" means an individual licensed under chapter 18.79 RCW.

(55) "Service area" means the geographic area in which the department has given approval to a licensee to provide in-home services based on criteria in WAC 246-335-055 (1)(a)(vi). Service areas do not apply to hospice care centers.

(56) "Sink" means one of the following:

(a) "Clinic service sink (siphon jet)" means a plumbing fixture of adequate size and proper design for waste disposal with siphon jet or similar action sufficient to flush solid matter of at least two and one-eighth inch diameter.

(b) "Service sink" means a plumbing fixture of adequate size and proper design for filling and emptying mop buckets.

(c) "Hand wash sink" means a plumbing fixture of adequate size and proper design to minimize splash and splatter and permit hand washing without touching fixtures with hands, with adjacent soap dispenser with foot control or equivalent and single service hand drying device.

(57) "Social worker" means an individual regulated under chapter 18.19 or 18.225 RCW.

(58) "Spiritual counseling" means services provided or coordinated by an individual with knowledge of theology, pastoral counseling or an allied field.

(59) "Statement of deficiencies" means a written notice of any violation of chapter 70.127 RCW or the rules adopted thereunder which describes the reasons for noncompliance.

(60) "Statement of charges" means a document which initiates enforcement action against a licensee or applicant and which creates the right to an adjudicative proceeding. The department shall prepare a statement of charges in accordance with WAC 246-10-201.

(61) "Supervisor of direct care services" means an individual responsible for services that support the plan of care provided by an in-home services agency licensed to provide home care services.

(62) "Survey" means an inspection or investigation, announced or unannounced, conducted by the department to evaluate and monitor a licensee's compliance with this chapter.

(63) "Therapist" means an individual who is:

(a) A physical therapist, licensed under chapter 18.74 RCW;

(b) A respiratory therapist, licensed under chapter 18.89 RCW;

(c) An occupational therapist, licensed under chapter 18.59 RCW; or

(d) A speech therapist licensed under chapter 18.35 RCW.

(64) "Therapy assistant" means a licensed occupational therapy assistant defined under chapter 18.59 RCW or physical therapist assistant defined under chapter 18.74 RCW.

(65) "Volunteer" means an individual who provides direct care to a patient or client and who:

(a) Is not compensated by the in-home-services licensee; and

(b) May be reimbursed for personal mileage incurred to deliver services.

(66) "WISHA" means the Washington Industrial Safety and Health Act, chapter 49.17 RCW.

AMENDATORY SECTION (Amending WSR 02-18-026, filed 8/23/02, effective 10/1/02)

WAC 246-335-060 Delivery of services. The applicant or licensee must establish and implement policies and procedures that describe:

(1) Admission, transfer, discharge and referral processes;

(2) Specific services, including nonmedical tasks, available to meet patient or client, or family needs as identified in plans of care;

(3) Agency personnel, contractor, and volunteer roles and responsibilities related to medication assistance level 1 and level 2;

(4) Coordination of care, including:

(a) Coordination among services being provided by the in-home services agency; and

(b) Coordination with other agencies when care being provided impacts patient or client health;

(5) Actions to address patient or client, or family communication needs;

(6) Infection control practices for direct care personnel, contractors, and volunteers consistent with local health authorities;

(7) Actions to take when personnel, volunteers, contractors, or patients or clients exhibit or report symptoms of a communicable disease in an infectious stage in accordance with chapter 246-100 WAC, Communicable and certain other diseases and chapter 246-101 WAC, Notifiable conditions;

(8) Management of patient or client medications and treatments in accordance with appropriate practice acts;

(9) Food storage, preparation and handling;

(10) Reporting of patient/client abuse and neglect according to chapter 74.34 RCW;

(11) Emergency care of patient or client;

(12) Actions to be taken upon death of a patient or client;

(13) Implementation of advanced directives in accordance with the Natural Death Act; and

(14) Plans for service delivery when natural or man-made emergencies occur that prevent normal agency operation.

(15) Nurse delegation as defined in RCW 18.79.260 (3)(e) and rules adopted thereunder, if applicable.

PERMANENT

WSR 04-01-004
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-298—Filed December 4, 2003, 8:11 a.m.]

Date of Adoption: December 3, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-52-04600C; and amending WAC 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: The state may not authorize commercial shellfish harvest absent agreed planning or compliance with a process. The provisions of this rule are in conformity with agreed plans with applicable tribes, which have been entered as required by the court order. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

December 3, 2003

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 220-52-04600D Coastal crab fishery—Special management area. Notwithstanding the provisions of WAC 220-52-046, effective December 1, 2003 until further notice, it is unlawful for non-Indian commercial fishers to fish for or take crab for commercial purposes, or place gear, in the following areas during the periods indicated:

(1) The following areas are closed until further notice:

(a) Coastal waters between 47°40.50'N and 47°58.00'N, and east of a line described by the following points:

Southern point (Destruction Island): 47°40.50'N
 124°40.00'W

Northern point (Cape Johnson): 47°58.00'N
 124°49.00'W

(b) Coastal waters between 47°09.00'N and 47°21.00'N, and east of a line described by the following points:

Southwest point (Copalis Rock area): 47°09.00'N
 124°24.00'W

Northwest point: (mouth of Quinault river): 47°21.00'N
 124°30.00'W

(2) The following area is closed from January 7, 2004 through March 9, 2004:

(a) Coastal waters between 48°07.50'N and 48°22.86'N, and east of a line described by the following points:

Southwest point: 48°07.50'N 124°51.50'W

Northwest point: 48°20.00'N 124°50.00'W

Cape Flattery: 48°22.86'N 124°43.83'W

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-04600C Coastal crab fishery—Special management area. (03-291)

WSR 04-01-005
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-297—Filed December 4, 2003, 8:12 a.m.]

Date of Adoption: December 3, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-44-05000Y; and amending WAC 220-44-050.

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: These rules were adopted by the Pacific Fisheries Management Council and provide harvest of available stocks of bottomfish, while reserving brood stock for future fisheries. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

December 3, 2003

Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 220-44-05000Z Coastal bottom fish catch limits. Notwithstanding the provisions of WAC 220-44-050, effective immediately until further notice: (1) It is unlawful to possess, transport through the waters of the state, or land into any Washington port bottom fish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 60A-1, 60A-2, 61, 62, or 63 in excess of the amounts or less than the minimum sizes, or in violation of any gear, handling or landing requirement, established by the Pacific Fisheries Management Council and published in the Federal Register, Volume 68, No. 228, published November 26, 2003. Therefore, persons must consult the federal regulations, which are incorporated by reference and made a part of Chapter 220-44 WAC. Where rules refer to the fishery management area, that area is extended to include Washington State waters coterminous with the Exclusive Economic Zone. A copy of the federal rules may be obtained by contacting Evan Jacoby at (360) 902-2930.

(a) Effective immediately until further notice, it is unlawful to possess, transport through the waters of the state, or land into any Washington port, walleye pollock taken with trawl gear from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 60A-1, 60A-2, 61, 62, or 63, except by trawl vessels participating in the directed Pacific whiting fishery and the directed coastal groundfish fishery.

(b) Effective immediately until further notice, it is unlawful for trawl vessels participating in the directed Pacific whiting and/or the directed coastal groundfish fishery to land incidental catches of walleye pollock greater than forty percent of their total landing by weight, not to exceed 10,000 pounds.

(2) At the time of landing of coastal bottom fish into a Washington port, the fish buyer receiving the fish is required to clearly mark on the fish receiving ticket, in the space reserved for dealer's use, all legally defined trawl gear aboard the vessel at the time of delivery. The three trawl gear types are: midwater trawl, roller trawl and small foot rope trawl (foot rope less than eight inches in diameter). The notation of the gear type(s) aboard the vessel is required prior to the signing of the fish receiving ticket by the vessel representative.

(3) Vessels engaged in chartered research for National Marine Fisheries Service (NMFS) may land and sell bottomfish caught during that research without the catch being counted toward any trip or cumulative limit for the participat-

ing vessel. Vessels that have been compensated for research work by NMFS with an Exempted Fishing Permit (EFP) to land fish as payment for such research may land and sell fish authorized under the EFP without the catch being counted toward any trip or cumulative limit for the participating vessel. Any bottomfish landed during authorized NMFS research or under the authority of a compensating EFP for past chartered research work must be reported on a separate fish receiving ticket and not included on any fish receiving ticket reporting bottomfish landed as part of any trip or cumulative limit. Bottomfish landed under the authority of NMFS research work or an EFP compensating research with fish must be clearly marked "NMFS Compensation Trip" on the fish receiving ticket in the space reserved for dealer's use. The NMFS scientist in charge must sign the fish receiving ticket in the area reserved for dealer's use if any bottomfish are landed during authorized NMFS research. If the fish are landed under the authority of an EFP as payment for research work, the EFP number must be listed in the dealer's use space.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-44-05000Y Coastal bottomfish catch limits. (03-279)

WSR 04-01-011

EMERGENCY RULES

ENVIRONMENTAL HEARINGS OFFICE

[Filed December 4, 2003, 10:19 a.m., effective December 16, 2003]

Date of Adoption: December 4, 2003.

Purpose: At the request of the Department of Agriculture, our agency is amending existing Pollution Control Hearings Board (PCHB) rules in order to help facilitate transfer of the livestock nutrient management program from the Department of Ecology to the Department of Agriculture.

Citation of Existing Rules Affected by this Order: Amending chapter 371-08 WAC.

Statutory Authority for Adoption: RCW 34.05.360 and ESSB 5889.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The adoption in the last legislative session of ESSB 5889 transferring the livestock nutrient management program from ecology to agriculture created a need to amend existing procedural rules governing appeals to the PCHB related to the program.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: December 16, 2003.

December 4, 2003

Eric Z. Lucas

Administrative Appeals Judge
and Rules Coordinator

(c) The issuance, modification, termination or denial of any permit certificate or license by the department of ecology or any air pollution control authority.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits or of biosolid permits pursuant to chapter 70.95 RCW.

(e) Disputes between the department and the governing bodies of local governments regarding local planning requirements under RCW 70.105.220 and zone designation under RCW 70.105.225, pursuant to RCW 70.105.250.

(f) Any other decision by the department of ecology, the administrator of marine safety or an air pollution control authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(3) This section is intended to be general and informational only, and failure herein to list matters over which the board has jurisdiction at law shall not constitute any waiver or withdrawal whatsoever from such jurisdiction.

NEW SECTION

WAC 371-08-306 Livestock nutrient management program (LNMP). As used in this chapter, and chapter 43.21B RCW, when referring to appeals related to civil penalties and orders issued by the department of agriculture, under the LNMP, pursuant to chapters 90.48 and 90.64 RCW, the following terms shall have the following meaning:

(1) "Department" means the department of agriculture.

(2) "Director" means the director of the department of agriculture.

AMENDATORY SECTION (Amending WSR 96-15-003, filed 7/3/96, effective 8/3/96)

WAC 371-08-315 Membership, function and jurisdiction. (1) **Members.** The board is composed of three members appointed by the governor, with the advice and consent of the senate, for a term of six years. The members are to be qualified by experience or training in pertinent matters pertaining to the environment, and at least one member shall be a lawyer, and not more than two members shall be of the same political party.

(2) **Function and jurisdiction.** The function of this board is to provide an expeditious and efficient disposition of appeals from the decisions and orders of the department of agriculture pursuant to chapters 90.48 and 90.64 RCW, the department of ecology, from the decisions of air pollution control authorities established pursuant to chapter 70.94 RCW, and from the decisions of local health departments, when such orders and decisions concern matters within the jurisdiction of the board as provided in RCW 43.21B.110:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.105.095, 70.107.050, 86.16.081, 88.46.090, 90.03.600, 90.48.144, 90.56.310, 90.56.320, 90.56.330 (~~and~~), 90.58.560 and chapter 90.64 RCW.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 18.104.065, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 70.107.060, 88.46.070, 90.14.130, 90.14.190 (~~and~~), 90.48.120 and chapter 90.64 RCW.

WSR 04-01-014

EMERGENCY RULES

DEPARTMENT OF AGRICULTURE

[Filed December 5, 2003, 11:47 a.m.]

Purpose: In accordance with ESSB 5889, pertaining to the livestock nutrient management program (LNMP) passed during the 2003 legislative session, clarify that appeals of LNMP orders and penalties are not appealable using Department of Agriculture (WSDA) procedural rules in chapter 16-08 WAC, but instead are appealable only to the Pollution Control Hearings Board (PCHB) and must be served on and handled by WSDA rather than the Department of Ecology.

Statutory Authority for Adoption: Chapters 90.64 and 34.05 RCW.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The 2003 legislature passed ESSB 5889 transferring the LNMP to the WSDA. WSDA has the authority to take immediate corrective action and formal, regulatory enforcement action for violations of chapters 90.64 and 90.48 RCW. While an appeal of other agency enforcement action is to the director of WSDA, an appeal of any WSDA action in the LNMP is under the jurisdiction of the PCHB. The emergency rule clarifies that appeals of LNMP orders and penalties are not appealable using the procedural rules in chapter 16-08 WAC, but instead are appealable only to the PCHB under chapter 43.21B RCW and chapter 371-08 WAC and must be served on and handled by WSDA rather than the Department of Ecology.

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.

EMERGENCY

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

December 2, 2003

Valoria Loveland

Director

NEW SECTION

WAC 16-08-003 Declaration of purpose and applicability. This chapter sets forth the rules of procedure that are applicable to adjudicative proceedings before the department. Because civil penalties and orders issued by the department pursuant to chapters 90.64 and 90.48 RCW in the livestock nutrient management program are appealable only to the pollution control hearings board (PCHB) under chapter 43.21B RCW and chapter 371-08 WAC, this chapter is not applicable to those proceedings.

NEW SECTION

WAC 16-08-004 Livestock nutrient management program (LNMP) appeals. (1) All appeals of civil penalties and orders issued by the department in the livestock nutrient management program shall be filed with the PCHB at the environmental hearings office and shall be served on the department of agriculture pursuant to RCW 43.21B.230 and 43.21B.300, and WAC 371-08-335 and 371-08-345.

(2) Pursuant to WAC 371-08-306, when referring to appeals related to civil penalties and orders issued by the department of agriculture in the livestock nutrient management program, all references to "department" in both chapters 43.21B RCW and 371-08 WAC shall mean department of agriculture; all references to "director" shall mean director of agriculture.

WSR 04-01-036

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 03-299—Filed December 9, 2003, 3:24 p.m., effective December 14, 2003, 4:00 p.m.]

Date of Adoption: December 9, 2003.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-33000H; 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 regulation closes the remaining Puget Sound catch areas to crab harvest to meet allocation objectives. 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 14, 2003, 4:00 p.m.

December 9, 2003

J. P. Koenings

Director

NEW SECTION

WAC 220-56-33000I Crab—Areas and seasons. Notwithstanding the provisions of WAC 220-56-330, effective 4:00 p.m. December 14, 2003, until further notice, it is unlawful to fish for crab for personal use in all waters of Puget Sound.

REPEALER

The following section of the Washington Administrative Code is repealed effective 4:00 p.m. December 14, 2003:

WAC 220-56-33000H Crab—Areas and seasons.
(03-259)

WSR 04-01-037

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 03-300—Filed December 9, 2003, 4:26 p.m.]

Date of Adoption: December 9, 2003.

Purpose: Amend wildlife rules.

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: Weather conditions have forced deer and elk to lower elevations, where harassment by dogs has been observed. In order to protect deer and elk, it is necessary to allow officers to take dogs into custody, and if necessary destroy dogs. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

December 9, 2003

J. P. Koenings
Director

NEW SECTION

WAC 232-12-31500K Emergency for custody or destruction of dogs harassing deer or elk. Effective immediately until further notice, an emergency is declared in the following Washington State Counties and it is lawful for Fish and Wildlife Officers to take into custody or destroy, if necessary, any dog that is pursuing, harassing, attacking or killing deer or elk.

- (1) Chelan County
- (2) Douglas County
- (3) Ferry County
- (4) Kitittas County
- (5) Okanogan County
- (6) Pend Oreille County
- (7) Spokane County
- (8) Stevens County
- (9) Yakima County

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 04-01-042
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-301—Filed December 10, 2003, 3:27 p.m., effective December 11, 2003]

Date of Adoption: December 10, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-52-07300G; 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. Specifically expressing the boundary between Sea Urchin Districts 3 and 4, in terms of geographic longitudinal position, aids in the enforceability of harvest openings and assures that proper catch allocation occurs for each of the districts harvest quotas. 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 11, 2003.

December 10, 2003

J. P. Koenings
Director

NEW SECTION

WAC 220-52-07300H Sea urchins. Notwithstanding the provisions of WAC 220-52-073 and WAC 220-20-051, effective December 11, 2003 until further notice, it is unlawful to take or possess sea urchins taken for commercial purposes except as provided for in this section:

(1) Sea urchin districts:

(a) Sea Urchin District 3 (Port Angeles) is defined as those waters of Marine Fish-Shellfish Management and

Catch Reporting Area 23C east of a line projected true north from Low Point along the 123° 49.500' (123° 49' 30") longitude line, and Area 23D.

(b) Sea Urchin District 4 (Sekiu) is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 23C west of a line projected true north from Low Point along the 123° 49.500' (123° 49' 30") longitude line and those waters of Area 29 east of a line projected true north from the mouth of Rasmussen Creek (3.1 miles southeast of Sail Rock).

(2) Green sea urchins: Sea Urchin Districts 1 and 2 are open only on December 14, 15, 16, 21, 22, 23, 26, 28, 29 and 30, 2003. Sea Urchin Districts 3, 4, 6 and 7 are open only on Mondays and Tuesdays of each week. The minimum size for green sea urchins is 2.25 inches (size in largest test diameter exclusive of spines).

(3) 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, 22 and 23, 2003. Sea Urchin District 4 is open only on December 18 and 19, 2003. The maximum daily landing of red sea urchins allowed in Sea Urchin Districts 3 and 4 is 2,000 pounds per commercial sea urchin license on a valid designated harvest vessel. It is unlawful to harvest red sea urchins smaller or larger than the following size (size in largest test diameter exclusive of 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.

(4) It is unlawful to dive for any purpose from a commercially licensed sea urchin or sea cucumber fishing vessel within the following sea urchin Districts on the following days.

(a) Districts 1 and 2 - Saturdays of each week

(b) Districts 3 and 4 - December 17, 20 and 21, 2003.

(c) Districts 6 and 7 - Saturdays and Sundays of each week.

REPEALER

The following section of the Washington Administrative Code is repealed effective December 11, 2003:

WAC 220-52-07300G Sea urchins. (03-281)

WSR 04-01-059
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-308—Filed December 12, 2003, 8:30 a.m.]

Date of Adoption: December 12, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-52-04600B; and amending WAC 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: The closure of Catch Areas 23D, 25A, and 25E is necessary because the quota in these areas will be reached by the closure date. Commercial opportunity in the above zones reflects state/tribal agreements to maintain allocation objectives. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

December 12, 2003

J. P. Koenings

Director

NEW SECTION

WAC 220-52-04600E Crab fishery—Seasons and areas. Notwithstanding the provisions of WAC 220-52-046:

(1) Effective 4:00 p.m. December 16, 2003, until further notice, it is unlawful to fish for Dungeness Crab for commercial purposes in Catch Areas 23D, 25A, and 25E.

(2) Effective immediately until further notice, it will be lawful to fish for Dungeness Crab for commercial purposes in the following areas:

(a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A within a line that extends due north from the green number 1 buoy at Scatchet Head to Scatchet Head, thence from the green number 1 buoy at Scatchet Head to the green number 1 buoy at Possession Point, thence due north from the green number 1 buoy at Possession Point to Possession Point.

(b) 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.

(c) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 21B in Samish Bay south of a line from Fish Point and Point Williams in water deeper than 60 feet.

(d) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 26A east of a line projected from the outermost tip of the ferry dock at Mukilteo projected to the green #3 buoy at the mouth of the Snohomish River and west of a line projected from that #3 buoy southward to the oil boom pier on the shoreline.

(2) Effective immediately until further notice Marine Fish-Shellfish Management and Catch Reporting Area 26A shall be further defined by the following boundaries:

(a) Area 26A-W shall include those waters of Catch Area 26A south of 25B and northerly of a line from Apple Cove Point to Point Edwards and south and west of a line that extends from Possession Point to the Shipwreck located .8 nautical miles north of Picnic Point.

(b) Area 26A-E shall include those waters of Catch Area 26A south of Areas 24B and 24C and north and east of a line that extends from Possession Point to the Shipwreck located .8 nautical miles north of Picnic Point.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-04600B Crab fishery—Seasons and areas. (03-271)

**WSR 04-01-060
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-309—Filed December 12, 2003, 8:31 a.m.]

Date of Adoption: December 12, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-07300H; 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. Specifically expressing the boundary between Sea Urchin Districts 3 and 4, in terms of geographic longitudinal position, aids in the enforceability of harvest openings and assures that proper catch allocation occurs for each of the districts harvest quotas. Limiting the legal harvest period for red sea urchins in Sea Urchin Management District 4 to one day

will reduce the potential for overharvest of the state harvest quota share for that district. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

December 12, 2003

J. P. Koenings
Director

NEW SECTION

WAC 220-52-07300I Sea urchins Notwithstanding the provisions of WAC 220-52-073 and WAC 220-20-051, effective immediately until further notice, it is unlawful to take or possess sea urchins taken for commercial purposes except as provided for in this section:

(1) Sea urchin districts:

(a) Sea Urchin District 3 (Port Angeles) is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 23C east of a line projected true north from Low Point along the 123° 49.500' (123° 49' 30") longitude line, and Area 23D.

(b) Sea Urchin District 4 (Sekiu) is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 23C west of a line projected true north from Low Point along the 123° 49.500' (123° 49' 30") longitude line and those waters of Area 29 east of a line projected true north from the mouth of Rasmussen Creek (3.1 miles southeast of Sail Rock).

(2) Green sea urchins: Sea Urchin Districts 1 and 2 are open only on December 14, 15, 16, 21, 22, 23, 26, 28, 29 and 30, 2003. Sea Urchin Districts 3, 4, 6 and 7 are open only on Mondays and Tuesdays of each week. The minimum size for green sea urchins is 2.25 inches (size in largest test diameter exclusive of spines).

(3) 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, 22 and 23, 2003. Sea Urchin District 4 is open only on December 18, 2003. The maximum daily landing of red sea urchins allowed in Sea Urchin Districts 3 and 4 is 2,000 pounds per commercial sea urchin license on a valid designated harvest vessel. It is unlawful to harvest red sea urchins smaller or larger than the following size (size in largest test diameter exclusive of spines).

EMERGENCY

(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.

(4) It is unlawful to dive for any purpose from a commercially licensed sea urchin or sea cucumber fishing vessel within the following sea urchin Districts on the following days.

(a) Districts 1 and 2 - Saturdays of each week

(b) Districts 3 and 4 - December 17, 20 and 21, 2003.

(c) Districts 6 and 7 - Saturdays and Sundays of each week.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-07300H Sea urchins. (03-301)

WSR 04-01-070

EMERGENCY RULES

DEPARTMENT OF TRANSPORTATION

[Filed December 12, 2003, 3:08 p.m.]

Date of Adoption: December 11, 2003.

Purpose: To add a motorcycle construction warning sign to the Washington State Modifications to the Manual on Uniform Traffic Control Devices.

Statutory Authority for Adoption: RCW 47.36.200.

Other Authority: RCW 47.36.030.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: SSB 5457 was passed during the 2003 legislative session. It requires the Washington State Department of Transportation to adopt by rule and use a motorcycle warning sign for some construction zones. The law becomes effective January 1, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

December 11, 2003

John F. Conrad

Assistant Secretary
of Transportation

NEW SECTION

WAC 468-95-315 Motorcycle construction warning signs. Pursuant to RCW 47.36.200 amend MUTCD Section 6F.15 to include motorcycle construction warning signs:

A motorcycle construction warning sign shall be diamond shaped with black letters on an orange background. The sign shall read "MOTORCYCLES USE EXTREME CAUTION."

WSR 04-01-071

EMERGENCY RULES

SECRETARY OF STATE

[Filed December 12, 2003, 4:56 p.m.]

Date of Adoption: December 12, 2003.

Purpose: Clarify certification of voting equipment.

Citation of Existing Rules Affected by this Order: Amending WAC 434-333-010.

Statutory Authority for Adoption: RCW 29.33.041.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The Help America Vote Act requires this change in certifying voting equipment.

Number of Sections Adopted in Order to Comply with Federal Statute: New 1, Amended 1, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

December 12, 2003

Steve Excell

Assistant Secretary of State

[AMENDATORY SECTION] (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)]

WAC 434-333-010 Certification of vote tallying equipment. All voting systems, voting devices, and vote tallying systems must be certified and approved by the secretary of state before they can be used or sold in Washington state.

In order for a system to be certified in Washington state it must meet the Federal Elections Commission standards, must comply with Washington state law, and must be certified and used in in-use in at least one other state or election jurisdiction of the United States.

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.

NEW SECTION

WAC 434-333-012 Definition. For the purposes of WAC 434-333-010 "used in at least one other state or election jurisdiction" means that the voting system, devices or tallying system has been used by a government election authority to collect binding votes as a part of an actual election. This definition excludes sales demonstrations, and tests where the votes cast are not included in the official totals of an official election.

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.

**WSR 04-01-101
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-310—Filed December 16, 2003, 4:20 p.m., effective December 17, 2003, 7:59 a.m.]

Date of Adoption: December 16, 2003.

Purpose: Amend commercial and personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-49-02000N, 220-49-05600B, 220-56-26700A, and 220-56-27000Q.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is needed to reopen Hood Canal to commercial and recreational smelt, herring and anchovy fishing. The fisheries were closed in mid September in response to low levels of dissolved oxygen. Recent measures provided by the Department of Ecology have shown that surface levels of dissolved oxygen are no longer at levels detrimental to fish life. 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 0, 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 17, 2003, 7:59 a.m.

December 16, 2003

J. P. Koenings
Director

REPEALER

The following sections of the Washington Administrative Code are repealed effective 7:59 a.m. December 17, 2003:

- WAC 220-49-02000N Herring and anchovy—Seasons—Lawful gear—Purposes. (03-239)
- WAC 220-49-05600B Smelt fishing—Seasons. (03-239)
- WAC 220-56-26700A Herring—Areas and seasons. (03-238)
- WAC 220-56-27000Q Smelt fishing—Seasons. (03-238)

**WSR 04-01-102
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-313—Filed December 16, 2003, 4:21 p.m., effective December 21, 2003, 12:01 p.m.]

Date of Adoption: December 16, 2003.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-36000U; and amending WAC 220-56-360.

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: Survey results show that adequate clams are available for harvest in Razor Clam Areas 1, 2 and those portions of Razor Clam Area 3 opened for harvest. Washington Department of Health has certified clams from these beaches to be safe for human consumption. 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

EMERGENCY

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 21, 2003, 12:01 p.m.

December 16, 2003

J. P. Koenings

Director

NEW SECTION

WAC 220-56-36000U Razor clams—Areas and seasons. Notwithstanding the provisions of WAC 220-56-360, it is unlawful to dig for or possess razor clams taken for personal use from any beach in Razor Clam Areas 1, 2, or 3, except as provided for in this section:

1. Effective 12:01 p.m. December 21 through 11:59 p.m. December 23, 2003, razor clam digging is allowed in Razor Clam Area 1 and Razor Clam Area 2. Digging is allowed from 12:01 p.m. to 11:59 p.m. each day.

2. Effective 12:01 p.m. December 21 through 11:59 p.m. December 22, 2003, razor clam digging is allowed in that portion of Razor Clam Area 3 that is between the Copalis River (Grays Harbor County) and the southern boundary of the Quinault Indian Reservation (Grays Harbor County). Digging is allowed from 12:01 p.m. to 11:59 p.m. each day.

3. It is unlawful to dig for razor clams at any time in Long Beach, Twin Harbors Beach or Copalis Beach Clam sanctuaries defined in WAC 220-56-372.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. December 24, 2003:

WAC 220-56-36000U Razor clams—Areas and seasons.

**WSR 04-01-120
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-315—Filed December 17, 2003, 4:01 p.m.]

Date of Adoption: December 17, 2003.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-36000U and 220-56-36000V; and amending WAC 220-56-360.

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: Survey results show that adequate clams are available for harvest in Razor Clam Areas 1, 2 and those portions of Razor Clam Area 3 opened for harvest. Washington Department of Health has certified clams from these beaches to be safe for human consumption. 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 17, 2003

Jeff Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-36000V Razor clams—Areas and seasons. Notwithstanding the provisions of WAC 220-56-360, it is unlawful to dig for or possess razor clams taken for personal use from any beach in Razor Clam Areas 1, 2, or 3, except as provided for in this section:

1. Effective 12:01 p.m. December 21 through 11:59 p.m. December 23, 2003, razor clam digging is allowed in Razor Clam Area 1 and Razor Clam Area 2. Digging is allowed from 12:01 p.m. to 11:59 p.m. each day.

2. Effective 12:01 p.m. December 21 through 11:59 p.m. December 23, 2003, razor clam digging is allowed in that portion of Razor Clam Area 3 that is between Olympic National Park South Beach Campground access road (Kalaloch area, Jefferson County) and Browns Point (Kalaloch area, Jefferson County). Digging is allowed from 12:01 p.m. to 11:59 p.m. each day.

3. Effective 12:01 p.m. December 21 through 11:59 p.m. December 22, 2003, razor clam digging is allowed in that portion of Razor Clam Area 3 that is between the Copalis River (Grays Harbor County) and the southern boundary of the Quinault Indian Reservation (Grays Harbor County). Digging is allowed from 12:01 p.m. to 11:59 p.m. each day.

4. It is unlawful to dig for razor clams at any time in Long Beach, Twin Harbors Beach or Copalis Beach Clam sanctuaries defined in WAC 220-56-372.

Effective Date of Rule: December 21, 2003.

December 18, 2003

J. P. Koenings
Director
by Larry Peck

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-36000U Razor clams. (03-313)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. December 24, 2003:

WAC 220-56-36000V Razor clams.

NEW SECTION

WAC 232-28-61900F Exceptions to statewide rules—Columbia, Methow, Okanogan and Similkameen rivers. Notwithstanding the provisions of WAC 232-28-619, effective one (1) hour after sunset on December 21, 2003, until further notice it is unlawful to violate the following provisions in the following waters:

(1) Columbia River from Highway 395 Bridge at Pasco to the Old Hanford townsite wooden power line towers - Open only through December 31, 2003, special daily limit of six salmon, no more than four adults.

(2) Columbia River from Highway 395 Bridge at Pasco to the Old Hanford townsite wooden power line towers upstream of Ringold Springs Rearing Facility - Open only through March 31, 2004, to fish for and possess up to two hatchery steelhead per day.

(3) Methow River - Mouth upstream to the confluence with the Chewuch River. Whitefish gear rules apply.

(4) Okanogan River - Open only through March 31, 2004, from mouth upstream, except closed from Zosel Dam downstream to one-quarter mile below railroad trestle. Selective gear rules except lawful to fish from motorized vessels. Night closure. Daily limit may contain up to two adipose fin-clipped steelhead.

— Except: Effective February 16, 2004 until further notice, the area from the Highway 97 Bridge at Omak to a line across the river 500 feet above the mouth of Omak Creek, closed to fishing.

(5) Similkameen River - Open only through March 31, 2004, from mouth to 400 feet below Enloe Dam. Selective gear rules. Night closure. Daily limit may contain up to two adipose fin-clipped steelhead.

**WSR 04-01-139
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-314—Filed December 19, 2003, 11:48 a.m., effective December 21, 2003]

Date of Adoption: December 18, 2003.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900E; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The cumulative wild steelhead impacts, allowed under the NOAA ESA permit for the mainstem Columbia River and Methow River, are anticipated to be reached by December 21, 2003. The Okanogan River and Similkameen River marked hatchery-origin steelhead fisheries that were approved by NOAA fisheries in October 2003, may continue. 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.

REPEALER

The following section of the Washington Administrative Code is repealed one hour after sunset December 21, 2003:

WAC 232-28-61900E Exceptions to statewide rules—Columbia, Methow, Okanogan and Similkameen rivers. (03-290)

**WSR 04-01-143
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed December 19, 2003, 1:45 p.m.]

Date of Adoption: December 19, 2003.

EMERGENCY

Purpose: The Division of Developmental Disabilities has been directed by the 2002 Washington state legislature to begin paying an income supplemental, called state supplementary payment (SSP). Implementation of this directive requires amendment of rules in chapter 388-820 WAC. The department has initiated a rule-making proceeding to adopt permanent rules on this subject matter. A CR-102 proposal statement of inquiry [proposed rule making] was filed as WSR 03-21-033, and public hearing was held on November 25, 2003. These rules supersede the emergency WAC 388-820-020, 388-820-060 and 388-820-120 filed in WSR 03-18-030 on August 25, 2003.

Citation of Existing Rules Affected by this Order: Amending WAC 388-820-020, 388-820-060, and 388-820-120.

Statutory Authority for Adoption: RCW 71A.12.030, 71A.10.020.

Other Authority: 2001-03 Supplemental Budget ESSB 6387, (chapter 371, Laws of 2002).

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The state legislature in adopting ESSB 6387 (chapter 371, Laws of 2002), has directed the Division of Developmental Disabilities to begin paying an income supplement, called state supplementary payment. In its published "Final Budget - Statewide Agency Detail" for ESSB 6387, the legislature also clearly stated its intent that "Beginning July 2002, state supplemental payments will no longer be provided automatically to all persons receiving a federal SSI benefit. SSI recipients will continue to receive their federal benefits and their federally provided annual cost of living increases each January. Some recipients who are dependent on larger state supplements will be provided a transitional state supplemental payment. The remaining amount of state supplemental payments required by federal rules will be used to support low ... income families who are struggling to continue to care for children and other relatives with developmental disabilities." Emergency adoption of these rules is necessary to implement ESSB 6387 and the legislature's intent. The department is working with public stakeholders to develop proposed rules for permanent adoption. A public hearing on proposed rules filed as WSR 03-21-033 was held on November 25, 2003.

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 3, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; **Pilot Rule Mak-**

ing: New 0, Amended 0, Repealed 0; or **Other Alternative Rule Making:** New 0, Amended 3, Repealed 0.

Effective Date of Rule: Immediately.

December 12, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-020 What definitions apply to this chapter? "Agency" means an entity interested in becoming a service provider that offers residential instruction and support services to clients.

"Certification" means the determination by DSHS that an agency or service provider has satisfactorily complied with the requirements outlined in this chapter and in the department contract.

"Client" means a person who:

((*) (1) Has a developmental disability;

((*) (2) Is eligible under RCW 71A.10.020 (for eligibility criteria, see chapter 388-825 WAC); and

((*) (3) Is authorized by DDD to receive residential services outlined in this chapter or privately purchases residential services. ((~~For eligibility criteria, see chapter 388-825 WAC.~~)))

"Client services" means instruction and support activities that benefit clients, as specified under WAC 388-820-450 through 388-820-510.

"Community alternatives program (CAP)" means a Title XIX Medicaid waiver program that serves a specific number of individuals. This waiver is for particular home- and community-based services not covered under the Medicaid state plan. (See WAC 388-825-170 for more details.)

"Community protection services" (Community Protection Intensive Supported Living Services, or CP-ISLS) means intensive supported living services provided to clients who meet the criteria of "Individual with Community Protection Issues."

"DDD" refers to the division of developmental disabilities at DSHS.

"DSHS" refers to the department of social and health services of Washington state.

"Exceptions" means DSHS' approval of a written request for an exception to a rule in this chapter. (There are no exceptions to RCWs.)

"Group home" means residential services provided in a dwelling that is:

((*) (1) Owned, leased, or rented by an entity other than the client;

((*) (2) Licensed by the applicable state authority; and

((*) (3) Operated by a provider.

(See WAC 388-820-090 for further details.)

"Group training home" means a certified nonprofit residential facility that provides full-time care, treatment, training, and maintenance for clients, as defined under RCW 71A.22.020(2).

"IFP" refers to individual financial plan. (See WAC 388-820-620.)

"IISP" refers to the individual instruction and support plan for clients. (See WAC 388-820-560 through 388-820-580.)

"Individual with community protection issues" means a client identified by DDD as needing one or more of the following criteria:

((*) (1) The person has been convicted of or charged with a crime of sexual violence as defined in chapter 71.09 RCW, including, but not limited to, rape, statutory rape, rape of a child, and child molestation;

((*) (2) The person has been convicted of or charged with acts directed towards strangers or individuals with whom a relationship has been established or promoted for the primary purpose of victimization;

((*) (3) The person has been convicted of or charged with a sexually violent offense and/or predatory act, and may constitute a future danger;

((*) (4) The person has not been convicted and/or charged, but has a history of stalking, sexually violent, predatory, and/or opportunistic behavior which demonstrates a likelihood to commit a sexually violent and/or predatory act based on current behaviors that may escalate to violence;

((*) (5) The person has committed one or more violent crimes, such as murder, attempted murder, arson, first degree assault, kidnapping, or use of a weapon to commit a crime.

"Instruction" means goal-oriented teaching that is designed for acquiring and enhancing skills.

"ISP" refers to the individual service plan for clients. (See WAC 388-820-520 through 388-820-550.)

"Nursing assistant" means a person who is registered or certified by department of health under chapter 18.88A RCW. A nursing assistant performs certain nursing care tasks that are delegated by a registered nurse for a specific client in authorized settings. (See chapter 246-841 WAC for more details.)

"Reprisal" means any negative action taken as retaliation against an employee.

"Residential service" means client services offered by certified service providers.

"Secretary" means the secretary of the department of social and health services or the secretary's designee.

"Service provider" means an agency certified by and contracted with DDD to provide residential services to clients.

"Severity" means the seriousness of an incident. This is determined by the extent to which a client's physical, mental, or psychosocial well-being is or may be compromised or threatened.

"Support" means assistance as requested or needed by a client, based on their abilities, needs, and goals.

"Supported living" means residential services provided to clients living in their own homes, which are owned, rented, or leased by the clients or their legal representatives. (See WAC 388-820-080 for more details.)

"Trust account" means a bank account containing two or more clients' funds where the service provider has the authority to make deposits and withdrawals.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-060 Who may receive residential services? Clients ((who)) may receive residential services if they are at least eighteen years old and either authorized by DDD ((may receive)) or have an agreement with the service provider to purchase residential services from their own resources.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-120 Who pays for a client's residential services? (1) DSHS must pay for residential services provided to department-funded clients under department contract at the contracted rate.

(2) ~~((DSHS must require a client to share the cost of services when mandated by federal or state statute or regulation))~~ Clients not included in the department contract may purchase services privately through a separate agreement with the service provider.

(3) The service provider must inform DSHS when the ~~((client))~~ department-funded clients requires additional supports.

(a) The service provider must submit a written request with justification for additional service hours.

(b) DSHS may approve and provide payment for additional expenses or services.

(c) The service provider must retain a copy of department approval.

(4) For a client who is receiving group home services and support:

(a) The client must pay for cost of care or services from earnings or other financial resources. Clients receiving SSI are responsible only for the cost of room and board.

(b) DSHS may pay for these services only after a department-funded client has used his or her own financial resources.

(c) When a client's guardian or legal representative controls the client's income, estate, or trust fund, they must reimburse the service provider as described in WAC 388-820-120.

(5) Clients receiving supported living services must pay for their own housing, utilities, food, clothing, and other personal and incidental expenses from earnings and other financial resources.

WSR 04-01-144

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed December 19, 2003, 1:47 p.m.]

Date of Adoption: December 19, 2003.

Purpose: The Division of Developmental Disabilities (DDD) will establish a new program for individuals in need of employment/day program services. Under existing rules,

employment and day program services were paid as state supplementary payments or through the counties. These emergency rules identify a new program whereby DDD will pay individuals directly with state-only funds and require that these individuals purchase the necessary employment/day program services. These rules are needed to extend emergency rules filed as WSR 03-18-029 on August 25, 2003, while the department completes the regular rule-making process. Proposed rules were filed as WSR 03-21-156, and a public hearing was held on December 9, 2003.

Citation of Existing Rules Affected by this Order: Amending WAC 388-825-020, 388-825-055, 388-825-100, 388-825-120, 388-825-205, 388-825-252, 388-825-254, 388-850-035, and 388-850-045.

Statutory Authority for Adoption: RCW 71A.12.030.

Other Authority: RCW 71A.10.020, 2001-03 Supplemental Budget ESSB 6387 (chapter 371, Laws of 2002).

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; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Conditions have changed since the emergency rule was adopted as WSR 03-10-027. On July 18, 2003, the Social Security Administration (SSA) informed the state that its current rules governing the payment of the state supplementary payments (SSP) did not satisfy requirements under section 1616(a) and 1618 of the Social Security Act ("the Act"), 42 U.S.C. 1382(e)[a], 42 U.S.C. 1382(g) and regulations at 20 C.F.R. 416.2001 and 20 C.F.R. 416.2095-.2099. Specifically, payment to individuals with developmental disabilities to purchase employment/day program services under existing rules were found by SSA to be vendor payments and disallowed as SSP. Failure to comply with these requirements jeopardizes the department's ability to receive federal financial participation under Title XIX of the act. These rules create a new DDD program for individuals in employment/day programs and removes SSP funding for employment/day programs. The rules are necessary to implement chapter 371, Laws of 2002.

Immediate adoption is necessary to preserve the public health and general welfare for individuals with developmental disabilities who need employment/day program services. Further, immediate adoption is necessary to preserve the public health and general welfare by allowing the state to continue to receive federal financial participation (FFP) for its Medicaid program under Title XIX of the act. The loss of FFP would effectively terminate medical assistance under Title XIX for low-income families and individuals in the state of Washington. Establishment of a new DDD program for individuals in employment/day programs is necessary to continue support for these individuals.

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 12, Amended 9, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 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 12, Amended 9, Repealed 0.

Effective Date of Rule: Immediately.

December 17, 2003

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 04-02 issue of the Register.

WSR 04-01-145

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed December 19, 2003, 1:49 p.m.]

Date of Adoption: December 19, 2003.

Purpose: The Division of Developmental Disabilities (DDD) has been directed by the 2002 Washington state legislature to begin paying an income supplemental, called state supplementary payment (SSP). Implementation of this directive requires the adoption of new chapter 388-827 WAC, Division of developmental disabilities—State supplementary payment. These rules are needed to extend emergency rules filed as WSR 03-18-027 on August 25, 2003, while the department completes the regular rule-making process. Proposed rules were filed as WSR 03-22-056, and a public hearing was held on December 9, 2003.

Statutory Authority for Adoption: RCW 71A.12.030.

Other Authority: RCW 71A.10.020, 2001-03 Supplemental Budget ESSB 6387 (chapter 371, Laws of 2002).

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; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The state legislature has directed the DDD to begin paying an income supplement. In its published ESSB 6387, the legislature also clearly stated: "New funding for family support and transition along with portions of existing funding for these programs shall be provided as supplemental security income (SSI) state supplemental payments. The legislature finds that providing cash

assistance to individuals and families needing these supports promotes self-determination and independence. It is the intent of the legislature that the department shall comply with federal requirements to maintain aggregate funding for SSI state supplemental payments while promoting self-determination and independence for persons with developmental disabilities..."

On July 18, 2003, the Social Security Administration informed the state that its current rules did not satisfy requirements under section 1616(a) and 1618 of the Social Security Act ("the Act"), 42 U.S.C. 1382(e)[a], 42 U.S.C. 1382(g) and regulations at 20 C.F.R. 416.2001 and 20 C.F.R. 416.2095-.2099. Specifically, payment to individuals with developmental disabilities to purchase employment/day programs were found by SSA to be vendor payments and disallowed as SSP. Failure to comply with these requirements jeopardizes the department's ability to receive federal financial participation (FFP) under Title XIX of the act. These emergency rules eliminate the restrictions on SSP and removes SSP funding for employment/day programs.

Immediate adoption is necessary to preserve the public health and general welfare to allow the state to continue to receive FFP for its Medicaid program under Title XIX of the act. The loss of FFP would effectively terminate medical assistance under Title XIX for low-income families and individuals in the state of Washington. Emergency adoption of these rules is necessary to implement ESSB 6387 and to comply with the requirements of federal law cited above.

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 26, 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 26, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

December 17, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Chapter 388-827 WAC

STATE SUPPLEMENTARY PAYMENT PROGRAM

NEW SECTION

WAC 388-827-0100 What is the State Supplementary Payment (SSP) that is administered by the division of developmental disabilities (DDD)? The State Supplementary Payment (SSP) is a state-paid cash assistance program

for certain clients of the division of developmental disabilities.

NEW SECTION

WAC 388-827-0105 What are the eligibility requirements for the DDD/SSP program? To be eligible to receive DDD/SSP, you must be determined DDD eligible under RCW 71A.10.020 and meet all of the financial and programmatic criteria for DDD/SSP.

NEW SECTION

WAC 388-827-0110 What are the financial eligibility requirements to receive DDD/SSP? You must be eligible for or receive Supplemental Security Income (SSI) cash assistance in the month in which the DDD/SSP is issued.

NEW SECTION

WAC 388-827-0115 What are the programmatic eligibility requirements for DDD/SSP? (1) You received one or more of the following services from DDD with state-only funding between March 1, 2001 and June 30, 2003 and continue to demonstrate a need for and meet the DDD program eligibility requirements for these services.

(a) Certain voluntary placement program services, which include:

- (i) Foster care basic maintenance,
- (ii) Foster care specialized support,
- (iii) Agency specialized support,
- (iv) Staffed residential home,
- (v) Out-of-home respite care,
- (vi) Agency in-home specialized support,
- (vii) Group care basic maintenance,
- (viii) Group care specialized support,
- (ix) Transportation,
- (x) Agency attendant care,
- (xi) Child care,
- (xii) Professional services,
- (xiii) Nursing services,
- (xiv) Interpreter services,
- (b) Family support;

(c) One or more of the following residential services:

- (i) Adult family home,
- (ii) Adult residential care facility,
- (iii) Alternative living,
- (iv) Group home,
- (v) Supported living,
- (vi) Agency attendant care,
- (vii) Supported living or other residential service allowance,
- (viii) Intensive individual supported living support (companion homes).

(2) For individuals with community protection issues as defined in WAC 388-820-020, the department will determine eligibility for SSP on a case-by-case basis.

(3) For new authorizations of family support opportunity:

- (a) You were on the family support opportunity waiting list prior to January 1, 2003; and

(b) You are on the home and community based services (HCBS) waiver administered by DDD; and

(c) You continue to meet the eligibility requirements for the family support opportunity program contained in WAC 388-825-200 through 388-825-242.

NEW SECTION

WAC 388-827-0120 How often will my eligibility for DDD/SSP be re-determined? Redetermination of eligibility for the DDD/SSP program will be conducted at least every twelve months, or more frequently if deemed necessary by DDD.

NEW SECTION

WAC 388-827-0125 How will I know if I am eligible to receive a DDD/SSP payment? You will receive a written notification from DDD if you have been identified as eligible for this program.

NEW SECTION

WAC 388-827-0130 Can I choose not to accept DDD/SSP payments? If your service funding has been converted to the DDD/SSP program, DDD/SSP payments are the only way you can receive that funding.

(1) If you choose not to receive DDD/SSP payments, you will not receive department funding for that service.

(2) Your home and community based services (HCBS) waiver service(s) administered by DDD but not funded by DDD/SSP payments will not be affected by your choice to receive or reject DDD/SSP payments.

NEW SECTION

WAC 388-827-0131 What happens if I no longer meet the financial or programmatic requirements after my funding has been converted to the DDD/SSP program? If you no longer meet the eligibility requirements in WAC 388-827-0105, 388-827-0110, or 388-827-0115, you may continue to receive services only if an exception to the rules is approved in accordance with WAC 388-827-0300.

NEW SECTION

WAC 388-827-0135 Can I apply for the DDD/SSP program if I am not identified by DDD as eligible for the DDD/SSP program? You can apply through your case resource manager to determine eligibility for SSP but eligibility is limited to those meeting the eligibility requirements in WAC 388-827-0105, 388-827-0110, and 388-827-0115.

NEW SECTION

WAC 388-827-0140 What are my appeal rights if DDD determines that I am not eligible for DDD/SSP? (1) You have the right to appeal the department's denial, termination, or reduction of services. Your rights to an adjudicative proceeding are in WAC 388-825-120.

(2) Your current services will not be continued while the matter is being appealed if the service termination or transfer is for a specific group of clients in order to meet the legislative intent of and comply with sections 205 and 207, chapter 371, Laws of 2002.

NEW SECTION

WAC 388-827-0145 How much money will I receive? The purpose of the SSP is to increase the amount of income to meet your needs. The department will determine your payment amount based on your living arrangement and your assessed needs.

(1) For residential and voluntary placement program services, the amount of your SSP will be based on the amount of state-only dollars spent on certain services at the time the funding source was converted to SSP. If the type of your residential living arrangement changes, your need will be reassessed and your payment adjusted based on your new living arrangement and assessed need.

(2) For family support services, refer to WAC 388-825-200 through 388-825-284.

(a) If you are on the home and community based services (HCBS) waiver administered by DDD:

(i) You will receive nine hundred dollars DDD/SSP money per year to use as you determine.

(ii) The remainder up to the maximum allowed may be authorized by DDD to purchase HCBS waiver services and will be paid directly to the provider.

(b) If you are not on the HCBS waiver administered by DDD, you will receive the yearly maximum allowed in the form of DDD/SSP money to use as you determine.

(c) The yearly amount of DDD/SSP money will be prorated into monthly amounts. You will receive one twelfth of the yearly amount each month.

NEW SECTION

WAC 388-827-0146 May I voluntarily remove myself from the home and community based services (HCBS) waiver administered by DDD in order to increase the amount of my SSP? You may voluntarily remove yourself from the HCBS waiver administered by DDD but your SSP will not increase because of this action.

NEW SECTION

WAC 388-827-0150 How often will I receive my DDD/SSP warrant/check? You will receive a monthly warrant/check from the state.

NEW SECTION

WAC 388-827-0155 Who will the warrant/check be sent to? (1) If you are a child under the age of eighteen, the warrant/check will be sent to your legal representative or protective payee or representative payee.

(2) If you are a person age eighteen and older, the warrant/check will be sent directly to your protective payee or representative payee if you have one.

(3) If you do not have a protective payee or representative payee, the warrant/check will be sent directly to you.

NEW SECTION

WAC 388-827-0160 How will the warrant/check be sent? You may choose to have your check delivered through the US Postal Service, or as an electronic funds transfer.

NEW SECTION

WAC 388-827-0170 Are there rules restricting how I use my DDD/SSP money? There are no restrictions on how you use your DDD/SSP money.

NEW SECTION

WAC 388-827-0175 What changes must I report to the department? You must report changes in your circumstances within ten days from the date you become aware of the change. You must tell us if:

- (1) Your SSI stops;
- (2) Your address changes; or
- (3) There is a change in your living arrangement that affects your assessed need.

NEW SECTION

WAC 388-827-0180 Do I have additional responsibilities when I purchase my own services? (1) When you use DDD/SSP funds paid directly to you to purchase in-home services from individuals, you become the employer. As the employer, you may have tax liabilities. If you have questions regarding employer tax issues, you can contact the Internal Revenue Service.

(2) If you want to obtain a criminal background check of any employee who will have unsupervised access to children or adults with developmental disabilities, you may get the background check done through the Washington State Patrol. You can ask your DDD case resource manager to assist you with completing these background checks.

NEW SECTION

WAC 388-827-0185 When will the department stop sending my DDD/SSP money? The department will stop sending your DDD/SSP money when:

- (1) You no longer are eligible for or receive SSI cash benefits;
- (2) You no longer demonstrate a need for the services as described in WAC 388-827-0115; or
- (3) Your DDD eligibility is terminated.

NEW SECTION

WAC 388-827-0200 What is a representative payee? A representative payee is a person, organization, institution or agency that manages your DDD/SSP. They may also provide services such as helping you manage your money.

NEW SECTION

WAC 388-827-0210 Who can be a representative payee for my DDD/SSP? (1) A representative payee may be:

- (a) The person, organization, institution or agency that acts as your representative payee for Supplemental Security Income (SSI);
 - (b) Your parent, if you are under eighteen;
 - (c) Your spouse; or
 - (d) A person, organization, institution or agency you select if the department approves your selection.
- (2) If you select a representative payee under subsection (1)(d) of this section, the department will evaluate the selection according to the following criteria:
- (a) The relationship of the payee to you;
 - (b) The amount of interest the payee shows in you;
 - (c) Any legal authority the payee has to act on your behalf;
 - (d) Whether the payee has custody of you; and
 - (e) Whether the payee is in a position to know of and look after your needs.

(3) The DDD director or designee will approve or deny your request for a representative under subsection (1)(d) of this section.

NEW SECTION

WAC 388-827-0215 What are the responsibilities of a representative payee? A representative payee has the responsibility to:

- (1) Spend the DDD/SSP on you or your behalf;
- (2) Notify the department if any event happens that may affect the amount of benefits you receive;
- (3) Submit to the department, upon our request, a written report accounting for the payments received; and
- (4) Notify the department of any change in the payee's circumstances that would affect performance of the payee responsibilities.

NEW SECTION

WAC 388-827-0300 Does DSHS make exceptions to the requirements in this chapter? DSHS may grant exceptions to the requirements specified in this chapter as long as the following conditions are met:

- (1) You or your case manager may request an exception to a rule in this chapter.
- (2) The case manager must submit a written request for an exception to his or her DDD regional administrator.
- (3) DSHS will evaluate requests for exceptions, considering:
 - (a) The federal and state rules governing SSP; and
 - (b) The impact on the client if the exception is not approved.
- (4) The DDD regional administrator will forward the request to the DDD director together with the regional administrator's recommendation to approve or deny the request.
- (5) The DDD director or designee will approve or deny the request in writing within sixty calendar days after receiving the request from the case manager.

(6) The department will notify you of the decision.

(7) You do not have rights to adjudicative proceedings when you receive a denial from DSHS for an exception to the rules in this chapter.

NEW SECTION

WAC 388-827-0400 What is an SSP overpayment?

(1) An overpayment means any SSP paid that is more than the amount you were eligible to receive.

(2) If you request a hearing and the hearing decision determines that you received any DDD/SSP money that you were not eligible to receive, then some or all of the DDD/SSP you received before the hearing decision must be paid back to the department.

NEW SECTION

WAC 388-827-0410 When can an overpayment occur? An overpayment can occur when:

(1) You were not eligible for and did not receive Supplemental Security Income in the month in which the SSP was issued;

(2) You were no longer eligible for services from the division of developmental disabilities in the month in which the SSP was issued; or

(3) Your assessed need has changed.

NEW SECTION

WAC 388-827-0420 Who is liable for repayment of an overpayment? (1) If you received the money in your own name, you are responsible for repayment.

(2) If you are paid through a representative payee, both you and the representative payee may be responsible for repayment.

(a) You are responsible to the extent that the incorrect payments were spent on you or your behalf. Funds conserved by a representative payee to which you do not have direct access have not been spent on you or your behalf.

(b) If the incorrect payments were spent on you or your behalf and the representative payee is without fault in connection with the overpayment, you are solely responsible for repayment.

(c) The representative payee is solely responsible for repayment if:

(i) The incorrect payments were not spent on you or your behalf; and

(ii) The representative payee is at fault in connection with the overpayment.

(d) A government entity or an institution can be a representative payee and can be found responsible for repayment—just as a private individual can.

(e) You and the representative payee are both responsible for repayment when the incorrect payments have been spent on you or your behalf and the representative payee is at fault.

(3) The representative payee is at fault when the representative payee was aware of the reason you were not eligible for the SSP.

WSR 04-01-189

EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 03-317—Filed December 23, 2003, 3:42 p.m., effective January 1, 2004]

Date of Adoption: December 22, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-33-04000U; and amending WAC 220-33-040.

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 smelt fishery regulations are consistent with Level 3 fisheries in the "Washington and Oregon Eulachon Management Plan" for the Columbia River. Improved ocean conditions are expected to benefit smelt returns. Abundance in 2004 is expected to be strong and consistent with Level 3 fisheries. Rule is consistent with Columbia River Compact action of December 19, 2003. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: January 1, 2004.

December 22, 2003

B. J. Bjork

for Jeff Koenings

Director

NEW SECTION

WAC 220-33-04000U Smelt—Areas and seasons. Notwithstanding the provisions of WAC 220-33-040, effective January 1, 2004 through March 31, 2004, the Columbia River and Washington tributaries are closed to fishing for smelt except under the following provisions:

1) **Area:** Columbia River - below Bonneville Dam

Dates: Sundays, Tuesdays, Thursdays, Fridays
3:00 a.m. to 9:00 p.m. daily

Gear: Gillnets, dipnets and trawl nets.

Allowable sales: Smelt.

Other: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

Miscellaneous: Notwithstanding the provisions of WAC 220-20-010, during open salmon and/or sturgeon seasons fishers may have stored onboard their boats, while fishing, smelt gill nets; and while smelt fishing, fishers may have stored onboard their boats, gill nets of a size that meets the commercial salmon/sturgeon mesh size, weight, and length restrictions for the open salmon/sturgeon season.

2) Area: Cowlitz River downstream of Peterson's Eddy
Kalama River downstream from Modrow Bridge
Lewis River mainstem and North Fork downstream from the overhead power lines near Eagle Island.

Dates: 6:00 p.m. Sunday to 6:00 p.m. Tuesday
6:00 p.m. Wednesday to 6:00 p.m. Friday

Gear: Dipnets.

Allowable sales: Smelt.

Other: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

REPEALER

The following section of the Washington Administrative Code is repealed effective April 1, 2004:

WAC 220-33-04000U Smelt—Areas and seasons.

WSR 04-01-190
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-316—Filed December 23, 2003, 3:43 p.m., effective January 1, 2004, 6:00 a.m.]

Date of Adoption: December 22, 2003.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-27000R; and amending WAC 220-56-270.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The smelt fishery regulations are consistent with Level 3 fisheries in the "Washington and Oregon Eulachon Management Plan" for the Columbia River. Improved ocean conditions are expected to benefit smelt returns. Abundance in 2004 is expected to be strong and consistent with Level 3 fisheries. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: January 1, 2004, 6:00 a.m.

December 22, 2003

B. J. Bjork

for Jeff Koenings

Director

NEW SECTION

WAC 220-56-27000R Smelt—Areas and seasons
Notwithstanding the provisions of WAC 220-56-270, WAC 220-56-240, WAC 220-56-275, effective January 1, 2004 through March 31, 2004, it is unlawful to fish for or possess smelt in those waters of the Columbia River and tributaries except under the following provisions:

1) Area: Mainstem Columbia River below Bonneville Dam

Dates: Open 7 days/week

Hours: 24 hours per day

Daily limit: 20 pounds

Gear: Dipnets

2) Area: Washington Columbia River tributaries

Dates: Open 7 days/week

Hours: 6:00 a.m. to 10:00 p.m. daily

Daily limit: 20 pounds

Gear: Dipnets

REPEALER

The following section of the Washington Administrative Code is repealed effective 10:01 p.m. March 31, 2004:

WAC 220-56-27000R Smelt—Areas and seasons.



AGENCY RULES COORDINATOR
Designations as of 12/30/2003

AGENCY	RULES COORDINATORS	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 Stenehjem	(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

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Community, Trade and Economic Development, Department of Conservation Commission	Jean Ameluxen Vicki Flynn	(360) 725-2806 (360) 407-6202	PO Box 48350 Olympia, WA 98504-8350 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 Eastern Washington University	Chuck McCarthy Laurie Flinn Connelly	(360) 696-6525 (509) 359-2371	611 Grand Boulevard, S26 Vancouver, WA 98661-4918 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	Larry Oline	(360) 438-4010	P.O. Box 9046 Olympia, WA 98507-9046
Energy Facility Site Evaluation Council	Allan Fiksdal	(360) 956-2152	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 Financial Management, Office of	Susan Putzier Roselyn Marcus	(360) 902-8764 (360) 902-0568	P.O. Box 41200 Olympia, WA 98504-1200 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
Forensic Laboratory Services	Barry K Logan, PhD	(206) 262-2000	2203 Airport Way S, Suite 360 Seattle, WA 98134
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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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
Hispanic Affairs, Commission on	Antonio M Ginatta	(360) 753-3159	P.O. Box 40924 Olympia, WA 98504-0924
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	Cheryl Strobert	(360) 586-9505	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	Liz Mendizabal	(360) 956-4600	P.O. Box 40916 Olympia, WA 98504-0916
Jail Industries Board	Jill Will	(360) 486-2380	3060 Williamette 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) 704-5249	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

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Lottery Commission	Mary Jane Ferguson	(360) 664-4833	P.O. Box 43025 Olympia, WA 98504-3025
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	Cathy V Canorro	(360) 704-1187	P.O. Box 41160 Olympia, WA 98504-1160
Natural Resources, Department of	Heather White	(360) 902-1408	P.O. Box 47015 Olympia, WA 98504-7015
Olympic College	Asantewa Antobam	(360) 475-7102	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) 902-8523	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	Russell Olsen	(360) 753-2008	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	Carol Werner	(425) 235-5846	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

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Salaries for Elected Officials, Washington Citizens' Commission	Carol Sayer	(360) 407-0785	P.O. Box 43120 Olympia, WA 98504-3120
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	Stevie Lucas	(360) 956-2113	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	Scott Morgan	(509) 434-5060	501 N Riverpoint Blvd, MS 1001 Spokane, WA 99217-6000
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
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-	(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	Brigitte 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	Kimberly J Bush	(360) 753-0762	P.O. Box 42600 Olympia, WA 98504-2600
Washington State University	Kirsten Pauli	(509) 335-5524	P.O. Box 641045 Pullman, WA 99164-1045
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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Whatcom Community College	Jennifer Dixon	(360) 676-2170	237 W Kellogg Road Bellingham, WA 98226
Workforce Training and Education Coordinating Board	'cita 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 03-19 through 03-24**

Type of Activity	New	Amended	Repealed
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ACCOUNTANCY, BOARD OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	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	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	1	4	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	1	5	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

AGRICULTURE, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	90	57	26
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	134	27	58
Number of Rules Withdrawn	0	2	2
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	2	53	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	90	60	26
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	89	57	26
Number of Sections Adopted using Pilot Rule Making	0	0	0

BELLEVUE COMMUNITY COLLEGE

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	24	0

CODE REVISER'S OFFICE

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	1	0

COMMUNITY AND TECHNICAL COLLEGES, STATE BOARD FOR

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	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	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	1	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

CORRECTIONS, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	29	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	29	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	29	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

COUNTY ROAD ADMINISTRATION BOARD

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	2	0
Number of Rules Proposed for Permanent Adoption	0	4	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

CRIMINAL JUSTICE TRAINING COMMISSION

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	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	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

MISC.

Type of Activity	New	Amended	Repealed
DEAF, WASHINGTON STATE SCHOOL FOR THE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	9	2
Number of Rules Adopted as Emergency Rules	4	0	0
Number of Rules Proposed for Permanent Adoption	4	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	6	0
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	9	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	4	9	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
EDUCATION, STATE BOARD OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	10	1
Number of Rules Proposed for Permanent Adoption	2	22	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	9	2
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	3	0
Number of Sections Adopted on the Agency's own Initiative	0	9	2
Number of Sections Adopted using Negotiated Rule Making	0	9	2
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	3	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	2	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	3	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	3	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
ENVIRONMENTAL HEARINGS OFFICE			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	1	1	0
FINANCIAL INSTITUTIONS, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	19	0	0
Number of Rules Proposed for Permanent Adoption	4	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	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	19	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	19	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 MANAGEMENT, OFFICE OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	7	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	1	0	0
Number of Sections Adopted on the Agency's own Initiative	1	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

FISH AND WILDLIFE, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	2	0
Number of Rules Adopted as Emergency Rules	86	0	74
Number of Rules Proposed for Permanent Adoption	9	32	2
Number of Rules Withdrawn	1	3	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	0	0	0
Number of Sections Adopted on the Agency's own Initiative	86	2	74
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

FORENSIC INVESTIGATIONS COUNCIL

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	6	0	0
Number of Rules Proposed for Permanent Adoption	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	6	0	0
Number of Sections Adopted on the Agency's own Initiative	6	0	0
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

FOREST PRACTICES BOARD

Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	2	8	0
Number of Rules Proposed for Permanent Adoption	8	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	2	8	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	2	8	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

GAMBLING COMMISSION

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	9	3
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	0	4	2
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	2
Number of Sections Adopted using Negotiated Rule Making	0	4	2
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

GENERAL ADMINISTRATION, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	0	0
Number of Rules Proposed for Permanent Adoption	43	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	1	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	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

GRAYS HARBOR COLLEGE

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	14	0

HEALTH CARE AUTHORITY

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	1

MISC.

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	2	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	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	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	1
Number of Sections Adopted using Pilot Rule Making	0	0	0

HEALTH, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	36	28	7
Number of Rules Adopted as Emergency Rules	0	13	1
Number of Rules Proposed for Permanent Adoption	18	56	23
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	3	9	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	2	15	1
Number of Sections Adopted on the Agency's own Initiative	25	28	7
Number of Sections Adopted using Negotiated Rule Making	0	1	0
Number of Sections Adopted using Other Alternative Rule Making	27	19	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

HIGHER EDUCATION COORDINATING BOARD

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	12	0
Number of Rules Proposed for Permanent Adoption	0	1	0
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	15	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	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

INSURANCE COMMISSIONER, OFFICE OF THE

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	7	2	0

INVESTMENT BOARD, STATE

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	3	0

LABOR AND INDUSTRIES, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	59	107	5

MISC.

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	83	69	28
Number of Sections Adopted at Request of a Nongovernmental Entity	10	0	1
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	48	67	2
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	45	4	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	2	10	0
Number of Sections Adopted on the Agency's own Initiative	46	52	3
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	58	84	5
Number of Sections Adopted using Pilot Rule Making	0	0	0

LICENSING, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	2	0
Number of Rules Proposed for Permanent Adoption	0	9	0
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	0	2	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	1	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

LIQUOR CONTROL BOARD

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	1	0

LOTTERY, WASHINGTON STATE

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Rules Proposed for Permanent Adoption	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	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	1	1
Number of Sections Adopted using Pilot Rule Making	0	0	0

MILITARY DEPARTMENT

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	13	0	12

PARKS AND RECREATION COMMISSION

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	1	11	0

MISC.

Type of Activity	New	Amended	Repealed
PERSONNEL, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	9	0
Number of Rules Proposed for Permanent Adoption	1	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	8	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
PILOTAGE COMMISSIONERS, BOARD OF			
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	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
PUBLIC DISCLOSURE COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	8	18	0
Number of Rules Proposed for Permanent Adoption	9	25	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	8	18	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	8	18	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	8	18	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
PUBLIC INSTRUCTION, SUPERINTENDENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	3	0
Number of Rules Proposed for Permanent Adoption	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	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

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted on the Agency's own Initiative	2	3	0
Number of Sections Adopted using Negotiated Rule Making	2	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

RETIREMENT SYSTEMS, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	8	0
Number of Rules Proposed for Permanent Adoption	2	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	1	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	1	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

REVENUE, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	8	0
Number of Rules Proposed for Permanent Adoption	0	9	0
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	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	2	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	8	0
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	18	10
Number of Rules Adopted as Emergency Rules	1	0	22
Number of Rules Proposed for Permanent Adoption	25	17	35
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	19	33
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	23
Number of Sections Adopted on the Agency's own Initiative	0	19	10
Number of Sections Adopted using Negotiated Rule Making	0	19	10
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
SOCIAL AND HEALTH SERVICES, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	55	167	18
Number of Rules Adopted as Emergency Rules	150	93	10
Number of Rules Proposed for Permanent Adoption	80	113	4
Number of Rules Withdrawn	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	8
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	49	111	9
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	132	57	0
Number of Sections Adopted in Order to Comply with Federal Statute	1	27	1
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	20	64	10
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	202	262	28
Number of Sections Adopted using Pilot Rule Making	0	0	0
SPOKANE, COMMUNITY COLLEGES OF			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	13	0
TRANSPORTATION, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	6	1
Number of Rules Adopted as Emergency Rules	1	0	0
Number of Rules Proposed for Permanent Adoption	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	1	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	1	1	1
Number of Sections Adopted on the Agency's own Initiative	0	5	0
Number of Sections Adopted using Negotiated Rule Making	1	2	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
UNIVERSITY OF WASHINGTON			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	4	0
Number of Rules Adopted as Emergency Rules	0	2	0
Number of Rules Proposed for Permanent Adoption	1	4	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	1	2	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	1	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

MISC.

Type of Activity	New	Amended	Repealed
UTILITIES AND TRANSPORTATION COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	92	88	68
Number of Rules Proposed for Permanent Adoption	2	83	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	3	0
Number of Sections Adopted on the Agency's own Initiative	0	10	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
VOLUNTEER FIREFIGHTERS AND RESERVE OFFICERS, BOARD FOR			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	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	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	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
WALLA WALLA COMMUNITY COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	0	2
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	2
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	2
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
WASHINGTON STATE PATROL			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	0	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	0	0	1
Number of Sections Adopted on the Agency's own Initiative	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
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

TOTALS FOR THE QUARTER:

Number of Permanent Rules Adopted	364	608	145
Number of Rules Adopted as Emergency Rules	263	117	107
Number of Rules Proposed for Permanent Adoption	459	562	165
Number of Rules Withdrawn	2	9	3
Number of Sections Adopted at Request of a Nongovernmental Entity	10	4	9
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	114	327	57
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	177	70	1
Number of Sections Adopted in Order to Comply with Federal Statute	3	36	1
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	60	127	36
Number of Sections Adopted on the Agency's own Initiative	271	273	127
Number of Sections Adopted using Negotiated Rule Making	24	44	14
Number of Sections Adopted using Other Alternative Rule Making	388	488	61
Number of Sections Adopted using Pilot Rule Making	0	0	0

WSR 04-01-001

NOTICE OF PUBLIC MEETINGS

**LAW ENFORCEMENT OFFICERS' AND
FIRE FIGHTERS' PLAN 2 RETIREMENT BOARD**

[Memorandum—December 3, 2003]

2004 Regular Board Meeting Schedule

All meetings of the Law Enforcement Officers' and Fire Fighters' Plan 2 Retirement Board will be held in the boardroom of the Washington State Investment Board located at 2100 Evergreen Park Drive S.W., Olympia, WA from 9:00 a.m. - 3:00 p.m.

- Wednesday, January 28, 2004
- Wednesday, February 25, 2004
- Wednesday, March 24, 2004
- Wednesday, April 28, 2004
- Wednesday, May 26, 2004
- Wednesday, June 23, 2004
- Wednesday, July 28, 2004
- Wednesday, August 25, 2004
- Wednesday, September 22, 2004
- Wednesday, October 27, 2004
- Wednesday, November 10, 2004
- Thursday, December 9, 2004

WSR 04-01-002

NOTICE OF PUBLIC MEETINGS

**OFFICE OF THE
INTERAGENCY COMMITTEE**

(Interagency Committee for Outdoor Recreation)

[Memorandum—December 2, 2003]

2004 Interagency Committee for Outdoor Recreation Meeting Schedule

At a regular meeting on November 20 and 21, 2003, the Interagency Committee for Outdoor Recreation adopted the following meeting schedule:

- February 5, 2004 Thursday (p.m. only) SeaTac area
- April 1 and 2, 2004 Thursday-Friday Olympia
- July 8 and 9, 2004 Thursday-Friday To be determined
- September 9 and 10, 2004 Thursday-Friday Olympia
- November 18 and 19, 2004 Thursday-Friday Olympia

The exact location of each meeting has not been determined. For persons who wish to attend, please contact Tammy Owings at the board office, (360) 902-2637 or check the board web page at <http://www.iac.wa.gov/iac/board/schedule.htm> for additional meeting information.

The Interagency Committee for Outdoor Recreation schedules all public meetings at barrier free sites. Persons who need special assistance, such as large type materials, may contact Tammy Owings at the board office.

MISC.

WSR 04-01-003
NOTICE OF PUBLIC MEETINGS
OFFICE OF THE
INTERAGENCY COMMITTEE
 (Salmon Recovery Funding Board)
 [Memorandum—December 2, 2003]

At a regular meeting on October 29 and 30, 2003, the Salmon Recovery Funding Board adopted the following meeting schedule.

February 19 and 20, 2004	Thursday-Friday	To be determined
March 30 and 31, 2004	Tuesday-Wednesday	Olympia area
June 24 and 25, 2004	Thursday-Friday	To be determined
October 28 and 29, 2004	Thursday-Friday	To be determined
December 2 and 3, 2004 (5th Round Grant Decisions Meeting)	Thursday-Friday	To be determined

The exact location of each meeting has not been determined. For persons who wish to attend, please contact Tammy Owings at the board office, (360) 902-2637 or check the board web page at <http://www.iac.wa.gov/srfb/board/schedules.htm> for additional meeting information.

The Salmon Recovery Funding Board schedules all public meetings at barrier free sites. Persons who need special assistance, such as large type materials, may contact Tammy Owings at the board office.

WSR 04-01-006
NOTICE OF PUBLIC MEETINGS
CONSERVATION COMMISSION
 [Memorandum—December 2, 2003]

WASHINGTON STATE CONSERVATION COMMISSION
PUBLIC MEETINGS NOTICE

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 2004 was adopted by the Conservation Commission at its September 19, 2003, meeting held in Okanogan, Washington.

Conservation Commission meetings are held on the third Thursday of every other month. The regular format for these meetings is as follows:

Wednesday	1-5 p.m. 6-8 p.m.	Field tour Work session (interactive dinner)
Thursday	8:30 a.m.-4 p.m.	Business meeting

The 2004 meeting schedule for the Conservation Commission will be:

January 14, 2004	1-5 p.m. work session 6-8 p.m. work session	Olympia/ Shelton
January 15, 2004	8:30 a.m.-4:30 p.m. CC business meeting	Shelton Civic Center 525 West Cota Shelton, WA
March 17, 2004	1-5 p.m. field tour 6-8 p.m. work session	Puyallup River Basin
March 18, 2004	8:30 a.m.-4:30 p.m. CC business meeting	Puyallup
May 18, 2004	1-5 p.m. field tour 6-8 p.m. work session	Pasco - 2 day planning meeting
May 19, 2004	8:30 a.m.-4:30 p.m. CC planning meeting	Pasco
May 20, 2004	8:30 a.m.-4:30 p.m. CC business meeting	Pasco
July 14, 2004	1-5 p.m. field tour 6-8 p.m. work session	Skagit/Samish Watershed Mt. Vernon
July 15, 2004	8:30 a.m.-4:30 p.m. CC business meeting	WACD Plant Materials Center 16564 Bradley Road Bow, WA 98232
September 15, 2004	1-5 p.m. field tour 6-8 p.m. work session	Sunnyside
September 16, 2004	8:30 a.m.-4:30 p.m. CC business meeting	Sunnyside
December 1, 2004	12:30 a.m.-4:30 p.m. CC business meeting	Tacoma Sheraton Hotel 1320 Broadway Plaza Tacoma, WA 98402

Locations may change, please contact the Conservation Commission prior to the scheduled meeting at (360) 407-6200.

WSR 04-01-007
RULES COORDINATOR
DEPARTMENT OF
NATURAL RESOURCES
 [Filed December 4, 2003, 9:56 a.m.]

Pursuant to RCW 34.05.312, Heather White is designated as the rules coordinator for the Department of Natural Resources. Heather's contact information is as follows: Department of Natural Resources, Asset Management and Protection Division, 1111 Washington Street S.E., P.O. Box 47015, Olympia, WA 98504-7015, phone (360) 902-1408, fax (360) 902-1789, e-mail heather.white@wadnr.gov.

If you need any additional information regarding this designation, please feel free to contact Stephen Saunders, Assistant Division Manager, at (360) 902-1488.

Bonnie B. Bunning
 Executive Director of
 Policy and Administration

MISC.

WSR 04-01-010
NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY
 (Public Employees Benefits Board)
 [Memorandum—December 1, 2003]

2004 PEBB Board Meeting Schedule

All meetings are held on Tuesdays and begin at 1:30 p.m. (unless otherwise noted).

1.	February 24, 2004 1:30-4:30 p.m. Location: DIS Forum Building Board Room 605 East 11th Olympia
2.	April 20, 2004 1:30-4:30 p.m. Location: Attorney General's Office Training Center RoweSix, Building 1 4224 6th Avenue S.E. Lacey
3.	June 22, 2004 1:30-4:30 p.m. Location: TBD
4.	July 8, 2004 1:30-4:30 p.m. Location: TBD
5.	July 27, 2004 1:30-4:30 p.m. Location: TBD
6.	August 3, 2004 1:30-4:30 p.m. Location: TBD
7.	October 19, 2004 (planning session retreat) 8:30 a.m.-3:30 p.m. Location: TBD
8.	November 23, 2004 (telephone) 1:30-4:30 p.m.

If you are a person with a disability and need a special accommodation, please contact Theresa Rush at (360) 923-2811.

WSR 04-01-012
CODE REVISER'S OFFICE
 [Filed December 4, 2003, 12:05 p.m.]

The people of the state of Washington approved Initiative 841 on November 4, 2003. Initiative 841 directs that the state ergonomics regulations, filed on May 26, 2000, by the director of the department of labor and industries, and codified as WAC 296-62-05101 through 296-62-05176 are repealed as shown below.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-62-05101 What is the purpose of this rule?
- WAC 296-62-05103 Which employers are covered by this rule?
- WAC 296-62-05105 What is a "caution zone job"?
- WAC 296-62-05110 When do employers' existing ergonomics activities comply with this rule?
- WAC 296-62-05120 Which employees must receive ergonomics awareness education and when?
- WAC 296-62-05122 What must be included in ergonomics awareness education?
- WAC 296-62-05130 What options do employers have for analyzing and reducing WMSD hazards?
- WAC 296-62-05140 How must employees be kept involved and informed?
- WAC 296-62-05150 How are terms and phrases used in this rule?
- WAC 296-62-05160 When must employers comply with this rule?
- WAC 296-62-05172 Appendix A: Illustrations of physical risk factors.
- WAC 296-62-05174 Appendix B: Criteria for analyzing and reducing WMSD hazards for employers who choose the specific performance approach.
- WAC 296-62-05176 Appendix C: Standard industry classification (SIC) codes.

December 4, 2003
 Dennis W. Cooper
 Code Reviser

WSR 04-01-013
AGENDA
DEPARTMENT OF LICENSING
 [Filed December 5, 2003, 11:40 a.m.]

Following is the rule-making agenda for the Department of Licensing. This agenda is sent as a requirement of RCW 34.05.314.

Feel free to contact Walt Fahrer if you need any assistance concerning this matter at 902-3640.

MISC.

**DEPARTMENT OF LICENSING
RULE-MAKING AGENDA FOR RULES UNDER DEVELOPMENT
DECEMBER 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 a habitual traffic offender under chapter 46.65 RCW, including rules regarding the right to a hearing.
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.
01-22-061		Professional Athletics	Fee adjustment, chapters 36-12, 36-13, 36-14 WAC.
01-24-057		Landscape Architects	WAC 308-13-150 Landscape architects fee adjustment.
02-10-079		Title and Registration	Chapter 308-99 WAC, Vehicle reciprocity, to include but not limited to WAC 308-99-040.
02-12-096		Dealers	Chapter 308-66 WAC, Motor vehicle dealers and manufacturers.
02-12-124		Prorate	Chapter 308-91 WAC, Reciprocity and proration.
02-20-086	02-23-059	Private Investigator	Aliens to provide proof of firearms license.
03-01-006		Title and Registration	Chapter 308-96A WAC, to include but not limited to WAC 308-96A-530.
02-24-074		Auctioneers	Update to chapter 308-11 WAC.
03-03-111		Waste Water	Revision to chapter 196-30 WAC.
03-04-080		Geologists	Chapter 308-15 WAC.
03-09-032	03-16-113	Engineers	Housekeeping and implementation of chapter 18.235 RCW.
03-11-069A	03-20-069	Title and Registration	Chapter 308-88 WAC, Rental car taxation and licensing, to include, but not limited to WAC 308-88-020.
03-10-084		Cosmetologists	Update to chapter 308-20 WAC.
03-12-018		Title and Registration	Chapter 308-57 WAC, Motor vehicle excise tax, to include but not limited to 308-57-030.
03-13-018	03-19-007	Title and Registration	Chapter 308-97 WAC, Vehicle license interstate and intransit permits, to include but not limited to WAC 308-97-011, 308-97-125, 308-97-230.
03-13-012	03-16-113	Engineers	Amending chapter 196-23 WAC, eliminating WAC 196-23-070(e).
03-14-047		Sellers of Travel	Fee adjustment to WAC 308-129-110.
03-14-021		Title and Registration	Chapter 308-96A WAC, to include but not limited to WAC 308-96A-026, 308-96A-099, 308-96A-136.
03-14-022		Title and Registration	Chapter 308-56A WAC, to include but not limited to WAC 308-56A-150, 308-56A-160, 308-56A-210, 308-56A-455, 308-56A-460.
03-15-002	03-20-067	Bail Bond	Regarding the expiration date of original bail bond agent licenses.
03-14-024	03-16-113	Land Surveying	Amending chapter 196-27A WAC.
03-17-069		UCC	Amend various rules in chapter 308-390 WAC pertaining to search options and fees.
03-15-108		UCC	Possible adjustments to fees changed by the program WAC 308-30-100.
03-17-035	03-21-087	Fuel Tax	Chapter 308-78 WAC, Aircraft fuel tax.
03-17-107		Title and Registration	Chapter 308-96A WAC, to include but not limited to WAC 308-96A-021.
03-17-026		Cosmetology	Fee adjustment to chapter 308-20 WAC, regulating cosmetologist, barber, manicurist, and esthetician professions.
03-17-027		Court Reporters	Fee adjustment to chapter 308-14 WAC, regulating court reporters.
03-17-028		Auctioneers	Fee adjustment to chapter 308-11 WAC, regulating auctioneers.
03-17-029		Camping Resorts	Fee adjustment to chapter 308-420 WAC, regulating camping resorts.
03-17-030		Timeshare	Fee adjustment to chapter 308-127 WAC, regulating timeshares.
03-17-036		Dealers	Filing fee to be submitted by a licensed motorcycle dealer when initiating a protest against the manufacturer for violations of chapter 46.94 RCW.
03-16-006		Collection Agency	Possible adjustment of fees charged by the collection agency program.
00-15-013	03-16-112	Engineers	Chapter 196-09 WAC, Board practices and procedures.
03-20-033		Landscape Architect	Amendment to WAC 308-13-150 Landscape architect fees.
03-20-068		Title and Registration	Chapter 308-56A WAC, to include but not limited to WAC 308-56A-500 Definitions.

MISC.

CR-101	CR-102	PROGRAM	SUBJECT
03-20-064		Security Guard	Change fees for private security guards and private security guard company application and renewal fees.
03-20-065		Bail Bond Agent	Change fees for bail bond agents and bail bond agency company application and renewal fees.
03-20-066		Private Investigator	Change fees for private investigator and private investigator company application and renewal fees.
03-21-016		Real Estate	Amend WAC 308-124C-030.
03-21-017		Real Estate	Amend WAC 308-124C-030 and 308-124D-030.
03-21-018		Real Estate	Amend WAC 308-124A-110(3).
03-21-063		Court Reporters	Update to chapter 308-14 WAC.
03-22-043		Title and Registration	WAC 308-56A-450, 308-56A-150.
03-22-041		Appraisers	Incorporation by reference of the 2004 edition of the Uniform Standards of Professional Appraisal Practice, the generally recognized standards of real estate appraisal.
03-23-003		Geologist	Chapter 308-15 WAC, Geologist licensing services.
02-05-017	03-23-100	Title and Registration	Title 308 WAC, Certificate of title—Motor vehicles, etc.
03-22-059		Employment Agency	Possible adjustments to fees charged by the employment agency program.
03-24-054		Title and Registration	WAC 308-56A-030, 308-56A-040.

Walt Fahrer
Rules Coordinator

WSR 04-01-015
RULES OF COURT
STATE SUPREME COURT
[December 4, 2003]

IN THE MATTER OF THE ADOPTION)
OF THE AMENDMENTS TO GR 26 AND) **ORDER**
MANDATORY CONTINUING JUDICIAL) **NO. 25700-A-786**
EDUCATION STANDARDS)

The Board for Court Education having recommended the adoption of the proposed amendments to GR 26 and Mandatory Continuing Judicial Education Standards, 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 an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendments will be published expeditiously and become effective December 31, 2003.

DATED at Olympia, Washington this 4th day of December 2003.

Alexander, C. J.

Johnson, J.

Bridge, J.

Madsen, J.

Chambers, J.

Owens, J.

Ireland, J.

Fairhurst, J.

**Mandatory Continuing
Judicial Education (GR26)**

WASHINGTON STATE JUDICIAL EDUCATION
**MANDATORY CONTINUING JUDICIAL
EDUCATION STANDARDS**

SUPREME COURT

MANDATORY CONTINUING JUDICIAL EDUCATION RULE

GR 26 MANDATORY CONTINUING JUDICIAL EDUCATION*

Preamble. The protection of the rights of free citizens depends upon the existence of an independent and competent judiciary. The challenge of maintaining judicial competence requires ongoing education of judges in the application of legal principles and the art of judging in order to meet the needs of a changing society. This rule establishes the minimum requirements for continuing judicial education of judicial officers.

(a) Minimum Requirement. Each judicial officer shall complete a minimum of 45 credit hours of continuing judicial education approved by the Board for Court Education (BCE) every three years, commencing January 1 of the calendar year following the adoption of this rule. If a judicial officer completes more than 45 such credit hours in a three-year reporting period, up to 15 hours of the excess credit may be carried forward and applied to the judicial officer's education requirement for the following three-year reporting period. At least six credit hours for each three-year reporting period shall be earned by completing programs in judicial ethics approved by the BCE. The fifteen credit hours that may be carried forward may include two credit hours toward the judicial ethics requirement.

(b) Judicial College Attendance.

MISC.

1) A judicial officer shall attend and complete the Washington Judicial College program within twelve months of the initial appointment or election to the judicial office.

2) A judicial officer who attended the Washington Judicial College during his or her term of office in a court of Limited jurisdiction shall attend and complete the Washington Judicial College within twelve months of any subsequent appointment or election to the Superior Court. A judicial officer who attended the Washington Judicial College during his or her term of office in the Superior Court shall attend and complete the Washington Judicial College within twelve months of any subsequent appointment or election as a judicial officer in a court of limited jurisdiction. A judicial officer who attended the Washington Judicial College during his or her term of office in a superior court or court of limited jurisdiction and is subsequently appointed or elected to an appellate court position is not required to attend the Washington Judicial College.

3) A judicial officer of a district court, municipal court, superior court, or an appellate court, who has been a judicial officer at the time of the adoption of this rule for less than four years but has not attended the Washington Judicial College shall attend and complete the Washington Judicial College program within twelve months of the adoption of this rule.

(c) Accreditation. BCE shall, subject to the approval of the Supreme Court, establish and publish standards for accreditation of continuing judicial education programs and may choose to award continuing judicial education credits for self-study or teaching. Continuing Judicial education credit shall be given for programs BCE determines enhance the knowledge and skills that are relevant to the judicial office.

(d) Compliance Report. Each judicial officer shall file a report with the Administrative Office of the Courts (AOC) on or before January 31 each year in such form as the Administrative Office of the Courts shall prescribe concerning the judicial officer's progress toward the continuing judicial education requirements of sections a) and (b) of this rule during the previous calendar year. By April 15, BCE shall send a reminder of the requirements of this rule to any judicial officer who has not filed the annual progress report. AOC shall publish a report with the names of all judicial officers who do not fulfill the requirements of sections (a) and (b) of this rule. The AOC report shall be disseminated by means that may include, but are not limited to, publishing on the Washington Courts Internet web site, publishing the information as part of any voter's guide produced by or under the direction of the Administrative Office of the Courts, and releasing the information in electronic or printed form to media organizations throughout Washington State.

(e) Delinquency. Failure to comply with the requirements of this rule may be deemed a violation of the Code of Judicial Conduct that would subject a judicial officer to sanction by the Commission on Judicial Conduct.

(f) Definition. The term "judicial officer" as used in this rule shall not include judges pro tempore but shall otherwise include all full or part time appointed or elected justices, judges, court commissioners, and magistrates.

[Adopted effective July 1, 2002.]

*As amended November 7, 2002.

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.

Section 1: Organization and Administration

1. Supreme Court

The Supreme Court is the rule-making authority for the integrated judicial branch of government in Washington.

2. Board for Judicial Administration (BJA)

The Board for Judicial Administration provides policy review and program leadership for the courts at large, including recommending rules to the Supreme Court that improve the judicial branch of government in our state.

3. Board for Court Education (BCE)

The Board for Court Education assists the Supreme Court and BJA in developing educational policies and standards for the court system, and monitors the quality of educational programs, coordinates in-state, out-of-state education programs and services, recommends changes in policies and standards, and approves guidelines for accrediting training programs.

4. Mandatory Continuing Judicial Education Committee (MCJEC)

The BCE shall appoint a seven-member advisory committee, the Mandatory Continuing Judicial Education Committee (MCJEC), consisting of two members from the appellate courts, two members from the general jurisdiction courts, two members from the courts of limited jurisdiction, and one judicial officer such as a commissioner or magistrate from any of those jurisdictions. The responsibilities of this Committee will be to:

- a) Administer General Rule (GR) 26;
- b) Establish operating procedures consistent with this rule;
- c) Report annually to the Supreme Court and publicly release names of judicial officers who have not complied with the rule.

5) Administrative Office of the Courts (AOC)

a) **Administrative Office the Courts.** Under the direction of the Supreme Court and BCE, the Administrative Office of the Courts (AOC) shall develop guidelines for the implementation of the standards, and shall develop, administer, and coordinate judicial education programs throughout the state. AOC will also track and monitor attendance at continuing judicial education programs accredited by the MCJEC.

b) **Judicial Education Unit.** The Judicial Services Division - Judicial Education Unit of AOC shall work with the BCE educational committees of the judicial associations and other ad hoc groups to prepare and implement judicial education programs. The unit shall coordinate all BCE judicial education programs, provide staff for the Board for Court Education, and evaluate educational programs. Further, the Judicial Education Unit staff shall provide support and assistance to judicial advisory committees in the planning, development, implementation, and evaluation of education programs consistent with established standards and requirements for judicial education.

The unit shall maintain the official transcript for each judicial officer based on 1) attendance records at all BCE accredited education programs, 2) the attendance records of accredited sponsors based on their submissions, and 3) the individual education reports. Based on that official record, AOC will report annually to the Supreme Court.

Section 2: General Standards for Continuing Judicial Education

1. Credit for Continuing Judicial Education (CJE)

The CJE requirement may be met either by attending approved courses or completing other continuing judicial or legal education activity approved for credit by the MCJEC.

a) The CJE requirement may be met by attending approved courses. Self-study (including the use of technology-based programs), teaching, and writing for judicial/legal publications may be considered for credit when they meet the conditions set forth in this rule.

b) Forty-five hours are required for the three-year reporting period, six credits of which are in the area of judicial ethics.

c) No more than 5 hours and 1 hour in the area of ethics can be completed through self-study (including technology based programs), teaching, or published judicial/legal writing.

d) Judicial officers may attend a combination of approved local, state, or national programs.

2. Carry-over

If a judicial officer completes more than 45 such credit hours in a three year reporting period, up to 15 hours of excess credits may be carried forward and applied to the judicial officer's education requirement for the following three year reporting period. The 15 credit hours that may be carried forward may include two credit hours toward the ethics requirement.

3. Judicial College Attendance

Each judicial officer shall attend and complete the Washington Judicial College program within 12 months of initial appointment or election to the judicial office.

a) A judicial officer subject to the rules as noted above, who has been elected or appointed to their judicial office since July 1, 1998, but has not attended the Washington Judicial College, must attend the 2003 college. A judicial officer who is unable to attend due to medical disability or extreme hardship may apply to BCE for permission to attend the 2004 college.

4. Credit Calculation

Credit is calculated on the basis of 1 credit for each 60 minutes of actual subject presentation/participation, not including introductions, overviews, closing remarks, presentation during meals, or keynote addresses unless clearly identified in the agenda as a substantive legal presentation.

Section 3: Program Accreditation

1. Washington State Judicial Branch Sponsors

Attendance at any education program sponsored by the following shall be presumed to meet standards and be accredited:

- a) Washington State Supreme Court
- b) Administrative Office of the Courts

c) Judicial education programs of the Board for Court Education (BCE)

d) Court of Appeals (COA)

e) Superior Court Judges' Association (SCJA)

f) District and Municipal Court Judges Association (DMCJA)

g) Minority and Justice Commission

h) Commission on Gender and Justice

2. Other Judicial Education Sponsors

Attendance at any education program sponsored by the following shall be presumed to meet standards and be accredited:

a) The National Judicial College in Reno, including the University of Nevada Masters and Ph.D. in Judicial Studies

b) American Academy of Judicial Education

c) New York University's Appellate Judges Seminar

d) University of Virginia's Master of Laws in the Judicial Process (LLM)

e) The National Center for State Courts (NCSC) programs such as those sponsored by the American Judges Association, the Institute for Court Management, National Council of Probate Judges, and the National Association of Women Judges

f) Programs approved for Tuition Assistance by BCE

g) The Judicial Division of the American Bar Association (ABA)

h) The Judicial Divisions of all National Bar Associations

1. National Asian Pacific Bar Association

2. National Bar Association

3. Hispanic National Bar Association.

3. Other Continuing Professional Education Programs

To receive credit for attending or serving as faculty at a program sponsored by an organization other than those listed above, a judicial officer may file with the JSD-Education Unit an agenda of the program, which will be submitted to the MCJEC for possible accreditation. Courses approved by the Washington State Bar Association for continuing legal education credits that deal with substantive legal topics, statutory, constitutional, or procedural issues that come before the judicial officer will usually qualify for CJE.

4. Basis for Accreditation of Courses

Courses will be approved based upon their content. An approved course shall have significant intellectual or practical content relating to the duties of the judicial officer.

a) **Definitions.** The course shall constitute an organized program of learning dealing with matters directly relating to the judicial officer's duties, including but not limited to substantive legal topics, statutory, constitutional and procedural issues that come before the judicial officer, judicial ethics or professionalism, anti-bias and diversity training, and substance abuse prevention training.

b) **Factors in evaluating.** Factors which should be considered in evaluating a course include:

- 1) The topic, depth, and skill level of the material.
- 2) The level of practical and/or academic experience or expertise of the presenters or faculty.
- 3) The intended audience.

4) The quality of the written, electronic, or presentation materials, which should be of high quality, readable, carefully prepared and distributed to all attendees at or before the course is presented.

5. Basis for Approval of Other Educational Activities

The following activities will be judged on a case-by-case basis and shall make up no more than five (5) credits per year, one (1) of which may be in the area of judicial ethics.

a) **Teaching.** Serving as faculty at any of the aforementioned accredited programs may be used to partially fulfill education requirements. Three credit hours will be allocated for each hour of instruction the first time a program is presented. Each time the program is repeated, two credit hours will be allocated for each hour of instruction. The three credit hours per each hour of instruction includes preparation time.

b) **Published Judicial/Legal Writing.** Credit may be earned through published legal writing with approval by the MCJEC.

c) **Self-Study.** Judicial officers may apply to the MCJEC to receive credit for self-study. For example, judicial officers may receive credit by accessing educational activities through technology - audiotape and videotape, CD-Rom, web-based programs, etc. To claim CJE credits earned through self-study, judicial officers must report independently. ~~Self study may account for no more than five hours per year.~~

The following will also qualify for CJE credit:

a) **Institutional Visits.** Up to a maximum of three credits per three-year reporting period.

b) **Other Continuing Professional Education Programs.** Other program courses that directly aid the judicial officer in performing his or her specific judicial duties.

6. Programs that Do Not Qualify

The following activities will not qualify for CJE credit:

a) Continuing Professional Education courses that do not relate to substantive legal topics, statutory, constitutional or procedural issues that come before the judicial officer when performing his or her specific judicial duties.

b) Teaching a legal subject to non-lawyers in an activity or course that would not qualify those attending for CJE/CLE credit.

c) Jury duty.

d) Judging or participating in law school or mock trial competitions.

e) Serving on professional (judicial or legal) committees/associations.

7. Appeals

A judicial officer may appeal the denial of program accreditation by the MCJEC to the full BCE. The appeal may be in the form of a letter addressed to the Chair of BCE that outlines the basis for the judicial officer's request. BCE shall notify the judicial officer in writing of its decision to sustain or overrule the decision of the Mandatory Continuing Judicial Education Committee.

Section 4: Responsibilities

1. Sponsors of Accredited Programs

It is the responsibility of the Washington State judicial branch sponsors of a judicial education program to report judicial officer attendance and credits for all approved CJE courses to the Judicial Education Unit of AOC.

2. Individuals

a) It is the responsibility of **individual judicial officers** to file a report of their attendance when it is less than the full program provided, for programs sponsored by Washington State Judicial Branch entities.

b) It is the responsibility of the judicial officer to request accreditation for attendance for programs of other judicial educational sponsors (see Section 4.2. list of sponsors).

c) It is the responsibility of the **individual judicial officers** to submit requests for accreditation for other continuing professional education programs, credit for teaching, published judicial legal writing, or self-study to the Judicial Education Unit of AOC who shall present those to the MCJEC for review and determination.

3. Deadline

Absent exigent circumstances, sponsors and individual judicial officers must report attendance within 30 days after completion of a CJE activity.

Section 5: Certification

1. Compliance

The Judicial Education Unit of AOC will provide a progress report to every judicial officer of the programs they have attended during the previous calendar year by January 1. After reviewing that progress report, judicial officers must either:

a) Confirm it as an accurate record of their progress toward compliance with the rule, or;

b) Provide additional information on programs attended with accompanying documentation and;

File that report with the Administrative Office of the Courts (AOC) on or before January 31 each year.

By April 15, BCE shall send a reminder of the requirements of GR 26 to any judicial officer who has not filed the annual progress report.

AOC shall publish a report with the names of all judicial officers who do not fulfill the requirements of sections (a) and (b) of GR26. The AOC report shall be disseminated by means that may include, but are not limited to, publishing on the Washington Courts Internet web site, publishing the information as part of any voter's guide produced by or under the direction of the Administrative Office of the Courts, and releasing the information in electronic or printed form to media organizations throughout Washington State.

The report will include the names of all judicial officers who fail to obtain the requisite number of education credits during their three-year reporting period, or the requirements of Judicial College attendance.

2. Three-Year Reporting Periods

Three-year reporting periods will be created as follows:

a) Group 1 are those judicial officers present as of January 1, 2003, and those who begin service every subsequent third year: 2006, 2009, 2012, 2015, 2018, 2021, 2024, 2027, 2030, etc.;

b) Group 2 are those judicial officers who begin service in 2004, 2007, 2010, 2013, 2016, 2019, 2022, 2025, 2028, 2031, etc.;

c) Group 3 are those judicial officers who begin service in 2005 and every subsequent third year: 2008, 2011, 2014, 2017, 2020, 2023, 2026, 2029, 2032, etc.

The three-year reporting period for each new judicial officer begins on January 1 nearest their appointment or election.

3. Delinquency

Failure to comply with the requirements of this rule may be deemed a violation of the Code of Judicial Conduct that would subject a judicial officer to sanction by the Commission on Judicial Conduct.

Section 6: Approval

These standards were approved by the Board for Court Education on _____ and by Washington Supreme Court in Court Order _____ on _____.

Comments or suggestions regarding the application of the standards or revisions of the standards can be sent to the Manager of Judicial Education or the Chair of the BCE.

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.

- May 18, 2004
- July 20, 2004
- September 21, 2004
- November 16, 2004

All dates are on a Tuesday, and meetings begin at 2:00 p.m. Meeting rooms are not noted because the location may be changed on short notice, as event needs dictate.

Please Note: The meeting scheduled for December 16, 2003, has been changed from a regular meeting of the board of directors to a special meeting of the board of directors, to be held through telephone conference. The agenda for this meeting is specific to the closing on the sale of property going from the WSCTC to the Museum of History and Industry (MOHAI), scheduled to take place on December 20, 2003. There will be no regular meeting of the board of directors in December 2003.

WSR 04-01-016
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
JUDICIAL CONDUCT
 [Memorandum—December 4, 2003]

The Commission on Judicial Conduct will hold their year 2004 business meetings at 11:00 a.m. on the following dates and locations:

- February 6, 2004 Holiday Inn Express Hotel & Suites
 (Formerly the Hawthorn Suites, LTD)
 19621 International Boulevard
 SeaTac, WA 98188
- April 2, 2004 Holiday Inn Express Hotel & Suites
- June 4, 2004 Holiday Inn Express Hotel & Suites
- August 6, 2004 Holiday Inn Express Hotel & Suites
- October 1, 2004 Holiday Inn Express Hotel & Suites
- December 10, 2004 Holiday Inn Express Hotel & Suites

WSR 04-01-017
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER
 [Memorandum—December 2, 2003]

The Board of Directors of the Washington State Convention and Trade Center has revised the schedule for board meetings for calendar year 2004. A resolution was passed at the November 18, 2003, board meeting to create a bimonthly schedule for regular meetings. The following dates were approved for 2004:

- January 20, 2004
- March 16, 2004

WSR 04-01-018
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE
 [Memorandum—December 5, 2003]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, December 18, 2003, 9:00 - 11:00 a.m., in the College Services Board Room on the Bellingham Technical College campus. Call 738-3105 ext. 334 for information.

WSR 04-01-024
NOTICE OF PUBLIC MEETINGS
STATE BOARD OF EDUCATION
 [Memorandum—December 5, 2003]

State Board of Education Meeting Schedule for 2004

The State Board of Education will meet for regular business at the locations listed on the following dates:

- January 14-16, 2004**
 Board Room
 Olympia School District
 1113 Legion Way S.E.
 Olympia, WA 98501
 (360) 596-6100
- March 17-19, 2004**
 Olympia-Tacoma area
- May 12-14, 2004**
 ESD 101 Administrative Center
 4202 South Regal Street
 Spokane, WA 99223-7764
 (509) 789-3800

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June 17-18, 2004

Administration Center
Seattle School District
2445 3rd Avenue South
Seattle, WA 98134
(206) 252-0000

August 25-27, 2004

Vancouver area

October 20-22, 2004

Reid Harbor Room
Northwest ESD 189
1601 R Avenue
Anacortes, WA 98221
(360) 299-4000

WSR 04-01-027

**NOTICE OF PUBLIC MEETINGS
BOARD OF TAX APPEALS**

[Memorandum—December 5, 2003]

The Board of Tax Appeals will hold its regular 2004 meetings at 10 a.m. on March 11, June 10, September 9, and December 9, 2004. The meetings will be held at the Board's Offices, 910 5th Avenue S.E., Olympia, WA 98504-0915.

WSR 04-01-029

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed December 8, 2003, 3:53 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Public Notice.

Subject: Medicaid state plan amendment 03-027.

Effective Date: December 18, 2003.

Document Description: The Department of Social and Health Services, Medical Assistance Administration, is updating the Medicaid state plan through State Plan Amendment TN 03-027 to further describe policy and methods used in establishing hospital payment rates explained in Attachment 4.19-A, Part I of the plan.

This update provides clarification on payment methodology for the following:

- Clarification concerning payment for newborn screening tests; and
- Clarification concerning disproportionate share hospital (DSH) payments for public hospitals. In this SPA the DSH payments for public hospitals that is not set at 100% of cost, will be augmented to indicate that the payments will not exceed 175% of costs for SFY2004 and SFY2005 only.

Payment to hospitals is justified for newborn screening tests since newborn screening is an integral part of the newborn health care and the federal EPSDT program. The change in public hospitals DSH payments is justified through regulatory guidance issued by CMS.

Written comments may be sent to Doug Porter, Assistant Secretary, Medical Assistance Administration, Department of Social and Health Services, P.O. Box 45080, Olympia, WA 98504-5080.

For more information regarding this clarification of language, please write to Larry Linn, Rates Analysis Section, Medical Assistance Administration, Department of Social and Health Services, P.O. Box 45510, Olympia, WA 98504-5510.

To receive a copy of the interpretive or policy statement, contact Ann Myers, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1345, weblink <http://maa.dshs.wa.gov>, TDD (800)

WSR 04-01-025

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
GENERAL ADMINISTRATION**

(State Capitol Committee)

[Memorandum—December 8, 2003]

WHEN: December 11, 2003
TIME: 10:00 a.m. to 11:00 a.m.
WHERE: General Administration Building, Room 207

WSR 04-01-026

**NOTICE OF PUBLIC MEETINGS
JAIL INDUSTRIES BOARD**

[Memorandum—December 4, 2003]

2004 BOARD MEETING SCHEDULE

January 16, 2004	Criminal Justice Training Center	Burien
April 16, 2004	Criminal Justice Training Center	Burien
September 17, 2004		Cowlitz County (Longview or Kelso)
November 19, 2004	Criminal Justice Training Center	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, 3060 Willamette Drive, Suite 100, Lacey, WA 98516.

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848-5429, fax (360) 586-9727, e-mail Myersea@dshs.wa.gov.

December 3, 2003
E. A. Myers
Manager

WSR 04-01-030
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed December 8, 2003, 3:54 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 03-93 MAA.

Subject: Updates to the Prescription drug program—Additions to MAA's preferred drug list.

Effective Date: January 1, 2004.

Document Description: Effective for the week of January 1, 2004, the Medical Assistance Administration (MAA) will implement the following changes to the prescription drug program:

- Additions to MAA's preferred drug list;
- Drugs now requiring prior authorization; and
- Change to MAA's prior authorization fax number.

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/download/publicationsfees.htm> (click on "Numbered Memoranda," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mailto:sullikm@dshs.wa.gov.

December 3, 2003
E. A. Myers, Manager
Rules and Publications Section

WSR 04-01-033
NOTICE OF PUBLIC MEETINGS
BATES TECHNICAL COLLEGE
[Memorandum—December 8, 2003]

The board of trustees of Bates Technical College will have a special meeting on December 9, 2003, beginning at 12:30 p.m. in the Clyde Hupp Board Room, 1101 South Yakima Avenue, Tacoma, WA. The board will meet in executive session for discussions which may include personnel and legal matters as authorized by RCW 42.30.110 [(1)(f), (g) and (i)]. The board may return to open session to discuss and take action related to personnel matters.

The board of trustees of Bates Technical College also will have a special meeting on December 11, 2003, beginning at 4:00 p.m. in the Clyde Hupp Board Room, 1101 South Yakima Avenue, Tacoma, WA. The board will meet in executive session for discussions which may include personnel

and legal matters as authorized by RCW 42.30.110 [(1)(f), (g) and (i)]. The board may return to open session to discuss and take action related to personnel matters.

WSR 04-01-038
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
FISH AND WILDLIFE
(Fish and Wildlife Commission)
[Memorandum—December 9, 2003]

In a letter dated October 30, 2003, the dates and locations for the Washington Fish and Wildlife Commission public meetings, workshops, and conference calls for 2004 were submitted. There are two changes:

- The January 15, 2004, conference call has been moved by the commission to **January 22, 2004**.
- The location for the **November 5-6, 2004**, commission workshop has been changed by the commission from Clarkston to **Wenatchee**.

WASHINGTON FISH AND WILDLIFE COMMISSION
2004 MEETINGS

(Updated December 9, 2003)

<u>DATE</u>	<u>FUNCTION</u>	<u>LOCATION</u>
January 8	Conference call	Olympia
January 15 22	Conference call	Olympia
January 16-17	Workshop	Olympia
February 5	Conference call	Olympia
February 6-7	Meeting	Olympia
February 19	Conference call	Olympia
March 4	Conference call	Olympia
March 12-13	Workshop	Olympia
March 18	Conference call	Olympia
April 1	Conference call	Olympia
April 2-3	Meeting	Spokane
April 15	Conference call	Olympia
May 6	Conference call	Olympia
May 20	Conference call	Olympia
June 3	Conference call	Olympia
June 4-5	Workshop	Olympia
June 17	Conference call	Olympia
July 1	Conference call	Olympia
July 15	Conference call	Olympia
August 5	Conference call	Olympia
August 6-7	Meeting	Everett/ Lynnwood
August 19	Conference call	Olympia
September 2	Conference call	Olympia
September 16	Conference call	Olympia
October 1-2	Workshop	Olympia
October 7	Conference call	Olympia

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<u>DATE</u>	<u>FUNCTION</u>	<u>LOCATION</u>
October 21	Conference call	Olympia
November 4	Conference call	Olympia
November 5-6	Workshop	Clarkston Wenatchee
November 18	Conference call	Olympia
December 2	Conference call	Olympia
December 3-4	Meeting	Long Beach/ Ocean Shores
December 16	Conference call	Olympia

Additional meetings, workshops, and conference calls may be scheduled on an as-needed basis. Contact Susan Yeager, Commission Executive Assistant, (360) 902-2267, for further information.

WSR 04-01-039
NOTICE OF PUBLIC MEETINGS
EVERETT COMMUNITY COLLEGE

[Memorandum—December 4, 2003]

NOTIFICATION OF
MEETING DATE CHANGE

The board of trustees of Everett Community College will move their regularly scheduled meeting from December 10, 2003, to December 17, 2003. Please call (425) 388-9572 for information.

WSR 04-01-040
NOTICE OF PUBLIC MEETINGS
GUARANTEED EDUCATION
TUITION PROGRAM

[Memorandum—November 14, 2003]

In accordance with RCW 28B.95.020 and WAC 14-276-030, the Advanced College Tuition Program, known as Guaranteed Education Tuition Program has adopted the following regular committee meeting schedule:

February 10, 2004 Tuesday	2:00 - 5:00 p.m.	Olympia State Investment Board (Board Room)
April 20, 2004 Tuesday	2:00 - 5:00 p.m.	Olympia State Investment Board (Board Room)
August 4, 2004 Wednesday	2:00 - 5:00 p.m.	Olympia State Investment Board (Board Room)

If anyone wishes to request disability accommodations, notice should be given to the Guaranteed Education Tuition Program at least ten days in advance of the meeting in question. Notice may be given by any of the following methods: (360) 753-7860 (voice), (360) 753-7809 (TDD), or (360) 704-6260 (fax).

WSR 04-01-047
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY
[Memorandum—December 8, 2003]

The Eastern Washington University board of trustees' meeting schedule for 2004 (adopted at the December 5, 2003, meeting of the board) is as follows:

Friday, January 23	12:00 p.m.	Tawanka 215 (Budget items)
Friday, April 2	1:00 p.m.	Tawanka 215 (Committee of the Whole—placeholder)
Friday, May 21	12:00 p.m.	Tawanka 215 (First reading of the budget)
Monday, June 28*	12:00 p.m.	Tawanka 215 (Finalize budget)
Board Retreat June 29-30		
Friday, September 17*	12:00 p.m.	Tawanka 215 (Board Elections) (Welcome Back Breakfast)
Friday, December 3	12:00 p.m.	Tawanka 215 (Summer Session fees, auxiliary audits)

*May need to delegate authority to the president at the June and September meetings for the faculty hiring process between board meetings.

Committee meetings will be held the evening prior to or the morning of the board meetings.

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) 359-6362.

WSR 04-01-057
NOTICE OF PUBLIC MEETINGS
PUBLIC DISCLOSURE COMMISSION
[Memorandum—December 10, 2003]

The following is a list of the regular meetings currently scheduled for the Public Disclosure Commission for the year 2004:

- Tuesday, January 27
- Tuesday, February 24
- Tuesday, March 23
- Tuesday, April 27
- Tuesday, May 25
- Tuesday, June 22
- Tuesday, July 27
- Tuesday, August 24
- Tuesday, September 28
- Tuesday, October 26
- Tuesday, November 16
- Tuesday, December 21

WSR 04-01-061

**NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE**

[Memorandum—December 9, 2003]

In compliance with RCW 42.30.075, the following board of trustees 2004 meeting schedule has been approved for Edmonds Community College. The regularly scheduled meetings will take place on the third Monday of the month beginning at 4:30 p.m. in the Cascade Conference Room 304, Snohomish Hall, at Edmonds Community College, 20226 68th Avenue West, Lynnwood, WA 98036.

- Monday, January 26, 4:30 p.m. - special study session
- February - no meeting
- Monday, March 22, 4:30 p.m. - special meeting
- Monday, April 19, 4:30
- Monday, May 17, 4:30 p.m.
- Monday, June 21, 4:30 p.m.
- July - no meeting
- August 26 & 27 - special study session
- Monday, September 20, 4:30 p.m.
- Monday, October 18, 4:30 p.m.
- Monday, November 15, 4:30 p.m.
- December - no meeting

If you have any questions, please feel free to contact Patty Michajla at (425) 640-1516.

WSR 04-01-062

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE**

(Wine Commission)

[Memorandum—December 10, 2003]

Below are the Washington Wine Commission 2004 meeting dates, times, and locations:

February	No meeting scheduled
March 5	Seattle
April 2	Pasco
May 7	Pasco
June 4	Seattle
July 9	Pasco
August 6	Seattle
September 10	Pasco
October	No meeting scheduled
November 5	Seattle
December 3	Seattle

All meetings are scheduled from 9 a.m. - noon.

Pasco Location: Gordon Brothers Estate, 5960 Burden Boulevard, Pasco, WA 99301; and Seattle Location: Washington Wine Commission, Goodwin Library, 93 Pike Street, Seattle, WA 98101.

If you need any additional information, please feel free to call Kim Abello at (206) 667-9463 ext. 200 or via e-mail kabello@washingtonwine.org.

WSR 04-01-064

**RULES COORDINATOR
COMMISSION ON
HISPANIC AFFAIRS**

[Filed December 12, 2003, 9:00 a.m.]

I, Antonio M. Ginatta, have been designated as the rules coordinator for our agency.

If you have any questions please call Antonio M. Ginatta at (360) 753-3159 or e-mail aginatta@cha.wa.gov.

Antonio M. Ginatta
Executive Director

WSR 04-01-065

**NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE PATROL**

(Fire Protection Policy Board)

[Memorandum—December 12, 2003]

**FIRE PROTECTION POLICY BOARD
2004**

MEETING/WORK SESSION SCHEDULE

January 28, 2004 9:00 a.m.	Work Session	General Administration Building 210 11th Street S.W. Olympia, WA
February 25, 2004 9:00 a.m.	Regular Meeting	General Administration Building 210 11th Street S.W. Olympia, WA
April 28, 2004 9:00 a.m.	Work Session	General Administration Building 210 11th Street S.W. Olympia, WA
May 26, 2004 9:00 a.m.	Regular Meeting	General Administration Building 210 11th Street S.W. Olympia, WA
July 28, 2004 9:00 a.m.	Work Session	General Administration Building 210 11th Street S.W. Olympia, WA
August 25, 2004 9:00 a.m.	Regular Meeting	General Administration Building 210 11th Street S.W. Olympia, WA
October 27, 2004 9:00 a.m.	Work Session	General Administration Building 210 11th Street S.W. Olympia, WA
November 17, 2004 9:00 a.m.	Regular Meeting	General Administration Building 210 11th Street S.W. Olympia, WA

For information regarding Fire Protection Policy Board meetings, please contact Ellen Tomblason, Washington State Patrol, Fire Protection Bureau, at (360) 753-0411.

WSR 04-01-073

**NOTICE OF PUBLIC MEETINGS
HIGHLINE COMMUNITY COLLEGE**

[Memorandum—December 11, 2003]

Below is the meeting schedule for 2004 for the board of trustees of Community College District 9. All meetings are

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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 11, 2003, meeting.

DATE	STUDY SESSION	MEETING
January 15, 2004	8:00 a.m.	10:00 a.m.
February 5, 2004	8:00 a.m.	10:00 a.m.
March 11, 2004	8:00 a.m.	10:00 a.m.
April 8, 2004	8:00 a.m.	10:00 a.m.
May 12, 2004	8:00 a.m.	10:00 a.m.
June 10, 2004	8:00 a.m.	10:00 a.m.
July 8, 2004	8:00 a.m.	10:00 a.m.
August 2004 - NO MEETING		
September 9, 2004	8:00 a.m.	10:00 a.m.
October 14, 2004	8:00 a.m.	10:00 a.m.
November 18, 2004	8:00 a.m.	10:00 a.m.
December 8, 2004	8:00 a.m.	10:00 a.m.

WSR 04-01-074
NOTICE OF PUBLIC MEETINGS
PUBLIC EMPLOYMENT
RELATIONS COMMISSION
 [Memorandum—December 12, 2003]

NOTICE OF 2004 PUBLIC MEETINGS

The following is a schedule of the regular meetings of the Public Employment Relations Commission for 2004:

- January 13 - Kirkland Office
- February 10
- March 16
- April 13
- May 11
- June 8
- July 13
- August 10
- September 14
- October 12
- November 9
- December 14

All meetings begin at 10:00 a.m. The January meeting will be held at 9757 Juanita Drive, Kirkland, WA. All other meetings will be held in the Evergreen Plaza Building, 711 Capitol Way, Olympia, WA. Attendees should check at Room 603 for the specific room number.

Following due notice, some meetings may be rescheduled or relocated.

Meeting sites are barrier free to the greatest extent possible. Braille or taped agenda items for visually impaired persons, and interpreters for individuals with hearing impairment will be provided if requested with adequate notice. Such requests should be made at least ten working days in

advance of the scheduled meeting date, and should be addressed to Public Employment Relations Commission, P.O. Box 40919, Olympia, WA 98504-0919.

WSR 04-01-075
NOTICE OF PUBLIC MEETINGS
CENTER FOR
INFORMATION SERVICES
 [Memorandum—December 12, 2003]

Meetings scheduled at this time (note this is a tentative calendar not yet approved by WACTC):

CIS Executive Committee Meeting	9:00 - 11:00 a.m., July 23, 2003 Port Ludlow
CIS Executive Committee Meeting	9:00 - 11:00 a.m., September 25, 2003 Wenatchee Valley College
CIS Executive Committee Meeting	9:00 - 11:00 a.m., October 30, 2003 Peninsula College
CIS Executive Committee Meeting	9:00 - 11:00 a.m., November 20, 2003 Pierce College - Fort Steilacoom
CIS Executive Committee Meeting	8:00 - 10:00 a.m., January 28, 2004 State Board of Community and Technical Colleges Office
CIS Executive Committee Meeting	9:00 - 11:00 a.m., February 25, 2004 State Board of Community and Technical Colleges Office
CIS Executive Committee Meeting	9:00 - 11:00 a.m., March 24, 2004 South Puget Sound Community College
CIS Executive Committee Meeting	9:00 - 11:00 a.m., April 29, 2004 Green River Community College
CIS Executive Committee Meeting	9:00 - 11:00 a.m., May 26, 2004 Walla Walla Community College

These meetings are scheduled as part of WACTC.

WSR 04-01-077
NOTICE OF PUBLIC MEETINGS
BOARD OF ACCOUNTANCY
 [Memorandum—December 15, 2003]

2004 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 2004:

Date	Day	Meeting	Location
January 30, 2004	Friday	Regular	SeaTac
April 30, 2004	Friday	Regular	SeaTac
July 30, 2004	Friday	Regular	SeaTac
October 29, 2004	Friday	Regular	Spokane
December 10, 2004	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 spe-

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cial 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.

taken related to personnel matters and on the future and vision of the Bates College community. Each participant will be given two minutes to address the board.

WSR 04-01-078
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY
 [Memorandum—December 15, 2003]

Natural Resource Damage Assessment Committee
January - December 2004 Meeting Schedule

The Washington State Natural Resource Damage Assessment (NRDA) Committee, which is chaired by the Department of Ecology, includes representatives of the State Departments of Fish and Wildlife, Natural Resources, Health, the Parks and Recreation Commission, and the Office of Archaeology and Historic Preservation. The committee makes decisions regarding the most appropriate damage assessment to pursue for oil spills in state waters, and evaluates restoration projects proposed by responsible parties in lieu of monetary claims.

Meetings for January through December 2004 will be held on the second Wednesday of each month as follows:

Date	Room Number
January 14	ROA-36
February 11	ROA-36
March 10	ROA-36
April 14	ROA-32
May 12	ROA-36
June 9	ROA-34
July 14	ROA-36
August 11	ROA-36
September 8	ROA-36
October 13	ROA-32
November 10	ROA-32
December 8	ROA-36

Meetings start at 9:00 a.m. at the following location: Department of Ecology, Headquarters Building, Auditorium, 300 Desmond Drive S.E., Lacey, WA.

For more information, contact Dale Davis at (360) 407-6972, dald461@ecy.wa.gov.

WSR 04-01-081
NOTICE OF PUBLIC MEETINGS
BATES TECHNICAL COLLEGE
 [Memorandum—December 15, 2003]

The board of trustees of Bates Technical College will hold a special meeting on December 16, 2003, beginning at 4:00 p.m. in the Downtown Campus Auditorium, 1101 South Yakima Avenue, Tacoma, WA. The board will meet in open session to take public comments relating to recent action

WSR 04-01-082
NOTICE OF PUBLIC MEETINGS
EVERGREEN STATE COLLEGE
 [Memorandum—December 11, 2003]

The board of trustees of The Evergreen State College will hold regular meetings on the following dates in 2003. Unless otherwise noted, all meetings will be held in Olympia in Room 3112 of the Daniel J. Evans Library Building at The Evergreen State College, 2700 Evergreen Parkway N.W.

Date	Time	Meeting
January 13	10:00-5:00	Education/Planning Session
January 14	9:00-3:00	Action items
March 9	10:00-5:00	Education/Planning Session (Location: TESC - Tacoma, 1210 6th Avenue)
March 10	9:00-3:00	Action items
May 11	10:00-5:00	Education/Planning Session
May 12	9:00-3:00	Action items
June 10	9:00-5:00	Action items
June 11	1:00-4:00	Commencement (Location: Red Square, Olympia Campus)
July 14	9:00-5:00	Action items
September 16	9:00-5:00	Action items
November 16	10:00-5:00	Education/Planning Session
November 17	9:00-3:00	Action items

Notices of special meetings, if any, will be published on campus and provided to local news media.

WSR 04-01-084
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
 (Red Raspberry Commission)
 [Memorandum—December 15, 2003]

The scheduled meeting dates for the Washington Red Raspberry Commission are:

- February 4 in Lynden
- March 17 in Vancouver
- September 8 in Mt. Vernon
- November 3 in Lynden
- December 6-8 in Lynden

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WSR 04-01-085

INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed December 16, 2003, 9:39 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Public Notice.

Subject: Medicaid State Plan Amendments 03-027 and 03-028.

Effective Date: December 18, 2003.

Document Description: The Department of Social and Health Services, Medical Assistance Administration, is updating the Medicaid state plan through State Plan Amendments TN 03-027 and TN 03-028 to further describe policy and methods used in establishing hospital payment rates explained in Attachment 4.19-A, Part I of the plan. A notice was previously published under WSR 04-01-029, which listed this update as State Plan Amendment (SPA) 03-027. Subsequent to that publishing, the department separated the two types of payment methodology into two SPAs as explained below.

This update provides clarification on payment methodology for the following:

- Clarification concerning payment for newborn screening tests (SPA 03-027); and
- Clarification concerning disproportionate share hospital (DSH) payments for public hospitals. In this SPA the DSH payments for public hospitals that is now set at 100% of cost, will be augmented to indicate that the payments will not exceed 175% of costs for SFY2003 and SFY2004 only. (SPA 03-028)

Payment to hospitals is justified for newborn screening tests since newborn screening is an integral part of newborn health care and the federal EPSDT program. The change in public hospitals DSH payments is justified through regulatory guidance issued by CMS.

Written comments may be sent to: Doug Porter, Assistant Secretary, Medical Assistance Administration, Department of Social and Health Services, P.O. Box 45080, Olympia, WA 98504-5080.

For more information regarding this clarification of language, please write to Larry Linn, Rates Analysis Section, Medical Assistance Administration, Department of Social and Health Services, P.O. Box 45510, Olympia, WA 98504-5510.

To receive a copy of the interpretive or policy statement, contact Ann Myers, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1345, weblink <http://maa.dshs.wa.gov>, TDD (800) 848-5429, fax (360) 586-9727, e-mail Myersea@dshs.wa.gov.

December 15, 2003

Ann Myers
Manager

WSR 04-01-093

NOTICE OF PUBLIC MEETINGS
LAW ENFORCEMENT OFFICERS' AND
FIRE FIGHTERS' PLAN 2 RETIREMENT BOARD

[Memorandum—December 16, 2003]

Updated

2004 Regular Board Meeting Schedule

All meetings of the Law Enforcement Officers' and Fire Fighters' Plan 2 Retirement Board will be held in the boardroom of the Washington State Investment Board located at 2100 Evergreen Park Drive S.W., Olympia, WA, from 9:00 a.m. - 3:00 p.m.

Wednesday, January 28, 2004
Wednesday, February 25, 2004
Wednesday, March 24, 2004
Wednesday, April 28, 2004
Wednesday, May 26, 2004
Wednesday, June 23, 2004
Wednesday, July 28, 2004
Wednesday, August 25, 2004
Wednesday, September 22, 2004
Wednesday, October 27, 2004
Wednesday, November 10, 2004
Thursday, December 9, 2004

WSR 04-01-098

INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed December 16, 2003, 2:39 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: PCM 03-006.

Subject: 2004 Changes to the Need Standard and Minimum Wage.

Effective Date: December 8, 2003.

Document Description: This policy clarification memo explains to DCS staff about upcoming changes to the Washington minimum wage and the need standard.

To receive a copy of the interpretive or policy statement, contact Martha Dickens, Division of Child Support, Mailstop 45860, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5217, TDD (360) 753-9122, fax (360) 664-0729, e-mail mdickens@dshs.wa.gov.

December 12, 2003

Martha Dickens

WSR 04-01-103

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF CORRECTIONS**

[Memorandum—December 17, 2003]

Department of Corrections
Office of Correctional Operations
Correctional Industries
Board of Directors

March 19, 2003 [2004]	Aberdeen, to be determined	1:00 p.m. to 5:00 p.m.
March 20, 2003 [2004]	Aberdeen, to be determined	8:00 a.m. to 1:00 p.m.
June 18, 2003 [2004]	Olympia - Phoenix Inn	1:00 p.m. to 5:00 p.m.
June 19, 2003 [2004]	Olympia - Phoenix Inn	8:00 a.m. to 1:00 p.m.
September 24, 2003 [2004]	Walla Walla, to be determined	1:00 p.m. to 5:00 p.m.
September 25, 2003 [2004]	Walla Walla, to be determined	8:00 a.m. to 1:00 p.m.
December 10, 2003 [2004]	Olympia - Phoenix Inn	1:00 p.m. to 5:00 p.m.
December 11, 2003 [2004]	Olympia - Phoenix Inn	8:00 a.m. to 1:00 p.m.

Contact Danielle Wiles, (360) 753-5703.

WSR 04-01-112

**NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION**

[Memorandum—December 12, 2003]

Human Rights Commission Meetings for 2004

Following is the 2004 schedule for meetings of the Washington State Human Rights Commission.

**WASHINGTON STATE HUMAN RIGHTS COMMISSION
COMMISSION MEETING DATES & LOCATIONS
FOR 2004**

DATES	LOCATION
January 23 (Friday)	SeaTac
February 27 (Friday)	SeaTac
March 25-26 (Thursday and Friday)	Bellingham
April 30 (Friday)	SeaTac
May 21 (Friday)	SeaTac
June 24-25 (Thursday and Friday)	Spokane
July 23 (Friday)	SeaTac
August 27 (Friday)	Olympia (conference call)
September 23-24 (Thursday and Friday)	Pasco
October 28-29 (Thursday and Friday)	Olympia
November 19 (Friday)	Olympia (conference call)
December 17 (Friday)	Olympia (conference call)

Please contact Tanya Calahan at (360) 753-4876 or tcalahan@hum.wa.gov if you have questions or need additional information.

WSR 04-01-113

**NOTICE OF PUBLIC MEETINGS
ACADEMIC ACHIEVEMENT AND
ACCOUNTABILITY COMMISSION**

[Memorandum—December 15, 2003]

In accordance with RCW 42.30.075, following is a schedule of regular meetings of the Washington State Academic Achievement and Accountability Commission for calendar year 2003.

If you have questions or need additional information, please contact Debra Crawford at (360) 725-6034 or via e-mail atdcrawford.aaac@ospi.wednet.edu.

**A+ Commission Meeting Dates
2004**

DATE	LOCATION
January 12	Olympia area
February 9	Tacoma area
March 8	Olympia area
April 6	Spokane area
May 10	Tacoma area
June 7	Blaine area
No meeting in July	
No meeting in August	
September 13	Ellensburg area
October 11	Vancouver area
November 8	Tacoma area
December 6	Tacoma area

WSR 04-01-115

DEPARTMENT OF ECOLOGY

[Filed December 17, 2003, 3:14 p.m.]

**NOTICE OF PUBLIC HEARING
WASHINGTON STATE DEPARTMENT OF ECOLOGY**

**Designating Fine Particulate Matter Areas in Washington
State**

The federal Environmental Protection Agency (EPA) develops air pollution standards to protect human health. EPA issued annual and 24-hour standards for fine particulate matter less than 2.5 microns in size (PM_{2.5}) in 1997. The standards limit PM_{2.5} to 65 micrograms per cubic meter of air, averaged over 24 hours; and 15 micrograms per cubic meter of air, averaged over a three-year period.

Federal law requires EPA to designate areas of states as attainment, nonattainment, or unclassifiable after setting a new or revised air quality standard. A designation of "attainment" means an area meets the annual and 24-hour standards. "Nonattainment" means an area violates one or both standards and the state must develop a plan to bring the area into attainment with both the annual and the 24-hour standards. "Unclassifiable" means an area cannot be designated as either

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attainment or nonattainment because no monitoring data are available.

The designation process starts with a recommendation from the state on appropriate designations. State recommendations do not apply to Tribal lands, because tribes have authority over air quality within the boundaries of their reservations.

Washington is considering recommending that all areas of the state, except Yakima County, be designated "attainment/unclassifiable" based on 2000-2002 data. With the exception of Yakima, all areas of Washington either have not violated the annual or 24-hour standards or are not monitored. The state would not be required to take any further actions if all areas are designated attainment/unclassifiable.

Yakima County will not have three calendar years of data until the end of 2003. Data from 2001 and 2002 indicate Yakima meets the standards and the state expects to recommend "attainment/unclassifiable" once three years data are available. Washington will make a commitment to submit the recommendation for Yakima County by April 2004.

EPA will evaluate the state recommendation and monitoring records to determine the appropriate designation. EPA plans to publish the designations in the Federal Register in December 2004.

The Department of Ecology will hold a public hearing to receive comments on its recommendation to designate all areas of Washington (except for Yakima County) as attainment/unclassifiable for PM_{2.5} standards. The hearing is scheduled as follows:

Wednesday, January 21, 2004
2:00 p.m.

Department of Ecology
Headquarters Building
Room 2B-18
300 Desmond Drive
Lacey, WA

Written comments must be postmarked no later than January 21, 2004, and should be sent to Doug Schneider, Department of Ecology Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600.

If you need special accommodations, please contact Tami Dahlgren at (360) 407-6800 or TTY (for the speech or hearing impaired) 711 or 1-800-833-6388. For more information about the designation of ozone areas in Washington, please contact Doug Schneider, Department of Ecology Air Quality Program, (360) 407-6874.

WSR 04-01-118
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
HISPANIC AFFAIRS
[Memorandum—December 17, 2003]

2004 Meeting Schedule

February 5-6 Olympia
March 12-13 Pasco
May 14-15 Spokane
July 9-10 Vancouver

September 17-18
November 12-13

Yakima
Bellevue

WSR 04-01-123
NOTICE OF PUBLIC MEETINGS
BELLEVUE COMMUNITY COLLEGE

[Memorandum—December 10, 2003]

Notice of Public Meetings for 2004

Meetings of the board of trustees of Community College District VIII for 2004 will be held on the following dates:

January 28
March 3
April 28
June 23
September 15
November 3
December 15

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 04-01-124
NOTICE OF PUBLIC MEETINGS
OLYMPIC COLLEGE

[Memorandum—December 17, 2003]

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, except in January and August. In January and August 2004, the board will meet in the locations as noted below. The board will meet on the following dates for calendar year 2004:

January 27, 2004 - at OC Poulsbo Campus
 1000 Olympic College Place N.W.
 Room 221 (Seminar Classroom)
 Poulsbo, WA 98370
February 24, 2004
March 23, 2004
April 27, 2004
May 25, 2004

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June 22, 2004

July - No meeting

August 24, 2004 - at OC Shelton Campus
Johnson Library
Reading Room
937 West Alpine Way
Shelton, WA 98584

September 28, 2004

October 26, 2004

November 23, 2004

December - No meeting

In the event it is necessary to change any of these meeting dates, the appropriate notification will take place.

WSR 04-01-137
NOTICE OF PUBLIC MEETINGS
WASHINGTON SCHOOL
FOR THE DEAF
[Memorandum—December 16, 2003]

The following are dates for board of trustees and work group meetings for the Washington School for the Deaf (WSD) through the end of school year 2003/2004.

Date	Type of Meeting	Where Held
January 7, 2004	Work Study Group	WSD
January 8, 2004	Board of Trustees	WSD
February 12, 2004	Meet with legislators	Olympia - Capitol
February 13, 2004	Work Study Group	Lacey Community Center
March 11, 2004	Board of Trustees	WSD
April 8, 2004	Board of Trustees	WSD
May 13, 2004	Board of Trustees	WSD
June 10, 2004	Board of Trustees	WSD

WSR 04-01-140
INTERPRETIVE OR POLICY STATEMENT
UTILITIES AND
TRANSPORTATION COMMISSION
[Filed December 19, 2003, 1:35 p.m.]

NOTICE OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Docket No. TR-031384, Disbursement of Funds From the Grade Crossing Protective Fund.

Subject: Interpretation of RCW 81.53.271 and 81.53.281, as amended, and statement of the commission's policy as to how it will implement the law in disbursing grants from the commission's grade crossing protective fund (GCPF) with respect to amendments, effective July 27, 2003.
Effective Date: November 26, 2003.

Document Description: The Washington Utilities and Transportation Commission explains how the commission will implement the law in disbursing grants from the grade crossing protective fund.

To receive a copy of the interpretive and policy statement, contact the Commission Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, phone (360) 664-1160, fax (360) 586-1150, e-mail records@wutc.wa.gov, or to the commission's website <http://wutc.wa.gov> (click on search, Click on Docket Number, enter docket number "031384", click on "No company Name", click on "orders", and click on "11/26/03").

Washington Utilities and Transportation Commission
Carole J. Washburn
Executive Secretary

WSR 04-01-148
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
AFRICAN AMERICAN AFFAIRS
[Memorandum—December 18, 2003]

Listed below are the dates of the commission's 2004 meeting schedule.

February 6, 2004	Olympia
March 19, 2004	Conference Call
May 21, 2004	Spokane
July 9, 2004	Vancouver
September 17, 2004	Tacoma
November 19, 2004	Conference call

If you have any questions please contact our office at (360) 753-0127.

WSR 04-01-149
AGENDA
FOREST PRACTICES BOARD
[Filed December 22, 2003, 8:59 a.m.]

Rule Development Agenda
January - June 2004

The Forest Practices Board's mandate is to adopt rules to protect the state's public resources while maintaining a viable forest products industry. The following rule proposals are under development or are anticipated during this time period.

1. Procedural and Ethics. At the November 12, 2003, meeting, the board initiated permanent rule making on chapter 222-08 WAC. The rules update the board's administrative procedures, and provide new rules on public record requests and clarify how state ethics laws apply to the board. The board will consider adoption of the permanent rule at the February 2004 meeting.

2. Marbled Murrelet. The board initiated permanent rule making to amend WAC 222-12-090 and 222-16-010 relating to marbled murrelets. The rule changes establish the use of the January 6, 2003, Pacific Seabird Group survey protocol for marbled murrelet surveys, add a third-year survey option for determining whether a forest stand is a defined

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occupied marbled murrelet site, and correct a mislabeling of a graphic in the definition of marbled murrelet detection area. The board will consider adoption of the permanent rule at the February 2004 meeting.

3. Salmonid Adaptive Management. The board initiated pilot rule making for two riparian research projects at the December 2, 2003, special meeting. The research projects are associated with the Forests and Fish Report: The Bull Trout Overlay Study and the Hardwood Conversion Study. The studies will include operational riparian management on certain forest study sites using prescriptions that differ from the rules for riparian protection (WAC 222-30-040(1), (2), 222-30-022, and 222-30-021 (1)(b)(i)). Additional pilots and adaptive management initiated rules may be necessary.

4. Cultural Resources. The board will consider initiating rule making on the TFW Cultural Resources Committee's rule proposal connected to a cultural watershed analysis module at the June 2004 special meeting.

5. Road Maintenance and Abandonment Plans. The board adopted an emergency rule on October 15, 2003, to implement changes to the small forest landowner road maintenance and abandonment planning requirements contained in 2SHB 1095 passed by the 2003 legislature. The emergency rules will remain in effect until a permanent rule is adopted. Permanent rule language is being developed.

6. Editorial and Minor Rule Changes. The current permanent rules are being reviewed for editorial and minor clarification changes. This may result in a rule proposal.

7. Other Legislative Mandated Changes. Legislation passed during the 2001 and 2002 session that will require rule making includes SSB 6241 pertaining to Christmas trees and SB 5497 relating to forestland definition.

8. Upland Wildlife. The Department of Fish and Wildlife is conducting a comprehensive review of the forest practices rules and science for wildlife protection and development of cooperative management planning processes. This and new species listing and designation of critical habitat may result in a rule proposal.

Contact Person: Patricia Anderson, FPB, Rules Coordinator, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, phone (360) 902-1413, fax (360) 902-1428, e-mail patricia.anderson@wadnr.gov.

WSR 04-01-150
NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD
[Memorandum—December 18, 2003]

Notice of Special Meeting for the Forest Practices Board

Per WAC 222-08-040, the Forest Practices Board will hold a special meeting on:

February 12, 2004 Natural Resources Building
9 a.m. - 5 p.m. 1111 Washington Street S.E.
Special meeting Olympia
Room 172

Mailing agendas to all individuals and groups on the board's mailing list also provides notice of these meetings. 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 forest.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.

WSR 04-01-151
RULES COORDINATOR
FOREST PRACTICES BOARD
[Filed December 22, 2003, 9:01 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 04-01-153
NOTICE OF PUBLIC MEETINGS
CLARK COLLEGE
[Memorandum—December 17, 2003]

At its meeting held December 15, 2003, the Clark College board of trustees adopted its meeting schedule for calendar year 2004. The board will meet on the dates shown below:

- January 26
- February 23
- March 15
- April 19
- May 24
- June 28
- July - no meeting
- August 23
- September 27
- October 25
- November 22
- December 13

Please call Janelle Farley at (360) 992-2101 if you have questions or would like more information.

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WSR 04-01-158
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed December 22, 2003, 11:19 a.m.]

In accordance with RCW 34.05.230(12), below is a list of Policy and Interpretive Statements issued by the department for November 2003.

If you have any questions or need additional information, please call Carmen Moore at (360) 902-4206.

POLICY AND INTERPRETIVE STATEMENTS

WISHA Services Division

WISHA Regional Directive (WRD) #32.50 Application of Trenching Requirements During Rescues

This policy applied to WISHA inspections and consultations performed in relation to fire departments engaged in trench rescue operations. This is no longer in effect. It was self-cancelled on January 1, 1977, for most fire departments and on April 1, 1997, for all volunteer fire departments. Policy repealed April 1, 1997.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

Insurance Services Division

POLICY 40.03 Bone Growth Stimulators

This policy applies to state fund and self-insurance workers' compensation claims and crime victim claims. This policy provides adjudicators with the guidelines needed when authorization for a bone growth stimulator is requested. This policy was amended November 1, 2003.

Contact Linda Norris, Mailstop 4310, phone (360) 902-4999.

POLICY 40.17 Payment for Tobacco Use Cessation Products for Spinal Fusion Candidates

This policy applies to state fund and self-insurance workers' compensation claims and crime victim claims. The policy provides adjudicators with the guidelines needed when request is received to pay for tobacco use cessation products. This policy was amended November 1, 2003.

Contact Linda Norris, Mailstop 4310, phone (360) 902-4999.

Carmen Moore
Rules Coordinator
Legislative and Governmental
Affairs Office

WSR 04-01-165
NOTICE OF PUBLIC MEETINGS
WENATCHEE VALLEY COLLEGE
[Memorandum—December 22, 2003]

WENATCHEE VALLEY COLLEGE
BOARD OF TRUSTEE MEETING SCHEDULE
2003-2004

UNLESS OTHERWISE NOTIFIED, WORK SESSIONS WILL BEGIN AT NOON AND BOARD OF TRUSTEE MEETINGS AT 3 P.M.

This schedule is subject to change.

- January 28, 2004
- March 10, 2004
- April 21, 2004 - Omak
- June 2, 2004
- July 7, 2004
- August 18, 2004
- September 29, 2004 - Omak
- November 10, 2004
- December 22, 2004

WSR 04-01-166
NOTICE OF PUBLIC MEETINGS
PIERCE COLLEGE
[Memorandum—December 17, 2003]

COMMUNITY COLLEGE DISTRICT NUMBER ELEVEN
FINAL BOARD ACTION: APPROVED OCTOBER 8, 2003

PIERCE COLLEGE BOARD OF TRUSTEES
2004 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.

2004 REGULAR MEETING SCHEDULE

MONTH	DATE	TIME	LOCATION
January	14	12:30 p.m.	Lakewood City Hall
February	18	12:30 p.m.	Pierce College Puyallup
March	10	12:30 p.m.	Pierce College Fort Steilacoom <i>Joint Lunch with Foundation Board</i>
April	14	12:30 p.m.	Pierce College at Fort Lewis
May	12	12:30 p.m.	Pierce College Puyallup
June	(date, time, and location to be announced at least twenty days prior)		
July	14	12:30 p.m.	Pierce College Puyallup
August	(No meeting is scheduled)		
September	8	12:30 p.m.	Fort Steilacoom
October	13	12:30 p.m.	Pierce College Puyallup

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November 10 12:30 p.m. Pierce College Fort Steila-
 coom
 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 04-01-168
NOTICE OF PUBLIC MEETINGS
PARKS AND
RECREATION COMMISSION
 [Memorandum—December 22, 2003]

2004 Schedule of Regular Meetings of the
State Parks and Recreation Commission

As required by RCW 42.30.075, Open Public Meetings Act, the following schedule is submitted for publishing in the Washington State Register.

The Washington State Parks and Recreation Commission has adopted the following 2004 regular meeting schedule. All commission meetings will begin at 8:00 a.m.

January 22	Olympia
March 11	Vancouver
April 22	Winthrop
June 17	Clarkston
August 12	Port Angeles
October 14	Richland
December 2	Ocean Shores

The public meeting dates listed above are on Thursdays. A tour of nearby state parks or other recreational facilities may be held on the day following the meeting.

The locations of the meetings have not yet been determined and will be announced at the close of each regular meeting. The meeting locations may be obtained by writing to the Director, Washington State Parks and Recreation Commission, P.O. Box 42650, Olympia, WA 98504-2650, or by calling (360) 902-8505.

The public is welcome to attend all State Parks and Recreation Commission meetings. Meeting sites will be barrier free to the greatest extent feasible. The commission will provide Braille or taped agenda items for the visually impaired and interpreters for those with hearing impairments if a request is received at the appropriate address shown above at least ten working days in advance of the scheduled meeting date.

WSR 04-01-169

NOTICE OF PUBLIC MEETINGS
PARKS AND
RECREATION COMMISSION
 [Memorandum—December 22, 2003]

2004 Schedule of Regular Meetings

As required by RCW 42.30.075, Open Public Meetings Act, the following schedules are submitted for publishing in the Washington State Register.

The Washington State Parks and Recreation Commission's Snowmobile Advisory Committee has adopted the following schedule of regular meetings for 2004:

Date	Location
February 7	Yakima
July 23, 24	Wenatchee

The State Parks and Recreation Commission's Winter Recreation (Sno-Park) Advisory Committee has adopted the following schedule of regular meetings for 2004:

Date	Location
January 24	Cle Elum
August 6, 7	Wenatchee

All Snowmobile Advisory Committee and Winter Recreation Advisory Committee meetings will begin at 8 a.m. The meeting locations of the Snowmobile and the Winter Recreation Advisory Committees may be obtained by writing to Colleen Maguire, Washington State Parks and Recreation Commission, P.O. Box 42650, Olympia, WA 98504-2650, e-mail colleen.maguire@parks.wa.gov, or by calling (360) 586-6646.

The public is welcome to attend all State Parks and Recreation Commission Advisory Committee meetings. Meeting sites will be barrier free to the greatest extent feasible. The commission will provide Braille or taped agenda items for the visually impaired and interpreters for those with hearing impairments, if a request is received at the appropriate address shown above at least ten working days in advance of the scheduled meeting date.

WSR 04-01-172
RULES COORDINATOR
COUNTY ROAD
ADMINISTRATION BOARD

[Filed December 23, 2003, 9:13 a.m.]

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, karen@crab.wa.gov.

Jay P. Weber
 Executive Director

MISC.

WSR 04-01-173

AGENDA

DEPARTMENT OF CORRECTIONS

[Filed December 23, 2003, 10:37 a.m.]

Following is the Department of Corrections' semiannual rule development agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

There may be additional rule-making activity not on the agenda as conditions warrant.

**DEPARTMENT OF CORRECTIONS
RULE DEVELOPMENT CALENDAR**

January - June 30, 2004

WAC Chapter or Section	Purpose
137-09	Public disclosure, revise policies and procedures for disclosure of public records.
137-125	Correctional institutions, visits.
137-48	Offender mail.
137-57	Siting of community residential programs.
137-58	Guidelines for implementing the State Environmental Policy Act.
137-59	Facility siting.
137-70	Reimbursement for criminal justice costs and contingency plan expenses. (Pending OFM action.)
137-75	Jail and medical cost reimbursement to cities and counties. (Pending OFM action.)
137-28	Prisons, discipline.

John Nispel
Rules Coordinator

WSR 04-01-174

DEPARTMENT OF ECOLOGY

[Filed December 23, 2003, 11:25 a.m.]

Department of Ecology to Develop an NPDES General Permit for Concentrated Animal Feeding Operations

The Washington State Department of Ecology has made a preliminary determination to develop and issue one or more National Pollutant Discharge Elimination System (NPDES) and state waste discharge general permits for discharges associated with concentrated animal feeding operations (CAFOs). Please see the section "Is my operation a CAFO?" at the end of this notice for more information about CAFOs. A final permit is expected in February 2005. The Department of Ecology issued a general permit for dairies in 2000 that will expire in March 2005.

A recent revision to the NPDES permit regulations and effluent limitation guidelines and standards for CAFOs (40 C.F.R. Parts 9, 122, 123, and 412) by the Environmental Protection Agency changed the regulatory requirements for

CAFOs under the Clean Water Act. The revised rule established a mandatory duty for all CAFOs to apply for an NPDES permit and to develop and implement a nutrient management plan. Also, the new effluent guidelines established performance expectations for existing and new sources to ensure appropriate storage of manure, as well as expectations for proper land application practices at the CAFO.

A CAFO general permit will provide coverage for discharges of wastewater from CAFOs to waters of the state of Washington. The CAFOs that will be considered during development of one or more general permits include:

- Horses and sheep.
- Ducks.
- Dairy cows and cattle.
- Swine, poultry, and veal calves.

We expect to complete the draft version of the general permit(s) and release it for public comment by October 2004. Notification will be provided if there are significant changes to this schedule.

October 2004	Public notice of draft general permit.
November 2004	Public hearings and public comment period.
January 2005	Issue final general permit. Request application from new permittees.
February 2005	Permit is effective.

We intend to form an advisory group to assist in the development of the general permit(s) and ask those interested in participating to contact Diane Dent at (360) 407-6616. Members of the Permit Subcommittee of the Livestock Program Oversight Committee (recently created by the Washington State Department of Agriculture) are already part of the advisory committee. Others are encouraged to join.

A mailing list will be maintained to inform the public of significant stages in the development of the general permit(s) including notices of draft permit, public hearings, and issuance of the permit. Information will also be posted on the Department of Ecology's web page for the CAFO NPDES general permit at www.ecy.wa.gov/programs/wq/permits/cafo/index.html.

To join the mailing list, to comment on the appropriateness of general permits instead of individual permits, or to provide information on potential dischargers, please contact Diane Dent, Washington Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, e-mail dden461@ecy.wa.gov.

If you have any questions please call Andrew Kolosseus at (360) 407-7543, e-mail akol461@ecy.wa.gov, or Diane Dent at (360) 407-6616, e-mail dden461@ecy.wa.gov, or send by postal mail to Department of Ecology, Attention: Andrew Kolosseus, P.O. Box 47600, Olympia, WA 98504-7600.

IS MY OPERATION A CAFO?

Your operation is a concentrated animal feeding operation (CAFO) if:

- You confine animals for at least 45 days in a 12-month period and

MISC.

- There's no grass or other vegetation in the confinement area during the normal growing season and
- The operation meets one of the following CAFO definitions:

LARGE CAFOs

Your operation is a large CAFO if it has at least:

- 700 mature dairy cows
- 1,000 beef cattle or heifers
- 1,000 veal calves
- 500 horses
- 10,000 sheep or lambs
- 2,500 swine (each 55 lbs or more)
- 10,000 swine (each under 55 lbs)
- 55,000 turkeys
- 5,000 ducks (liquid manure handling systems - like operations with "wet" lots, lots with storage ponds, lots with swimming areas, and operations that flush manure from confinement buildings to lagoons)
- 30,000 ducks (other than liquid manure handling systems)
- 30,000 chickens (liquid manure handling systems - like caged housing where manure is flushed to a lagoon)
- 125,000 chickens except laying hens (other than liquid manure handling systems)
- 82,000 laying hens (other than liquid manure handling systems)

MEDIUM CAFOs

Your operation is a medium CAFO if:

- A human-made ditch or pipe carries manure or wastewater from your operation to surface water, or
- Your animals come into contact with surface water running through the area where they're confined

And your operation has at least:

- 200 mature dairy cows
- 300 beef cattle or heifers
- 300 veal calves
- 150 horses
- 3,000 sheep or lambs
- 750 swine (each 55 lbs or more)
- 3,000 swine (each under 55 lbs)
- 16,500 turkeys
- 1,500 ducks (liquid manure handling systems)
- 10,000 ducks (other than liquid manure handling systems)
- 9,000 chickens (liquid manure handling systems)
- 37,500 chickens except laying hens (other than liquid manure handling systems)
- 25,000 laying hens (other than liquid manure handling systems)

SMALL CAFOs

No matter what size your operation is, if it is an animal feeding operation, it may be designated a CAFO. If your operation is a significant contributor of pollutants, you might need a CAFO permit.

WSR 04-01-193
NOTICE OF PUBLIC MEETINGS
EVERETT COMMUNITY COLLEGE
 [Memorandum—December 24, 2003]

Everett Community College Board of Trustees
 Board Meeting Schedule
 2003-04

The meeting each month will begin at 5:00 p.m.
 Everett Community College
 Board Room
 2000 Tower Street
 Everett, WA 98201

January 14, 2004
 February 11, 2004
 March 10, 2004
 April 14, 2004
 May 12, 2004
 June 9, 2004
 July 14, 2004
 August 11, 2004
 September 9, 2004
 October 14, 2004
 November 11, 2004
 December 9, 2004

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 #
1- 21-070	AMD-X	03-21-159	16- 54-155	NEW-P	03-15-139	16-200-750	REP	03-23-129
3- 20-100	REP-P	03-05-101	16- 54-155	NEW	03-19-029	16-200-755	REP-P	03-19-126
3- 20-100	REP	03-09-144	16-100-001	REP-X	03-13-130	16-200-755	REP	03-23-129
3- 20-200	NEW-P	03-05-101	16-100-001	REP	03-20-063	16-200-760	REP-P	03-19-126
3- 20-200	NEW	03-09-144	16-100-010	REP-X	03-13-130	16-200-760	REP	03-23-129
3- 20-300	NEW-P	03-05-101	16-100-010	REP	03-20-063	16-200-770	REP-P	03-19-126
3- 20-300	NEW	03-09-144	16-100-020	REP-X	03-13-130	16-200-770	REP	03-23-129
4- 25	PREP	03-12-052	16-100-020	REP	03-20-063	16-200-790	REP-P	03-19-126
4- 25-410	AMD-P	03-17-061	16-157-020	AMD	03-03-044	16-200-790	REP	03-23-129
4- 25-410	AMD	03-24-033	16-157-030	AMD	03-03-044	16-200-795	REP-P	03-19-126
4- 25-530	AMD-P	03-18-083	16-157-100	REP	03-03-044	16-200-795	REP	03-23-129
4- 25-530	AMD-C	03-22-067	16-157-110	REP	03-03-044	16-200-805	REP-P	03-19-126
4- 25-530	AMD	04-01-076	16-157-200	REP	03-03-044	16-200-805	REP	03-23-129
4- 25-622	PREP	03-12-083	16-157-220	AMD	03-03-044	16-200-815	REP-P	03-19-126
4- 25-622	AMD-P	03-17-060	16-157-230	AMD	03-03-044	16-200-815	REP	03-23-129
4- 25-622	AMD	03-24-034	16-157-240	AMD	03-03-044	16-200-820	REP-P	03-19-126
4- 25-640	AMD-P	03-17-061	16-157-245	NEW	03-03-044	16-200-820	REP	03-23-129
4- 25-640	AMD	03-24-033	16-157-250	AMD	03-03-044	16-200-830	REP-P	03-19-126
4- 25-670	NEW-P	03-17-061	16-157-255	AMD	03-03-044	16-200-830	REP	03-23-129
4- 25-670	NEW	03-24-033	16-157-260	AMD	03-03-044	16-200-840	REP-P	03-19-126
4- 25-720	AMD-P	03-09-051	16-157-270	AMD	03-03-044	16-200-840	REP	03-23-129
4- 25-720	AMD-S	03-10-036	16-157-280	REP	03-03-044	16-200-860	REP-P	03-19-126
4- 25-720	AMD	03-17-041	16-157-290	AMD	03-03-044	16-200-860	REP	03-23-129
4- 25-721	PREP	03-05-012	16-160-010	AMD	03-03-045	16-200-865	REP-P	03-19-126
4- 25-721	AMD-P	03-09-052	16-160-020	AMD	03-03-045	16-200-865	REP	03-23-129
4- 25-721	AMD	03-17-042	16-160-025	REP	03-03-045	16-200-885	REP-P	03-19-126
4- 25-750	AMD-P	03-17-061	16-160-035	AMD	03-03-045	16-200-885	REP	03-23-129
4- 25-750	AMD	03-24-033	16-160-060	AMD	03-03-045	16-200-887	REP-P	03-19-126
4- 25-830	PREP	03-17-040	16-160-070	AMD	03-03-045	16-200-887	REP	03-23-129
4- 25-910	AMD-P	03-17-061	16-200-715	PREP	03-13-114	16-200-890	REP-P	03-19-126
4- 25-910	AMD	03-24-033	16-200-715	AMD-P	03-19-125	16-200-890	REP	03-23-129
16- 08-003	NEW-E	03-17-080	16-200-715	AMD	03-24-053	16-200-900	REP-P	03-19-126
16- 08-003	NEW-P	03-23-136	16-200-7401	NEW	03-02-100	16-200-900	REP	03-23-129
16- 08-003	NEW-E	04-01-014	16-200-7402	NEW	03-02-100	16-200-910	REP-P	03-19-126
16- 08-004	NEW-E	03-17-080	16-200-7403	NEW	03-02-100	16-200-910	REP	03-23-129
16- 08-004	NEW-P	03-23-136	16-200-7404	NEW	03-02-100	16-200-920	REP-P	03-19-126
16- 08-004	NEW-E	04-01-014	16-200-7405	NEW	03-02-100	16-200-920	REP	03-23-129
16- 54-155	NEW-E	03-03-085	16-200-7406	NEW	03-02-100	16-200-930	REP-P	03-19-126
16- 54-155	PREP	03-12-020	16-200-7407	NEW	03-02-100	16-200-930	REP	03-23-129
16- 54-155	NEW-E	03-12-021	16-200-750	REP-P	03-19-126	16-200-940	REP-P	03-19-126

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-200-940	REP	03-23-129	16-228-1330	AMD-P	03-17-095	16-238-060	REP	03-12-040
16-200-950	REP-P	03-19-126	16-228-1330	AMD	03-22-029	16-238-070	REP-P	03-07-082
16-200-950	REP	03-23-129	16-228-1370	AMD-P	03-17-095	16-238-070	REP	03-12-040
16-201	PREP	03-16-102	16-228-1370	AMD	03-22-029	16-238-082	REP-P	03-07-082
16-201-010	AMD-P	03-20-118	16-228-1380	AMD-P	03-17-095	16-238-082	REP	03-12-040
16-201-010	AMD	03-23-130	16-228-1380	AMD	03-22-029	16-238-090	REP-P	03-07-082
16-201-180	AMD-P	03-20-118	16-228-1400	AMD-P	03-17-095	16-238-090	REP	03-12-040
16-201-180	AMD	03-23-130	16-228-1400	AMD	03-22-029	16-238-100	REP-P	03-07-082
16-219-016	REP-X	03-09-088	16-228-1410	AMD-P	03-17-095	16-238-100	REP	03-12-040
16-219-016	REP	03-14-044	16-228-1410	AMD	03-22-029	16-238-110	REP-P	03-07-082
16-228-1010	AMD-P	03-17-095	16-228-1420	AMD-P	03-17-095	16-238-110	REP	03-12-040
16-228-1010	AMD	03-22-029	16-228-1420	AMD	03-22-029	16-239-010	NEW-P	03-07-082
16-228-1020	AMD-P	03-17-095	16-228-1430	AMD-P	03-17-095	16-239-010	NEW	03-12-040
16-228-1020	AMD	03-22-029	16-228-1430	AMD	03-22-029	16-239-020	NEW-P	03-07-082
16-228-1030	AMD-P	03-17-095	16-228-1440	AMD-P	03-17-095	16-239-020	NEW	03-12-040
16-228-1030	AMD	03-22-029	16-228-1440	AMD	03-22-029	16-239-030	NEW-P	03-07-082
16-228-1040	AMD-P	03-17-095	16-228-1450	AMD-P	03-17-095	16-239-030	NEW	03-12-040
16-228-1040	AMD	03-22-029	16-228-1450	AMD	03-22-029	16-239-040	NEW-P	03-07-082
16-228-1100	AMD-P	03-17-095	16-228-1455	AMD-P	03-17-095	16-239-040	NEW	03-12-040
16-228-1100	AMD	03-22-029	16-228-1455	AMD	03-22-029	16-239-050	NEW-P	03-07-082
16-228-1110	AMD-P	03-17-095	16-228-1460	AMD-P	03-17-095	16-239-050	NEW	03-12-040
16-228-1110	AMD	03-22-029	16-228-1460	AMD	03-22-029	16-239-060	NEW-P	03-07-082
16-228-1115	AMD-P	03-17-095	16-228-1500	AMD-P	03-17-095	16-239-060	NEW	03-12-040
16-228-1115	AMD	03-22-029	16-228-1500	AMD	03-22-029	16-239-061	NEW-P	03-07-082
16-228-1120	AMD-P	03-17-095	16-228-1520	AMD-P	03-17-095	16-239-061	NEW	03-12-040
16-228-1120	AMD	03-22-029	16-228-1520	AMD	03-22-029	16-239-062	NEW-P	03-07-082
16-228-1125	AMD-P	03-17-095	16-228-1530	AMD-P	03-17-095	16-239-062	NEW	03-12-040
16-228-1125	AMD	03-22-029	16-228-1530	AMD	03-22-029	16-239-063	NEW-P	03-07-082
16-228-1130	AMD-P	03-17-095	16-228-1540	AMD-P	03-17-095	16-239-063	NEW	03-12-040
16-228-1130	AMD	03-22-029	16-228-1540	AMD	03-22-029	16-239-064	NEW-P	03-07-082
16-228-1130	AMD	03-22-029	16-228-1540	AMD	03-22-029	16-239-064	NEW	03-12-040
16-228-1150	AMD-P	03-17-095	16-228-1545	AMD-P	03-17-095	16-239-064	NEW	03-12-040
16-228-1150	AMD	03-22-029	16-228-1545	AMD	03-22-029	16-239-065	NEW-P	03-07-082
16-228-1200	AMD-P	03-17-095	16-228-1546	AMD-P	03-17-095	16-239-065	NEW	03-12-040
16-228-1200	AMD	03-22-029	16-228-1546	AMD	03-22-029	16-239-070	NEW-P	03-07-082
16-228-1220	AMD-P	03-17-095	16-228-1547	AMD-P	03-17-095	16-239-070	NEW	03-12-040
16-228-1220	AMD	03-22-029	16-228-1547	AMD	03-22-029	16-239-071	NEW-P	03-07-082
16-228-1225	NEW-P	03-17-095	16-228-1550	AMD-P	03-17-095	16-239-071	NEW	03-12-040
16-228-1225	NEW	03-22-029	16-228-1550	AMD	03-22-029	16-239-072	NEW-P	03-07-082
16-228-1231	AMD-P	03-02-099	16-228-1555	AMD-P	03-17-095	16-239-072	NEW	03-12-040
16-228-1231	AMD	03-05-034	16-228-1555	AMD	03-22-029	16-239-073	NEW-P	03-07-082
16-228-1231	AMD-P	03-17-095	16-228-1570	AMD-P	03-17-095	16-239-073	NEW	03-12-040
16-228-1231	AMD	03-22-029	16-228-1570	AMD	03-22-029	16-239-074	NEW-P	03-07-082
16-228-1238	NEW-P	03-17-095	16-228-1585	AMD-P	03-17-095	16-239-074	NEW	03-12-040
16-228-1238	NEW	03-22-029	16-228-1585	AMD	03-22-029	16-239-075	NEW-P	03-07-082
16-228-1250	AMD-P	03-17-095	16-228-1590	AMD-P	03-17-095	16-239-075	NEW	03-12-040
16-228-1250	AMD	03-22-029	16-228-1590	AMD	03-22-029	16-239-076	NEW-P	03-07-082
16-228-1260	AMD-P	03-17-095	16-229-010	AMD-P	03-05-075	16-239-076	NEW	03-12-040
16-228-1260	AMD	03-22-029	16-229-010	AMD	03-09-034	16-239-077	NEW-P	03-07-082
16-228-1262	NEW-P	03-02-098	16-229-200	AMD-P	03-05-075	16-239-077	NEW	03-12-040
16-228-1262	NEW	03-05-033	16-229-200	AMD-W	03-09-035	16-239-078	NEW-P	03-07-082
16-228-1264	NEW-P	03-02-098	16-231-107	AMD-X	03-07-037	16-239-078	NEW	03-12-040
16-228-1264	NEW	03-05-033	16-231-107	AMD	03-11-097	16-239-079	NEW-P	03-07-082
16-228-1266	NEW-P	03-02-098	16-237-170	PREP	03-12-086	16-239-079	NEW	03-12-040
16-228-1266	NEW	03-05-033	16-237-170	AMD-P	03-15-090	16-239-080	NEW-P	03-07-082
16-228-1270	AMD-P	03-17-095	16-237-170	AMD	03-19-013	16-239-080	NEW	03-12-040
16-228-1270	AMD	03-22-029	16-238-010	REP-P	03-07-082	16-239-0801	NEW-P	03-07-082
16-228-1300	AMD-P	03-17-095	16-238-010	REP	03-12-040	16-239-0801	NEW	03-12-040
16-228-1300	AMD	03-22-029	16-238-020	REP-P	03-07-082	16-239-0802	NEW-P	03-07-082
16-228-1320	AMD-P	03-17-095	16-238-020	REP	03-12-040	16-239-0802	NEW	03-12-040
16-228-1320	AMD	03-22-029	16-238-030	REP-P	03-07-082	16-239-0803	NEW-P	03-07-082
16-228-1322	AMD-P	03-17-095	16-238-030	REP	03-12-040	16-239-0803	NEW	03-12-040
16-228-1322	AMD	03-22-029	16-238-060	REP-P	03-07-082	16-239-0804	NEW-P	03-07-082

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-239-0804	NEW	03-12-040	16-250-018	NEW	03-23-128	16-250-080	NEW	03-23-128
16-239-0805	NEW-P	03-07-082	16-250-020	NEW-P	03-19-128	16-250-090	NEW-P	03-19-128
16-239-0805	NEW	03-12-040	16-250-020	NEW	03-23-128	16-250-090	NEW	03-23-128
16-239-0806	NEW-P	03-07-082	16-250-028	NEW-P	03-19-128	16-250-095	NEW-P	03-19-128
16-239-0806	NEW	03-12-040	16-250-028	NEW	03-23-128	16-250-095	NEW	03-23-128
16-239-0807	NEW-P	03-07-082	16-250-030	NEW-P	03-19-128	16-250-100	NEW-P	03-19-128
16-239-0807	NEW	03-12-040	16-250-030	NEW	03-23-128	16-250-100	NEW	03-23-128
16-239-0808	NEW-P	03-07-082	16-250-035	NEW-P	03-19-128	16-250-110	NEW-P	03-19-128
16-239-0808	NEW	03-12-040	16-250-035	NEW	03-23-128	16-250-110	NEW	03-23-128
16-239-0809	NEW-P	03-07-082	16-250-040	NEW-P	03-19-128	16-250-120	NEW-P	03-19-128
16-239-0809	NEW	03-12-040	16-250-040	NEW	03-23-128	16-250-120	NEW	03-23-128
16-239-0810	NEW-P	03-07-082	16-250-042	NEW-P	03-19-128	16-250-140	NEW-P	03-19-128
16-239-0810	NEW	03-12-040	16-250-042	NEW	03-23-128	16-250-140	NEW	03-23-128
16-239-0811	NEW-P	03-07-082	16-250-045	NEW-P	03-19-128	16-250-150	NEW-P	03-19-128
16-239-0811	NEW	03-12-040	16-250-045	NEW	03-23-128	16-250-150	NEW	03-23-128
16-239-0812	NEW-P	03-07-082	16-250-050	NEW-P	03-19-128	16-250-155	NEW-P	03-19-128
16-239-0812	NEW	03-12-040	16-250-050	NEW	03-23-128	16-250-155	NEW	03-23-128
16-239-0813	NEW-P	03-07-082	16-250-051	NEW-P	03-19-128	16-250-160	NEW-P	03-19-128
16-239-0813	NEW	03-12-040	16-250-051	NEW	03-23-128	16-250-160	NEW	03-23-128
16-239-090	NEW-P	03-07-082	16-250-052	NEW-P	03-19-128	16-250-170	NEW-P	03-19-128
16-239-090	NEW	03-12-040	16-250-052	NEW	03-23-128	16-250-170	NEW	03-23-128
16-239-0901	NEW-P	03-07-082	16-250-053	NEW-P	03-19-128	16-250-180	NEW-P	03-19-128
16-239-0901	NEW	03-12-040	16-250-053	NEW	03-23-128	16-250-180	NEW	03-23-128
16-239-0902	NEW-P	03-07-082	16-250-054	NEW-P	03-19-128	16-252-001	NEW-P	03-19-126
16-239-0902	NEW	03-12-040	16-250-054	NEW	03-23-128	16-252-001	NEW	03-23-129
16-239-0903	NEW-P	03-07-082	16-250-055	NEW-P	03-19-128	16-252-005	NEW-P	03-19-126
16-239-0903	NEW	03-12-040	16-250-055	NEW	03-23-128	16-252-005	NEW	03-23-129
16-239-0904	NEW-P	03-07-082	16-250-056	NEW-P	03-19-128	16-252-010	NEW-P	03-19-126
16-239-0904	NEW	03-12-040	16-250-056	NEW	03-23-128	16-252-010	NEW	03-23-129
16-239-0905	NEW-P	03-07-082	16-250-057	NEW-P	03-19-128	16-252-015	NEW-P	03-19-126
16-239-0905	NEW	03-12-040	16-250-057	NEW	03-23-128	16-252-015	NEW	03-23-129
16-239-0906	NEW-P	03-07-082	16-250-058	NEW-P	03-19-128	16-252-025	NEW-P	03-19-126
16-239-0906	NEW	03-12-040	16-250-058	NEW	03-23-128	16-252-025	NEW	03-23-129
16-239-0907	NEW-P	03-07-082	16-250-059	NEW-P	03-19-128	16-252-040	NEW-P	03-19-126
16-239-0907	NEW	03-12-040	16-250-059	NEW	03-23-128	16-252-040	NEW	03-23-129
16-239-0908	NEW-P	03-07-082	16-250-060	NEW-P	03-19-128	16-252-042	NEW-P	03-19-126
16-239-0908	NEW	03-12-040	16-250-060	NEW	03-23-128	16-252-042	NEW	03-23-129
16-239-0909	NEW-P	03-07-082	16-250-063	NEW-P	03-19-128	16-252-051	NEW-P	03-19-126
16-239-0909	NEW	03-12-040	16-250-063	NEW	03-23-128	16-252-051	NEW	03-23-129
16-239-0910	NEW-P	03-07-082	16-250-065	NEW-P	03-19-128	16-252-061	NEW-P	03-19-126
16-239-0910	NEW	03-12-040	16-250-065	NEW	03-23-128	16-252-061	NEW	03-23-129
16-239-0911	NEW-P	03-07-082	16-250-067	NEW-P	03-19-128	16-252-062	NEW-P	03-19-126
16-239-0911	NEW	03-12-040	16-250-067	NEW	03-23-128	16-252-062	NEW	03-23-129
16-239-0912	NEW-P	03-07-082	16-250-068	NEW-P	03-19-128	16-252-065	NEW-P	03-19-126
16-239-0912	NEW	03-12-040	16-250-068	NEW	03-23-128	16-252-065	NEW	03-23-129
16-239-100	NEW-P	03-07-082	16-250-069	NEW-P	03-19-128	16-252-069	NEW-P	03-19-126
16-239-100	NEW	03-12-040	16-250-069	NEW	03-23-128	16-252-069	NEW	03-23-129
16-239-1010	NEW-P	03-07-082	16-250-070	NEW-P	03-19-128	16-252-070	NEW-P	03-19-126
16-239-1010	NEW	03-12-040	16-250-070	NEW	03-23-128	16-252-070	NEW	03-23-129
16-239-1020	NEW-P	03-07-082	16-250-071	NEW-P	03-19-128	16-252-071	NEW-P	03-19-126
16-239-1020	NEW	03-12-040	16-250-071	NEW	03-23-128	16-252-071	NEW	03-23-129
16-239-1030	NEW-P	03-07-082	16-250-072	NEW-P	03-19-128	16-252-072	NEW-P	03-19-126
16-239-1030	NEW	03-12-040	16-250-072	NEW	03-23-128	16-252-072	NEW	03-23-129
16-250-001	NEW-P	03-19-128	16-250-073	NEW-P	03-19-128	16-252-073	NEW-P	03-19-126
16-250-001	NEW	03-23-128	16-250-073	NEW	03-23-128	16-252-073	NEW	03-23-129
16-250-005	NEW-P	03-19-128	16-250-074	NEW-P	03-19-128	16-252-074	NEW-P	03-19-126
16-250-005	NEW	03-23-128	16-250-074	NEW	03-23-128	16-252-074	NEW	03-23-129
16-250-010	NEW-P	03-19-128	16-250-075	NEW-P	03-19-128	16-252-075	NEW-P	03-19-126
16-250-010	NEW	03-23-128	16-250-075	NEW	03-23-128	16-252-075	NEW	03-23-129
16-250-015	NEW-P	03-19-128	16-250-076	NEW-P	03-19-128	16-252-076	NEW-P	03-19-126
16-250-015	NEW	03-23-128	16-250-076	NEW	03-23-128	16-252-076	NEW	03-23-129
16-250-018	NEW-P	03-19-128	16-250-080	NEW-P	03-19-128	16-252-080	NEW-P	03-19-126

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-252-080	NEW	03-23-129	16-301-330	AMD-P	04-01-182	16-303-230	AMD	03-18-071
16-252-090	NEW-P	03-19-126	16-301-335	PREP	03-21-158	16-303-240	PREP	03-12-084
16-252-090	NEW	03-23-129	16-301-335	AMD-P	04-01-182	16-303-240	AMD-P	03-15-144
16-252-095	NEW-P	03-19-126	16-301-365	PREP	04-01-184	16-303-240	AMD	03-18-071
16-252-095	NEW	03-23-129	16-301-375	PREP	04-01-184	16-303-250	AMD-P	03-03-130
16-252-100	NEW-P	03-19-126	16-301-380	PREP	04-01-184	16-303-250	AMD	03-08-005
16-252-100	NEW	03-23-129	16-301-395	PREP	04-01-184	16-303-250	PREP	03-12-084
16-252-110	NEW-P	03-19-126	16-301-410	PREP	04-01-184	16-303-250	AMD-P	03-15-144
16-252-110	NEW	03-23-129	16-301-415	PREP	04-01-184	16-303-250	AMD	03-18-071
16-252-120	NEW-P	03-19-126	16-301-420	PREP	04-01-184	16-303-300	AMD-P	03-03-130
16-252-120	NEW	03-23-129	16-301-430	PREP	04-01-184	16-303-300	AMD	03-08-005
16-252-140	NEW-P	03-19-126	16-301-435	PREP	04-01-184	16-303-300	PREP	03-12-084
16-252-140	NEW	03-23-129	16-301-440	PREP	04-01-184	16-303-300	AMD-P	03-15-144
16-252-150	NEW-P	03-19-126	16-301-450	PREP	04-01-184	16-303-300	AMD	03-18-071
16-252-150	NEW	03-23-129	16-301-455	PREP	04-01-184	16-303-310	AMD-P	03-03-130
16-252-155	NEW-P	03-19-126	16-301-460	PREP	04-01-184	16-303-310	AMD	03-08-005
16-252-155	NEW	03-23-129	16-301-465	PREP	04-01-184	16-303-310	PREP	03-12-084
16-252-165	NEW-P	03-19-126	16-301-470	PREP	04-01-184	16-303-310	AMD-P	03-15-144
16-252-165	NEW	03-23-129	16-301-475	PREP	04-01-184	16-303-310	AMD	03-18-071
16-252-170	NEW-P	03-19-126	16-301-480	PREP	04-01-184	16-303-315	PREP	03-12-084
16-252-170	NEW	03-23-129	16-301-485	PREP	04-01-184	16-303-315	AMD-P	03-15-144
16-252-180	NEW-P	03-19-126	16-302-045	PREP	03-12-085	16-303-315	AMD	03-18-071
16-252-180	NEW	03-23-129	16-302-045	AMD-P	03-15-145	16-303-317	AMD-P	03-03-130
16-256-001	NEW-P	03-19-127	16-302-045	AMD	03-18-072	16-303-317	AMD	03-08-005
16-256-001	NEW	03-23-131	16-302-110	PREP	03-12-085	16-303-317	PREP	03-12-084
16-256-010	NEW-P	03-19-127	16-302-110	AMD-P	03-15-145	16-303-317	AMD-P	03-15-144
16-256-010	NEW	03-23-131	16-302-110	AMD	03-18-072	16-303-317	AMD	03-18-071
16-256-020	NEW-P	03-19-127	16-302-150	PREP	03-12-085	16-303-320	AMD-P	03-03-130
16-256-020	NEW	03-23-131	16-302-150	AMD-P	03-15-145	16-303-320	AMD	03-08-005
16-256-030	NEW-P	03-19-127	16-302-150	AMD	03-18-072	16-303-320	PREP	03-12-084
16-256-030	NEW	03-23-131	16-302-155	PREP	03-12-085	16-303-320	AMD-P	03-15-144
16-256-040	NEW-P	03-19-127	16-302-155	AMD-P	03-15-145	16-303-320	AMD	03-18-071
16-256-040	NEW	03-23-131	16-302-155	AMD	03-18-072	16-303-330	AMD-P	03-03-130
16-256-050	NEW-P	03-19-127	16-302-255	PREP	03-12-085	16-303-330	AMD	03-08-005
16-256-050	NEW	03-23-131	16-302-255	AMD-P	03-15-145	16-303-330	PREP	03-12-084
16-256-060	NEW-P	03-19-127	16-302-255	AMD	03-18-072	16-303-330	REP-P	03-15-144
16-256-060	NEW	03-23-131	16-302-385	PREP	03-12-085	16-303-330	REP	03-18-071
16-256-070	NEW-P	03-19-127	16-302-385	AMD-P	03-15-145	16-303-340	AMD	03-06-005
16-256-070	NEW	03-23-131	16-302-385	AMD	03-18-072	16-303-340	PREP	03-20-090
16-256-080	NEW-P	03-19-127	16-302-385	PREP	04-01-183	16-303-340	AMD-P	04-01-181
16-256-080	NEW	03-23-131	16-302-410	PREP	03-12-085	16-319-041	AMD	03-06-006
16-301	PREP	04-01-184	16-302-410	AMD-P	03-15-145	16-319-041	PREP	03-20-092
16-301-005	PREP	03-12-085	16-302-410	AMD	03-18-072	16-319-041	AMD-P	04-01-180
16-301-005	AMD-P	03-15-145	16-302-685	PREP	03-20-091	16-321-001	REP-X	03-03-124
16-301-005	AMD	03-18-072	16-302-685	AMD-P	04-01-179	16-321-001	REP	03-08-018
16-301-010	PREP	03-12-085	16-303-200	AMD-P	03-03-130	16-321-010	REP-X	03-03-124
16-301-010	AMD-P	03-15-145	16-303-200	AMD	03-08-005	16-321-010	REP	03-08-018
16-301-010	AMD	03-18-072	16-303-200	PREP	03-12-084	16-321-020	REP-X	03-03-124
16-301-055	PREP	03-12-085	16-303-200	AMD-P	03-15-144	16-321-020	REP	03-08-018
16-301-055	AMD-P	03-15-145	16-303-200	AMD	03-18-071	16-321-030	REP-X	03-03-124
16-301-055	AMD	03-18-072	16-303-210	AMD-P	03-03-130	16-321-030	REP	03-08-018
16-301-250	PREP	03-21-158	16-303-210	AMD	03-08-005	16-321-040	REP-X	03-03-124
16-301-250	AMD-P	04-01-182	16-303-210	PREP	03-12-084	16-321-040	REP	03-08-018
16-301-265	PREP	03-21-158	16-303-210	AMD-P	03-15-144	16-321-050	REP-X	03-03-124
16-301-265	AMD-P	04-01-182	16-303-210	AMD	03-18-071	16-321-050	REP	03-08-018
16-301-270	PREP	03-21-158	16-303-220	PREP	03-12-084	16-321-060	REP-X	03-03-124
16-301-270	AMD-P	04-01-182	16-303-220	REP-P	03-15-144	16-321-060	REP	03-08-018
16-301-310	PREP	03-21-158	16-303-220	REP	03-18-071	16-321-070	REP-X	03-03-124
16-301-310	AMD-P	04-01-182	16-303-230	AMD-P	03-03-130	16-321-070	REP	03-08-018
16-301-325	PREP	03-21-158	16-303-230	AMD	03-08-005	16-321-080	REP-X	03-03-124
16-301-325	AMD-P	04-01-182	16-303-230	PREP	03-12-084	16-321-080	REP	03-08-018
16-301-330	PREP	03-21-158	16-303-230	AMD-P	03-15-144	16-321-090	REP-X	03-03-124

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-321-090	REP	03-08-018	16-401-050	AMD-W	03-23-055	16-470-917	AMD	03-10-082
16-321-100	REP-X	03-03-124	16-401-050	PREP	03-23-056	16-470-917	AMD-X	03-17-075
16-321-100	REP	03-08-018	16-401-060	NEW-P	03-06-102	16-470-917	AMD	03-21-166
16-321-110	REP-X	03-03-124	16-401-060	NEW	03-09-112	16-470-921	AMD-P	03-07-092
16-321-110	REP	03-08-018	16-403-280	PREP	03-15-120	16-470-921	AMD	03-10-082
16-321-120	REP-X	03-03-124	16-403-280	AMD-P	03-20-094	16-512-002	REP-P	03-19-098
16-321-120	REP	03-08-018	16-403-280	AMD	03-24-007	16-512-005	AMD-P	03-19-098
16-328-008	AMD-P	03-07-090	16-406-001	PREP	03-15-118	16-512-006	NEW-P	03-19-098
16-328-008	AMD	03-10-080	16-406-001	REP-P	03-20-093	16-512-010	AMD-P	03-19-098
16-328-010	PREP	03-03-121	16-406-001	REP	03-24-008	16-512-020	AMD-P	03-19-098
16-328-010	REP-P	03-07-090	16-406-025	PREP	03-15-118	16-512-030	REP-P	03-19-098
16-328-010	REP	03-10-080	16-406-025	AMD-P	03-20-093	16-512-040	AMD-P	03-19-098
16-328-011	PREP	03-03-121	16-406-025	AMD	03-24-008	16-512-050	AMD-P	03-19-098
16-328-011	AMD-P	03-07-090	16-449	PREP	03-14-142	16-528-004	NEW-P	03-21-142
16-328-011	AMD	03-10-080	16-449-001	REP-P	04-01-185	16-528-005	NEW-P	03-21-142
16-328-011	AMD-X	03-17-075	16-449-010	REP-P	04-01-185	16-528-010	AMD-P	03-21-142
16-328-011	AMD	03-21-166	16-449-020	REP-P	04-01-185	16-528-020	AMD-P	03-21-142
16-333-010	AMD-P	03-07-089	16-449-030	REP-P	04-01-185	16-528-030	REP-P	03-21-142
16-333-010	AMD	03-10-081	16-450-005	NEW-P	04-01-185	16-528-040	AMD-P	03-21-142
16-333-040	PREP	03-03-120	16-450-010	NEW-P	04-01-185	16-528-110	PREP	03-18-047
16-333-040	REP-P	03-07-089	16-450-012	NEW-P	04-01-185	16-528-110	AMD-P	03-21-143
16-333-040	REP	03-10-081	16-450-014	NEW-P	04-01-185	16-528-150	PREP	03-18-047
16-333-041	PREP	03-03-120	16-450-016	NEW-P	04-01-185	16-528-150	AMD-P	03-21-143
16-333-041	AMD-P	03-07-089	16-450-020	NEW-P	04-01-185	16-528-220	PREP	03-18-047
16-333-041	AMD	03-10-081	16-450-022	NEW-P	04-01-185	16-528-220	REP-P	03-21-143
16-333-041	AMD-X	03-17-075	16-450-024	NEW-P	04-01-185	16-532	PREP	03-18-119
16-333-041	AMD	03-21-166	16-450-026	NEW-P	04-01-185	16-532-005	NEW-P	03-21-169
16-350-045	AMD-P	03-18-124	16-450-028	NEW-P	04-01-185	16-532-006	NEW-P	03-21-169
16-350-045	AMD-C	03-21-140	16-450-032	NEW-P	04-01-185	16-532-010	AMD-P	03-21-169
16-350-045	AMD-W	03-23-055	16-450-040	NEW-P	04-01-185	16-532-020	AMD-P	03-21-169
16-350-045	PREP	03-23-056	16-450-042	NEW-P	04-01-185	16-532-030	REP-P	03-21-169
16-390	PREP	03-24-104	16-450-044	NEW-P	04-01-185	16-532-040	AMD-P	03-21-169
16-400	PREP	03-24-104	16-450-046	NEW-P	04-01-185	16-532-060	AMD-P	03-21-169
16-400-040	AMD-P	03-07-081	16-450-048	NEW-P	04-01-185	16-532-065	REP-P	03-21-169
16-400-040	AMD-W	03-10-062	16-450-050	NEW-P	04-01-185	16-532-101	PREP	03-18-118
16-400-100	AMD-P	03-07-081	16-450-060	NEW-P	04-01-185	16-532-101	REP-P	03-21-168
16-400-100	AMD-W	03-10-062	16-450-070	NEW-P	04-01-185	16-532-103	NEW-P	03-21-167
16-400-210	AMD-P	03-07-081	16-458	PREP	03-24-104	16-532-105	NEW-P	03-21-167
16-400-210	AMD-W	03-10-062	16-459	PREP	03-14-142	16-532-110	PREP	03-18-118
16-400-215	NEW-P	03-07-081	16-459-001	REP-P	04-01-185	16-532-110	AMD-P	03-21-168
16-400-215	NEW-W	03-10-062	16-459-00101	REP-P	04-01-185	16-532-115	NEW-P	03-21-168
16-401	PREP	03-14-135	16-459-010	REP-P	04-01-185	16-532-120	PREP	03-18-118
16-401-021	AMD-P	03-07-091	16-459-020	REP-P	04-01-185	16-532-120	AMD-P	03-21-168
16-401-021	AMD	03-10-083	16-459-030	REP-P	04-01-185	16-536-040	AMD-C	03-06-101
16-401-023	AMD-P	03-07-091	16-459-040	REP-P	04-01-185	16-536-040	AMD-W	03-12-042
16-401-023	AMD	03-10-083	16-461-010	PREP	03-15-119	16-561-005	NEW-P	03-22-086
16-401-026	REP-P	03-07-091	16-461-015	PREP	03-15-119	16-561-006	NEW-P	03-22-086
16-401-026	REP	03-10-083	16-465-001	REP	03-05-079	16-561-010	AMD-P	03-22-086
16-401-027	AMD-P	03-07-091	16-465-060	REP	03-05-079	16-561-020	AMD-P	03-22-086
16-401-027	AMD	03-10-083	16-470	PREP	03-20-119	16-561-030	REP-P	03-22-086
16-401-027	AMD-X	03-17-075	16-470-105	AMD-P	04-01-202	16-561-040	AMD-P	03-22-086
16-401-027	AMD	03-21-166	16-470-905	AMD-P	03-07-092	16-561-060	AMD-P	03-22-086
16-401-031	REP-P	03-07-091	16-470-905	AMD	03-10-082	16-600-001	REP-X	03-13-129
16-401-031	REP	03-10-083	16-470-911	REP-P	03-07-092	16-600-001	REP-W	03-20-062
16-401-032	AMD-P	03-07-091	16-470-911	REP	03-10-082	16-600-010	REP-X	03-13-129
16-401-032	AMD	03-10-083	16-470-912	AMD-P	03-07-092	16-600-010	REP-W	03-20-062
16-401-041	AMD-P	03-07-091	16-470-912	AMD	03-10-082	16-603-010	AMD-X	03-08-088
16-401-041	AMD	03-10-083	16-470-912	AMD-X	03-17-075	16-603-010	AMD	03-13-005
16-401-041	AMD-X	03-17-075	16-470-912	AMD	03-21-166	16-607	PREP	03-13-128
16-401-041	AMD	03-21-166	16-470-916	REP-P	03-07-092	16-607-005	REP-P	03-21-170
16-401-050	AMD-P	03-18-124	16-470-916	REP	03-10-082	16-607-005	REP	04-01-171
16-401-050	AMD-C	03-21-140	16-470-917	AMD-P	03-07-092	16-607-010	REP-P	03-21-170

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-607-010	REP	04-01-171	16-610-015	NEW	04-01-171	16-662-100	AMD	03-08-017
16-607-015	REP-P	03-21-170	16-610-016	NEW-P	03-21-170	16-662-105	AMD-X	03-03-123
16-607-015	REP	04-01-171	16-610-016	NEW	04-01-171	16-662-105	AMD	03-08-017
16-607-020	REP-P	03-21-170	16-610-018	NEW-P	03-21-170	16-662-110	AMD-X	03-03-123
16-607-020	REP	04-01-171	16-610-018	NEW	04-01-171	16-662-110	AMD	03-08-017
16-607-025	REP-P	03-21-170	16-610-020	NEW-P	03-21-170	16-662-115	AMD-X	03-03-123
16-607-025	REP	04-01-171	16-610-020	NEW	04-01-171	16-662-115	AMD	03-08-017
16-607-035	REP-P	03-21-170	16-610-025	NEW-P	03-21-170	16-690	PREP	03-14-142
16-607-035	REP	04-01-171	16-610-025	NEW	04-01-171	16-690-001	REP-P	04-01-185
16-607-045	REP-P	03-21-170	16-610-035	NEW-P	03-21-170	16-690-010	REP-P	04-01-185
16-607-045	REP	04-01-171	16-610-035	NEW	04-01-171	16-690-015	REP-P	04-01-185
16-607-050	REP-P	03-21-170	16-610-045	NEW-P	03-21-170	16-690-020	REP-P	04-01-185
16-607-050	REP	04-01-171	16-610-045	NEW	04-01-171	16-690-025	REP-P	04-01-185
16-607-055	REP-P	03-21-170	16-610-050	NEW-P	03-21-170	16-690-030	REP-P	04-01-185
16-607-055	REP	04-01-171	16-610-050	NEW	04-01-171	16-690-035	REP-P	04-01-185
16-607-060	REP-P	03-21-170	16-610-055	NEW-P	03-21-170	16-690-040	REP-P	04-01-185
16-607-060	REP	04-01-171	16-610-055	NEW	04-01-171	16-690-045	REP-P	04-01-185
16-607-065	REP-P	03-21-170	16-610-060	NEW-P	03-21-170	16-690-100	REP-P	04-01-185
16-607-065	REP	04-01-171	16-610-060	NEW	04-01-171	16-750	PREP	03-10-012
16-607-070	REP-P	03-21-170	16-610-062	NEW-P	03-21-170	16-750-005	AMD	03-04-001
16-607-070	REP	04-01-171	16-610-062	NEW	04-01-171	16-750-011	AMD	03-04-001
16-607-075	REP-P	03-21-170	16-610-065	NEW-P	03-21-170	16-750-011	AMD-P	03-20-034
16-607-075	REP	04-01-171	16-610-065	NEW	04-01-171	16-750-011	AMD	03-24-012
16-607-080	REP-P	03-21-170	16-610-070	NEW-P	03-21-170	16-750-015	AMD	03-04-001
16-607-080	REP	04-01-171	16-610-070	NEW	04-01-171	16-750-015	AMD-P	03-20-034
16-607-085	REP-P	03-21-170	16-610-080	NEW-P	03-21-170	16-750-015	AMD	03-24-012
16-607-085	REP	04-01-171	16-610-080	NEW	04-01-171	16-752-300	AMD-X	03-11-098
16-607-090	REP-P	03-21-170	16-610-085	NEW-P	03-21-170	16-752-300	AMD	03-16-038
16-607-090	REP	04-01-171	16-610-085	NEW	04-01-171	16-752-305	AMD-X	03-11-098
16-607-095	REP-P	03-21-170	16-610-090	NEW-P	03-21-170	16-752-305	AMD	03-16-038
16-607-095	REP	04-01-171	16-610-090	NEW	04-01-171	16-752-315	AMD-X	03-11-098
16-607-100	REP-P	03-21-170	16-610-092	NEW-P	03-21-170	16-752-315	AMD	03-16-038
16-607-100	REP	04-01-171	16-610-092	NEW	04-01-171	16-752-320	AMD-X	03-11-098
16-607-105	REP-P	03-21-170	16-610-094	NEW-P	03-21-170	16-752-320	AMD	03-16-038
16-607-105	REP	04-01-171	16-610-094	NEW	04-01-171	173-26	AMD	04-01-117
16-607-110	REP-P	03-21-170	16-610-100	NEW-P	03-21-170	173-26-010	AMD	04-01-117
16-607-110	REP	04-01-171	16-610-100	NEW	04-01-171	173-26-020	AMD	04-01-117
16-607-115	REP-P	03-21-170	16-610-105	NEW-P	03-21-170	173-26-170	REP	04-01-117
16-607-115	REP	04-01-171	16-610-105	NEW	04-01-171	173-26-171	NEW	04-01-117
16-607-120	REP-P	03-21-170	16-610-110	NEW-P	03-21-170	173-26-176	NEW	04-01-117
16-607-120	REP	04-01-171	16-610-110	NEW	04-01-171	173-26-180	REP	04-01-117
16-607-125	REP-P	03-21-170	16-610-115	NEW-P	03-21-170	173-26-181	NEW	04-01-117
16-607-125	REP	04-01-171	16-610-115	NEW	04-01-171	173-26-186	NEW	04-01-117
16-607-130	REP-P	03-21-170	16-610-120	NEW-P	03-21-170	173-26-190	REP	04-01-117
16-607-130	REP	04-01-171	16-610-120	NEW	04-01-171	173-26-191	NEW	04-01-117
16-607-135	REP-P	03-21-170	16-610-122	NEW-P	03-21-170	173-26-200	REP	04-01-117
16-607-135	REP	04-01-171	16-610-122	NEW	04-01-171	173-26-201	NEW	04-01-117
16-607-140	REP-P	03-21-170	16-610-124	NEW-P	03-21-170	173-26-210	REP	04-01-117
16-607-140	REP	04-01-171	16-610-124	NEW	04-01-171	173-26-211	NEW	04-01-117
16-607-145	REP-P	03-21-170	16-610-125	NEW-P	03-21-170	173-26-220	REP	04-01-117
16-607-145	REP	04-01-171	16-610-125	NEW	04-01-171	173-26-221	NEW	04-01-117
16-610-005	NEW-P	03-21-170	16-610-130	NEW-P	03-21-170	173-26-230	REP	04-01-117
16-610-005	NEW	04-01-171	16-610-130	NEW	04-01-171	173-26-231	NEW	04-01-117
16-610-010	NEW-P	03-21-170	16-610-135	NEW-P	03-21-170	173-26-240	REP	04-01-117
16-610-010	NEW	04-01-171	16-610-135	NEW	04-01-171	173-26-241	NEW	04-01-117
16-610-011	NEW-P	03-21-170	16-610-140	NEW-P	03-21-170	173-26-250	REP	04-01-117
16-610-011	NEW	04-01-171	16-610-140	NEW	04-01-171	173-26-251	NEW	04-01-117
16-610-012	NEW-P	03-21-170	16-610-145	NEW-P	03-21-170	173-26-270	REP	04-01-117
16-610-012	NEW	04-01-171	16-610-145	NEW	04-01-171	173-26-280	REP	04-01-117
16-610-013	NEW-P	03-21-170	16-657	PREP	03-03-122	173-26-290	REP	04-01-117
16-610-013	NEW	04-01-171	16-659	PREP	03-03-122	173-26-300	REP	04-01-117
16-610-015	NEW-P	03-21-170	16-662-100	AMD-X	03-03-123	173-26-310	REP	04-01-117

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173- 26-320	REP	04-01-117	51- 11-1322	AMD-P	03-18-073	51- 40-0313	REP-P	03-18-075
173- 26-330	REP	04-01-117	51- 11-1323	AMD-P	03-18-073	51- 40-0313	REP	04-01-108
173- 26-340	REP	04-01-117	51- 11-1331	AMD-P	03-18-073	51- 40-0403	REP-P	03-18-075
173- 26-350	REP	04-01-117	51- 11-1332	AMD-P	03-18-073	51- 40-0403	REP	04-01-108
24- 12-010	AMD-E	03-20-036	51- 11-1332	AMD	04-01-106	51- 40-0405	REP-P	03-18-075
36- 12-170	AMD-W	03-06-072	51- 11-1334	AMD-P	03-18-073	51- 40-0405	REP	04-01-108
36- 14-120	NEW-W	03-06-072	51- 11-1411	AMD-P	03-18-073	51- 40-0510	REP-P	03-18-075
51- 04	PREP	03-08-027	51- 11-1412	AMD-P	03-18-073	51- 40-0510	REP	04-01-108
51- 04	PREP	03-12-017	51- 11-1412	AMD	04-01-106	51- 40-0804	REP-P	03-18-075
51- 04-015	AMD-P	03-18-074	51- 11-1413	AMD-P	03-18-073	51- 40-0804	REP	04-01-108
51- 04-015	AMD	04-01-107	51- 11-1414	AMD-P	03-18-073	51- 40-0902	REP-P	03-18-075
51- 04-020	AMD-P	03-18-074	51- 11-1415	AMD-P	03-18-073	51- 40-0902	REP	04-01-108
51- 04-020	AMD	04-01-107	51- 11-1415	AMD	04-01-106	51- 40-0904	REP-P	03-18-075
51- 04-060	AMD-P	03-18-074	51- 11-1416	AMD-P	03-18-073	51- 40-0904	REP	04-01-108
51- 04-060	AMD	04-01-107	51- 11-1423	AMD-P	03-18-073	51- 40-0905	REP-P	03-18-075
51- 11-0101	AMD-P	03-18-073	51- 11-1432	AMD-P	03-18-073	51- 40-0905	REP	04-01-108
51- 11-0101	AMD	04-01-106	51- 11-1433	AMD-P	03-18-073	51- 40-1000	REP-P	03-18-075
51- 11-0105	AMD-P	03-18-073	51- 11-1436	AMD-P	03-18-073	51- 40-1000	REP	04-01-108
51- 11-0105	AMD	04-01-106	51- 11-1437	AMD-P	03-18-073	51- 40-1002	REP-P	03-18-075
51- 11-0108	AMD-P	03-18-073	51- 11-1440	AMD-P	03-18-073	51- 40-1002	REP	04-01-108
51- 11-0108	AMD	04-01-106	51- 11-1454	AMD-P	03-18-073	51- 40-1003	REP-P	03-18-075
51- 11-0201	AMD-P	03-18-073	51- 11-1513	AMD-P	03-18-073	51- 40-1003	REP	04-01-108
51- 11-0201	AMD	04-01-106	51- 11-1521	AMD-P	03-18-073	51- 40-1004	REP-P	03-18-075
51- 11-0402	AMD-P	03-18-073	51- 11-1532	AMD-P	03-18-073	51- 40-1004	REP	04-01-108
51- 11-0402	AMD	04-01-106	51- 11-1532	AMD	04-01-106	51- 40-1007	REP-P	03-18-075
51- 11-0502	AMD-P	03-18-073	51- 11-99902	AMD-P	03-18-073	51- 40-1007	REP	04-01-108
51- 11-0502	AMD	04-01-106	51- 11-99902	AMD	04-01-106	51- 40-1091	REP-P	03-18-075
51- 11-0503	AMD-P	03-18-073	51- 13-503	AMD-P	03-18-076	51- 40-1091	REP	04-01-108
51- 11-0503	AMD	04-01-106	51- 40-001	REP-P	03-18-075	51- 40-1100	REP-P	03-18-075
51- 11-0504	AMD-P	03-18-073	51- 40-001	REP	04-01-108	51- 40-1100	REP	04-01-108
51- 11-0504	AMD	04-01-106	51- 40-002	REP-P	03-18-075	51- 40-1101	REP-P	03-18-075
51- 11-0505	AMD-P	03-18-073	51- 40-002	REP	04-01-108	51- 40-1101	REP	04-01-108
51- 11-0505	AMD	04-01-106	51- 40-003	REP-P	03-18-075	51- 40-1102	REP-P	03-18-075
51- 11-0601	AMD-P	03-18-073	51- 40-003	REP	04-01-108	51- 40-1102	REP	04-01-108
51- 11-0601	AMD	04-01-106	51- 40-004	REP-P	03-18-075	51- 40-1103	REP-P	03-18-075
51- 11-0602	AMD-P	03-18-073	51- 40-004	REP	04-01-108	51- 40-1103	REP	04-01-108
51- 11-0625	AMD-P	03-18-073	51- 40-005	REP-P	03-18-075	51- 40-1104	REP-P	03-18-075
51- 11-0625	AMD	04-01-106	51- 40-005	REP	04-01-108	51- 40-1104	REP	04-01-108
51- 11-0701	AMD-P	03-18-073	51- 40-007	REP-P	03-18-075	51- 40-1105	REP-P	03-18-075
51- 11-0701	AMD	04-01-106	51- 40-007	REP	04-01-108	51- 40-1105	REP	04-01-108
51- 11-0900	AMD-P	03-18-073	51- 40-008	REP-P	03-18-075	51- 40-1106	REP-P	03-18-075
51- 11-0900	AMD	04-01-106	51- 40-008	REP	04-01-108	51- 40-1106	REP	04-01-108
51- 11-1001	AMD-P	03-18-073	51- 40-009	REP-P	03-18-075	51- 40-1107	REP-P	03-18-075
51- 11-1001	AMD	04-01-106	51- 40-009	REP	04-01-108	51- 40-1107	REP	04-01-108
51- 11-1004	AMD-P	03-18-073	51- 40-0200	REP-P	03-18-075	51- 40-1108	REP-P	03-18-075
51- 11-1004	AMD	04-01-106	51- 40-0200	REP	04-01-108	51- 40-1108	REP	04-01-108
51- 11-1005	AMD-P	03-18-073	51- 40-0302	REP-P	03-18-075	51- 40-1109	REP-P	03-18-075
51- 11-1005	AMD	04-01-106	51- 40-0302	REP	04-01-108	51- 40-1109	REP	04-01-108
51- 11-1006	AMD-P	03-18-073	51- 40-0303	REP-P	03-18-075	51- 40-1110	REP-P	03-18-075
51- 11-1007	AMD-P	03-18-073	51- 40-0303	REP	04-01-108	51- 40-1110	REP	04-01-108
51- 11-1007	AMD	04-01-106	51- 40-0304	REP-P	03-18-075	51- 40-1111	REP-P	03-18-075
51- 11-1009	AMD-P	03-18-073	51- 40-0304	REP	04-01-108	51- 40-1111	REP	04-01-108
51- 11-1009	AMD	04-01-106	51- 40-0305	REP-P	03-18-075	51- 40-1112	REP-P	03-18-075
51- 11-1132	AMD-P	03-18-073	51- 40-0305	REP	04-01-108	51- 40-1112	REP	04-01-108
51- 11-1143	AMD-P	03-18-073	51- 40-0307	REP-P	03-18-075	51- 40-1113	REP-P	03-18-075
51- 11-1143	AMD	04-01-106	51- 40-0307	REP	04-01-108	51- 40-1113	REP	04-01-108
51- 11-1150	AMD-P	03-18-073	51- 40-0308	REP-P	03-18-075	51- 40-1114	REP-P	03-18-075
51- 11-1150	AMD	04-01-106	51- 40-0308	REP	04-01-108	51- 40-1114	REP	04-01-108
51- 11-1310	AMD-P	03-18-073	51- 40-0310	REP-P	03-18-075	51- 40-1191	REP-P	03-18-075
51- 11-1312	AMD-P	03-18-073	51- 40-0310	REP	04-01-108	51- 40-1191	REP	04-01-108
51- 11-1313	AMD-P	03-18-073	51- 40-0311	REP-P	03-18-075	51- 40-1192	REP-P	03-18-075
51- 11-1313	AMD	04-01-106	51- 40-0311	REP	04-01-108	51- 40-1192	REP	04-01-108

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51-40-1193	REP-P	03-18-075	51-42-0303	REP-P	03-18-078	51-42-1120	REP-P	03-18-078
51-40-1193	REP	04-01-108	51-42-0303	REP	04-01-104	51-42-1120	REP	04-01-104
51-40-1194	REP-P	03-18-075	51-42-0405	REP-P	03-18-078	51-42-1121	REP-P	03-18-078
51-40-1194	REP	04-01-108	51-42-0405	REP	04-01-104	51-42-1121	REP	04-01-104
51-40-1195	REP-P	03-18-075	51-42-0504	REP-P	03-18-078	51-42-1122	REP-P	03-18-078
51-40-1195	REP	04-01-108	51-42-0504	REP	04-01-104	51-42-1122	REP	04-01-104
51-40-1196	REP-P	03-18-075	51-42-0600	REP-P	03-18-078	51-42-1123	REP-P	03-18-078
51-40-1196	REP	04-01-108	51-42-0600	REP	04-01-104	51-42-1123	REP	04-01-104
51-40-1202	REP-P	03-18-075	51-42-0601	REP-P	03-18-078	51-42-1124	REP-P	03-18-078
51-40-1202	REP	04-01-108	51-42-0601	REP	04-01-104	51-42-1124	REP	04-01-104
51-40-1203	REP-P	03-18-075	51-42-0605	REP-P	03-18-078	51-42-1126	REP-P	03-18-078
51-40-1203	REP	04-01-108	51-42-0605	REP	04-01-104	51-42-1126	REP	04-01-104
51-40-1616	REP-P	03-18-075	51-42-0901	REP-P	03-18-078	51-42-1301	REP-P	03-18-078
51-40-1616	REP	04-01-108	51-42-0901	REP	04-01-104	51-42-1301	REP	04-01-104
51-40-1702	REP-P	03-18-075	51-42-1000	REP-P	03-18-078	51-42-1311	REP-P	03-18-078
51-40-1702	REP	04-01-108	51-42-1000	REP	04-01-104	51-42-1311	REP	04-01-104
51-40-1909	REP-P	03-18-075	51-42-1002	REP-P	03-18-078	51-42-1312	REP-P	03-18-078
51-40-1909	REP	04-01-108	51-42-1002	REP	04-01-104	51-42-1312	REP	04-01-104
51-40-2406	REP-P	03-18-075	51-42-1004	REP-P	03-18-078	51-42-1401	REP-P	03-18-078
51-40-2406	REP	04-01-108	51-42-1004	REP	04-01-104	51-42-1401	REP	04-01-104
51-40-2900	REP-P	03-18-075	51-42-1005	REP-P	03-18-078	51-44-001	REP-P	03-18-079
51-40-2900	REP	04-01-108	51-42-1005	REP	04-01-104	51-44-001	REP	04-01-105
51-40-2929	REP-P	03-18-075	51-42-1100	REP-P	03-18-078	51-44-002	REP-P	03-18-079
51-40-2929	REP	04-01-108	51-42-1100	REP	04-01-104	51-44-002	REP	04-01-105
51-40-3004	REP-P	03-18-075	51-42-1101	REP-P	03-18-078	51-44-003	REP-P	03-18-079
51-40-3004	REP	04-01-108	51-42-1101	REP	04-01-104	51-44-003	REP	04-01-105
51-40-3102	REP-P	03-18-075	51-42-1102	REP-P	03-18-078	51-44-007	REP-P	03-18-079
51-40-3102	REP	04-01-108	51-42-1102	REP	04-01-104	51-44-007	REP	04-01-105
51-40-31200	REP-P	03-18-075	51-42-1102	REP	04-01-104	51-44-007	REP	04-01-105
51-40-31200	REP	04-01-108	51-42-1103	REP-P	03-18-078	51-44-008	REP-P	03-18-079
51-40-3404	REP-P	03-18-075	51-42-1103	REP	04-01-104	51-44-008	REP	04-01-105
51-40-3404	REP	04-01-108	51-42-1104	REP-P	03-18-078	51-44-008	REP	04-01-105
51-40-93115	REP-P	03-18-075	51-42-1104	REP	04-01-104	51-44-0103	REP-P	03-18-079
51-40-93115	REP	04-01-108	51-42-1104	REP	04-01-104	51-44-0103	REP	04-01-105
51-40-93116	REP-P	03-18-075	51-42-1105	REP-P	03-18-078	51-44-0105	REP-P	03-18-079
51-40-93116	REP	04-01-108	51-42-1105	REP	04-01-104	51-44-0105	REP	04-01-105
51-40-93117	REP-P	03-18-075	51-42-1106	REP-P	03-18-078	51-44-0200	REP-P	03-18-079
51-40-93117	REP	04-01-108	51-42-1106	REP	04-01-104	51-44-0200	REP	04-01-105
51-40-93118	REP-P	03-18-075	51-42-1107	REP-P	03-18-078	51-44-0900	REP-P	03-18-079
51-40-93118	REP	04-01-108	51-42-1107	REP	04-01-104	51-44-0900	REP	04-01-105
51-40-93119	REP-P	03-18-075	51-42-1108	REP-P	03-18-078	51-44-1003	REP-P	03-18-079
51-40-93119	REP	04-01-108	51-42-1108	REP	04-01-104	51-44-1003	REP	04-01-105
51-40-93120	REP-P	03-18-075	51-42-1109	REP-P	03-18-078	51-44-1007	REP-P	03-18-079
51-40-93120	REP	04-01-108	51-42-1109	REP	04-01-104	51-44-1007	REP	04-01-105
51-42-001	REP-P	03-18-078	51-42-1110	REP-P	03-18-078	51-44-10210	REP-P	03-18-079
51-42-001	REP	04-01-104	51-42-1110	REP	04-01-104	51-44-10210	REP	04-01-105
51-42-002	REP-P	03-18-078	51-42-1111	REP-P	03-18-078	51-44-1102	REP-P	03-18-079
51-42-002	REP	04-01-104	51-42-1111	REP	04-01-104	51-44-1102	REP	04-01-105
51-42-003	REP-P	03-18-078	51-42-1112	REP-P	03-18-078	51-44-1109	REP-P	03-18-079
51-42-003	REP	04-01-104	51-42-1112	REP	04-01-104	51-44-1109	REP	04-01-105
51-42-004	REP-P	03-18-078	51-42-1113	REP-P	03-18-078	51-44-2500	REP-P	03-18-079
51-42-004	REP	04-01-104	51-42-1113	REP	04-01-104	51-44-2500	REP	04-01-105
51-42-005	REP-P	03-18-078	51-42-1114	REP-P	03-18-078	51-44-5200	REP-P	03-18-079
51-42-005	REP	04-01-104	51-42-1114	REP	04-01-104	51-44-5200	REP	04-01-105
51-42-007	REP-P	03-18-078	51-42-1115	REP-P	03-18-078	51-44-6100	REP-P	03-18-079
51-42-007	REP	04-01-104	51-42-1115	REP	04-01-104	51-44-6100	REP	04-01-105
51-42-008	REP-P	03-18-078	51-42-1116	REP-P	03-18-078	51-44-6300	REP-P	03-18-079
51-42-008	REP	04-01-104	51-42-1116	REP	04-01-104	51-44-6300	REP	04-01-105
51-42-0200	REP-P	03-18-078	51-42-1117	REP-P	03-18-078	51-44-7404	REP-P	03-18-079
51-42-0200	REP	04-01-104	51-42-1117	REP	04-01-104	51-44-7404	REP	04-01-105
51-42-0223	REP-P	03-18-078	51-42-1118	REP-P	03-18-078	51-44-7802	REP-P	03-18-079
51-42-0223	REP	04-01-104	51-42-1118	REP	04-01-104	51-44-7802	REP	04-01-105
			51-42-1119	REP-P	03-18-078	51-44-7900	REP-P	03-18-079
			51-42-1119	REP	04-01-104	51-44-7900	REP	04-01-105

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
51-44-8000	REP-P	03-18-079	51-50-1103	NEW-P	03-18-075	51-51-0311	NEW-P	03-18-077
51-44-8000	REP	04-01-105	51-50-1103	NEW	04-01-108	51-51-0311	NEW	04-01-109
51-45-001	REP-P	03-18-079	51-50-1104	NEW-P	03-18-075	51-51-0313	NEW-P	03-18-077
51-45-001	REP	04-01-105	51-50-1104	NEW	04-01-108	51-51-0313	NEW	04-01-109
51-45-002	REP-P	03-18-079	51-50-1105	NEW-P	03-18-075	51-51-0324	NEW-P	03-18-077
51-45-002	REP	04-01-105	51-50-1105	NEW	04-01-108	51-51-0324	NEW	04-01-109
51-45-003	REP-P	03-18-079	51-50-1106	NEW-P	03-18-075	51-51-0325	NEW-P	03-18-077
51-45-003	REP	04-01-105	51-50-1106	NEW	04-01-108	51-51-0325	NEW	04-01-109
51-45-007	REP-P	03-18-079	51-50-1107	NEW-P	03-18-075	51-51-1004	NEW-P	03-18-077
51-45-007	REP	04-01-105	51-50-1107	NEW	04-01-108	51-51-1004	NEW	04-01-109
51-45-008	REP-P	03-18-079	51-50-1109	NEW-P	03-18-075	51-51-2000	NEW-P	03-18-077
51-45-008	REP	04-01-105	51-50-1109	NEW	04-01-108	51-51-2000	NEW	04-01-109
51-45-80400	REP-P	03-18-079	51-50-1203	NEW-P	03-18-075	51-51-2401	NEW-P	03-18-077
51-45-80400	REP	04-01-105	51-50-1203	NEW	04-01-108	51-51-2401	NEW	04-01-109
51-50-001	NEW-P	03-18-075	51-50-1204	NEW-P	03-18-075	51-51-2415	NEW-P	03-18-077
51-50-001	NEW	04-01-108	51-50-1204	NEW	04-01-108	51-51-2415	NEW	04-01-109
51-50-002	NEW-P	03-18-075	51-50-1208	NEW-P	03-18-075	51-51-2439	NEW-P	03-18-077
51-50-002	NEW	04-01-108	51-50-1208	NEW	04-01-108	51-51-2802	NEW-P	03-18-077
51-50-003	NEW-P	03-18-075	51-50-1702	NEW-P	03-18-075	51-51-4300	NEW-P	03-18-077
51-50-003	NEW	04-01-108	51-50-1702	NEW	04-01-108	51-51-4300	NEW	04-01-109
51-50-004	NEW-P	03-18-075	51-50-1709	NEW-P	03-18-075	51-52-001	NEW-P	03-18-078
51-50-004	NEW	04-01-108	51-50-1709	NEW	04-01-108	51-52-001	NEW	04-01-104
51-50-005	NEW-P	03-18-075	51-50-2114	NEW-P	03-18-075	51-52-002	NEW-P	03-18-078
51-50-005	NEW	04-01-108	51-50-2114	NEW	04-01-108	51-52-002	NEW	04-01-104
51-50-007	NEW-P	03-18-075	51-50-2900	NEW-P	03-18-075	51-52-003	NEW-P	03-18-078
51-50-007	NEW	04-01-108	51-50-2900	NEW	04-01-108	51-52-003	NEW	04-01-104
51-50-008	NEW-P	03-18-075	51-50-3001	NEW-P	03-18-075	51-52-004	NEW-P	03-18-078
51-50-008	NEW	04-01-108	51-50-3001	NEW	04-01-108	51-52-004	NEW	04-01-104
51-50-009	NEW-P	03-18-075	51-50-3002	NEW-P	03-18-075	51-52-005	NEW-P	03-18-078
51-50-009	NEW	04-01-108	51-50-3002	NEW	04-01-108	51-52-005	NEW	04-01-104
51-50-0200	NEW-P	03-18-075	51-50-3003	NEW-P	03-18-075	51-52-007	NEW-P	03-18-078
51-50-0200	NEW	04-01-108	51-50-3003	NEW	04-01-108	51-52-007	NEW	04-01-104
51-50-0302	NEW-P	03-18-075	51-50-3004	NEW-P	03-18-075	51-52-008	NEW-P	03-18-078
51-50-0302	NEW	04-01-108	51-50-3004	NEW	04-01-108	51-52-008	NEW	04-01-104
51-50-0305	NEW-P	03-18-075	51-50-3005	NEW-P	03-18-075	51-52-0101	NEW-P	03-18-078
51-50-0305	NEW	04-01-108	51-50-3005	NEW	04-01-108	51-52-0101	NEW	04-01-104
51-50-0308	NEW-P	03-18-075	51-50-3006	NEW-P	03-18-075	51-52-0202	NEW-P	03-18-078
51-50-0308	NEW	04-01-108	51-50-3006	NEW	04-01-108	51-52-0202	NEW	04-01-104
51-50-0310	NEW-P	03-18-075	51-50-31200	NEW-P	03-18-075	51-52-0504	NEW-P	03-18-078
51-50-0310	NEW	04-01-108	51-50-31200	NEW	04-01-108	51-52-0601	NEW-P	03-18-078
51-50-0313	NEW-P	03-18-075	51-50-3408	NEW-P	03-18-075	51-52-0601	NEW	04-01-104
51-50-0313	NEW	04-01-108	51-50-3408	NEW	04-01-108	51-52-1000	NEW-P	03-18-078
51-50-0419	NEW-P	03-18-075	51-50-3409	NEW-P	03-18-075	51-52-1000	NEW	04-01-104
51-50-0419	NEW	04-01-108	51-50-3409	NEW	04-01-108	51-52-21000	NEW-P	03-18-078
51-50-0707	NEW-P	03-18-075	51-51-001	NEW-P	03-18-077	51-52-21000	NEW	04-01-104
51-50-0707	NEW	04-01-108	51-51-001	NEW	04-01-109	51-52-21404	NEW-P	03-18-078
51-50-0902	NEW-P	03-18-075	51-51-002	NEW-P	03-18-077	51-52-22000	NEW-P	03-18-078
51-50-0902	NEW	04-01-108	51-51-002	NEW	04-01-109	51-52-22000	NEW	04-01-104
51-50-0903	NEW-P	03-18-075	51-51-003	NEW-P	03-18-077	51-52-22006	NEW-P	03-18-078
51-50-0903	NEW	04-01-108	51-51-003	NEW	04-01-109	51-52-22006	NEW	04-01-104
51-50-0909	NEW-P	03-18-075	51-51-007	NEW-P	03-18-077	51-54-001	NEW-P	03-18-079
51-50-0909	NEW	04-01-108	51-51-007	NEW	04-01-109	51-54-001	NEW	04-01-105
51-50-1008	NEW-P	03-18-075	51-51-008	NEW-P	03-18-077	51-54-002	NEW-P	03-18-079
51-50-1008	NEW	04-01-108	51-51-008	NEW	04-01-109	51-54-002	NEW	04-01-105
51-50-1009	NEW-P	03-18-075	51-51-0101	NEW-P	03-18-077	51-54-003	NEW-P	03-18-079
51-50-1009	NEW	04-01-108	51-51-0101	NEW	04-01-109	51-54-003	NEW	04-01-105
51-50-1010	NEW-P	03-18-075	51-51-0102	NEW-P	03-18-077	51-54-007	NEW-P	03-18-079
51-50-1010	NEW	04-01-108	51-51-0102	NEW	04-01-109	51-54-007	NEW	04-01-105
51-50-1024	NEW-P	03-18-075	51-51-0202	NEW-P	03-18-077	51-54-008	NEW-P	03-18-079
51-50-1024	NEW	04-01-108	51-51-0202	NEW	04-01-109	51-54-008	NEW	04-01-105
51-50-1101	NEW-P	03-18-075	51-51-0303	NEW-P	03-18-077	51-54-0100	NEW-P	03-18-079
51-50-1101	NEW	04-01-108	51-51-0303	NEW	04-01-109	51-54-0100	NEW	04-01-105

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
51- 54-0200	NEW-P	03-18-079	82- 04-070	NEW-X	03-16-039	118- 67-020	NEW	04-01-066
51- 54-0200	NEW	04-01-105	82- 04-070	NEW	03-21-024	118- 67-030	NEW-P	03-21-041
51- 54-0300	NEW-P	03-18-079	82- 50-021	AMD-X	03-07-083	118- 67-030	NEW	04-01-066
51- 54-0300	NEW	04-01-105	82- 50-021	AMD	03-11-073	118- 67-040	NEW-P	03-21-041
51- 54-0500	NEW-P	03-18-079	98- 70-010	PREP	03-04-077	118- 67-040	NEW	04-01-066
51- 54-0500	NEW	04-01-105	98- 70-010	AMD-P	03-08-009	118- 67-050	NEW-P	03-21-041
51- 54-0900	NEW-P	03-18-079	98- 70-010	AMD	03-11-020	118- 67-050	NEW	04-01-066
51- 54-0900	NEW	04-01-105	118- 33-010	REP-X	03-23-051	118- 67-060	NEW-P	03-21-041
51- 54-1000	NEW-P	03-18-079	118- 33-020	REP-X	03-23-051	118- 67-060	NEW	04-01-066
51- 54-1000	NEW	04-01-105	118- 33-030	REP-X	03-23-051	118- 67-070	NEW-P	03-21-041
51- 54-3000	NEW-P	03-18-079	118- 33-040	REP-X	03-23-051	118- 67-070	NEW	04-01-066
51- 54-3000	NEW	04-01-105	118- 33-050	REP-X	03-23-051	118- 67-080	NEW-P	03-21-041
51- 54-3300	NEW-P	03-18-079	118- 33-060	REP-X	03-23-051	118- 67-080	NEW	04-01-066
51- 54-3300	NEW	04-01-105	118- 33-070	REP-X	03-23-051	118- 67-090	NEW-P	03-21-041
51- 54-3400	NEW-P	03-18-079	118- 33-080	REP-X	03-23-051	118- 67-090	NEW	04-01-066
51- 54-3400	NEW	04-01-105	118- 33-090	REP-X	03-23-051	118- 67-100	NEW-P	03-21-041
51- 56	AMD	04-01-110	118- 33-100	REP-X	03-23-051	118- 67-100	NEW	04-01-066
51- 56-003	AMD-P	03-18-080	118- 33-110	REP-X	03-23-051	118- 67-110	NEW-P	03-21-041
51- 56-003	AMD	04-01-110	118- 33-120	REP-X	03-23-051	118- 67-110	NEW	04-01-066
51- 56-007	AMD-P	03-18-080	118- 65-010	REP-P	03-04-108	118- 67-120	NEW-P	03-21-041
51- 56-007	AMD	04-01-110	118- 65-010	REP	03-10-014	118- 67-120	NEW	04-01-066
51- 56-008	AMD-P	03-18-080	118- 65-020	REP-P	03-04-108	118- 67-130	NEW-P	03-21-041
51- 56-008	AMD	04-01-110	118- 65-020	REP	03-10-014	118- 67-130	NEW	04-01-066
51- 56-0100	AMD-P	03-18-080	118- 65-030	REP-P	03-04-108	131	PREP	03-09-043
51- 56-0100	AMD	04-01-110	118- 65-030	REP	03-10-014	131	PREP	03-14-123
51- 56-0200	AMD-P	03-18-080	118- 65-040	REP-P	03-04-108	131	PREP	03-14-124
51- 56-0200	AMD	04-01-110	118- 65-040	REP	03-10-014	131- 12-080	NEW-P	03-18-002
51- 56-0300	AMD-P	03-18-080	118- 65-050	REP-P	03-04-108	131- 12-080	NEW	03-22-026
51- 56-0300	AMD	04-01-110	118- 65-050	REP	03-10-014	131- 28-026	AMD-E	03-15-020
51- 56-0400	AMD-P	03-18-080	118- 65-060	REP-P	03-04-108	131- 28-026	AMD-P	03-15-021
51- 56-0400	AMD	04-01-110	118- 65-060	REP	03-10-014	131- 28-026	AMD	03-19-050
51- 56-0400	AMD	04-01-110	118- 65-070	REP-P	03-04-108	132A	PREP	03-04-091
51- 56-0500	AMD-P	03-18-080	118- 65-070	REP	03-10-014	132A-116-011	AMD-P	03-08-056
51- 56-0500	AMD	04-01-110	118- 65-081	REP-P	03-04-108	132A-116-011	AMD	03-13-133
51- 56-0600	AMD-P	03-18-080	118- 65-081	REP	03-10-014	132A-150-010	AMD-P	03-08-056
51- 56-0600	AMD	04-01-110	118- 65-081	REP	03-10-014	132A-150-010	AMD	03-13-133
51- 56-1100	NEW-P	03-18-080	118- 65-090	REP-P	03-04-108	132A-320-010	AMD-P	03-08-056
51- 56-1100	NEW	04-01-110	118- 65-090	REP	03-10-014	132A-320-010	AMD	03-13-133
51- 56-1300	AMD-P	03-18-080	118- 66-010	NEW-P	03-04-108	132B-120	PREP	03-15-140
51- 56-1300	AMD	04-01-110	118- 66-010	NEW	03-10-014	132B-120-010	AMD-P	03-19-063
51- 56-1400	AMD-P	03-18-080	118- 66-020	NEW-P	03-04-108	132B-120-010	AMD	04-01-100
51- 56-1400	AMD	04-01-110	118- 66-020	NEW	03-10-014	132B-120-010	AMD	04-01-100
51- 56-201300	REP-P	03-18-080	118- 66-030	NEW-P	03-04-108	132B-120-030	AMD-P	03-19-063
51- 56-201300	REP	04-01-110	118- 66-030	NEW	03-10-014	132B-120-030	AMD	04-01-100
51- 57	AMD	04-01-110	118- 66-040	NEW-P	03-04-108	132B-120-040	AMD-P	03-19-063
51- 57-003	AMD-P	03-18-080	118- 66-040	NEW	03-10-014	132B-120-040	AMD	04-01-100
51- 57-003	AMD	04-01-110	118- 66-042	NEW-P	03-04-108	132B-120-040	AMD	04-01-100
51- 57-008	AMD-P	03-18-080	118- 66-042	NEW	03-10-014	132B-120-065	AMD-P	03-19-063
51- 57-008	AMD	04-01-110	118- 66-045	NEW-P	03-04-108	132B-120-065	AMD	04-01-100
51- 57-202000	NEW-P	03-18-080	118- 66-045	NEW	03-10-014	132B-120-080	AMD-P	03-19-063
51- 57-202000	NEW	04-01-110	118- 66-050	NEW-P	03-04-108	132B-120-080	AMD	04-01-100
82- 04-010	NEW-X	03-16-039	118- 66-050	NEW	03-10-014	132B-120-085	AMD-P	03-19-063
82- 04-010	NEW	03-21-024	118- 66-050	NEW	03-10-014	132B-120-085	AMD	04-01-100
82- 04-020	NEW-X	03-16-039	118- 66-080	NEW-P	03-04-108	132B-120-120	AMD-P	03-19-063
82- 04-020	NEW	03-21-024	118- 66-080	NEW	03-10-014	132B-120-120	AMD	04-01-100
82- 04-030	NEW-X	03-16-039	118- 66-080	NEW	03-10-014	132B-120-120	AMD	04-01-100
82- 04-030	NEW	03-21-024	118- 66-081	NEW-P	03-04-108	132B-120-130	AMD-P	03-19-063
82- 04-040	NEW-X	03-16-039	118- 66-081	NEW	03-10-014	132B-120-130	AMD	04-01-100
82- 04-040	NEW	03-21-024	118- 66-085	NEW-P	03-04-108	132B-120-135	AMD-P	03-19-063
82- 04-050	NEW-X	03-16-039	118- 66-085	NEW	03-10-014	132B-120-135	AMD	04-01-100
82- 04-050	NEW	03-21-024	118- 66-090	NEW-P	03-04-108	132B-120-170	AMD-P	03-19-063
82- 04-060	NEW-X	03-16-039	118- 66-090	NEW	03-10-014	132B-120-170	AMD	04-01-100
82- 04-060	NEW	03-21-024	118- 67-010	NEW-P	03-21-041	132B-120-180	AMD-P	03-19-063
82- 04-060	NEW	03-21-024	118- 67-010	NEW	04-01-066	132B-120-180	AMD	04-01-100
82- 04-060	NEW	03-21-024	118- 67-020	NEW-P	03-21-041	132B-120-190	AMD-P	03-19-063

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
132B-120-190	AMD	04-01-100	132F-120-030	REP	03-16-015	132F-121-090	NEW	03-16-015
132B-120-200	AMD-P	03-19-063	132F-120-040	REP-P	03-06-067	132F-121-100	NEW-P	03-06-067
132B-120-200	AMD	04-01-100	132F-120-040	REP	03-16-015	132F-121-100	NEW	03-16-015
132B-120-220	AMD-P	03-19-063	132F-120-041	REP-P	03-06-067	132F-121-110	NEW-P	03-06-067
132B-120-220	AMD	04-01-100	132F-120-041	REP	03-16-015	132F-121-110	NEW	03-16-015
132F-01	AMD-C	03-10-078	132F-120-042	REP-P	03-06-067	132F-121-120	NEW-P	03-06-067
132F-01-010	AMD-P	03-06-067	132F-120-042	REP	03-16-015	132F-121-120	NEW	03-16-015
132F-01-010	AMD	03-16-015	132F-120-043	REP-P	03-06-067	132F-121-130	NEW-P	03-06-067
132F-01-020	REP-P	03-06-067	132F-120-043	REP	03-16-015	132F-121-130	NEW	03-16-015
132F-01-020	REP	03-16-015	132F-120-050	REP-P	03-06-067	132F-121-140	NEW-P	03-06-067
132F-104	AMD-C	03-10-078	132F-120-050	REP	03-16-015	132F-121-140	NEW	03-16-015
132F-104-010	AMD-P	03-06-067	132F-120-060	REP-P	03-06-067	132F-121-150	NEW-P	03-06-067
132F-104-010	AMD	03-16-015	132F-120-060	REP	03-16-015	132F-121-150	NEW	03-16-015
132F-104-020	AMD-P	03-06-067	132F-120-061	REP-P	03-06-067	132F-121-160	NEW-P	03-06-067
132F-104-020	AMD	03-16-015	132F-120-061	REP	03-16-015	132F-121-160	NEW	03-16-015
132F-104-030	REP-P	03-06-067	132F-120-070	REP-P	03-06-067	132F-121-170	NEW-P	03-06-067
132F-104-030	REP	03-16-015	132F-120-070	REP	03-16-015	132F-121-170	NEW	03-16-015
132F-104-801	REP-P	03-06-067	132F-120-080	REP-P	03-06-067	132F-121-180	NEW-P	03-06-067
132F-104-801	REP	03-16-015	132F-120-080	REP	03-16-015	132F-121-180	NEW	03-16-015
132F-104-810	AMD-P	03-06-067	132F-120-090	REP-P	03-06-067	132F-121-190	NEW-P	03-06-067
132F-104-810	AMD	03-16-015	132F-120-090	REP	03-16-015	132F-121-190	NEW	03-16-015
132F-104-811	REP-P	03-06-067	132F-120-100	REP-P	03-06-067	132F-121-200	NEW-P	03-06-067
132F-104-811	REP	03-16-015	132F-120-100	REP	03-16-015	132F-121-200	NEW	03-16-015
132F-104-812	REP-P	03-06-067	132F-120-110	REP-P	03-06-067	132F-121-210	NEW-P	03-06-067
132F-104-812	REP	03-16-015	132F-120-110	REP	03-16-015	132F-121-210	NEW	03-16-015
132F-104-813	REP-P	03-06-067	132F-120-120	REP-P	03-06-067	132F-121-220	NEW-P	03-06-067
132F-104-813	REP	03-16-015	132F-120-120	REP	03-16-015	132F-121-220	NEW	03-16-015
132F-104-814	REP-P	03-06-067	132F-120-130	REP-P	03-06-067	132F-121-230	NEW-P	03-06-067
132F-104-814	REP	03-16-015	132F-120-130	REP	03-16-015	132F-121-230	NEW	03-16-015
132F-104-815	REP-P	03-06-067	132F-120-140	REP-P	03-06-067	132F-121-240	NEW-P	03-06-067
132F-104-815	REP	03-16-015	132F-120-140	REP	03-16-015	132F-121-240	NEW	03-16-015
132F-104-816	REP-P	03-06-067	132F-120-150	REP-P	03-06-067	132F-121-250	NEW-P	03-06-067
132F-104-816	REP	03-16-015	132F-120-150	REP	03-16-015	132F-121-250	NEW	03-16-015
132F-104-817	REP-P	03-06-067	132F-120-160	REP-P	03-06-067	132F-121-260	NEW-P	03-06-067
132F-104-817	REP	03-16-015	132F-120-160	REP	03-16-015	132F-121-260	NEW	03-16-015
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132F-104-819	REP	03-16-015	132F-120-180	REP	03-16-015	132H-116-310	AMD-P	03-19-089
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132F-108	AMD-C	03-10-078	132F-120-190	REP	03-16-015	132H-116-315	AMD-P	03-19-089
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132F-108-020	AMD	03-16-015	132F-120-210	REP-P	03-06-067	132H-116-320	AMD	04-01-046
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132F-108-050	AMD	03-16-015	132F-121-010	NEW-P	03-06-067	132H-116-330	AMD	04-01-046
132F-108-070	AMD-P	03-06-067	132F-121-010	NEW	03-16-015	132H-116-350	AMD-P	03-19-089
132F-108-070	AMD	03-16-015	132F-121-020	NEW-P	03-06-067	132H-116-350	AMD	04-01-046
132F-108-080	AMD-P	03-06-067	132F-121-020	NEW	03-16-015	132H-116-351	AMD-P	03-19-089
132F-108-080	AMD	03-16-015	132F-121-030	NEW-P	03-06-067	132H-116-351	AMD	04-01-046
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132F-108-130	AMD	03-16-015	132F-121-060	NEW-P	03-06-067	132H-116-356	AMD	04-01-046
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132F-108-140	AMD	03-16-015	132F-121-070	NEW-P	03-06-067	132H-116-360	AMD	04-01-046
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132H-116-430	AMD	04-01-046	132Q- 01-050	AMD-X	03-21-084	132Q- 02-310	NEW-P	03-13-081
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132H-116-470	AMD	04-01-046	132Q- 02-020	NEW-P	03-13-081	132Q- 02-330	NEW-P	03-13-081
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132H-116-590	AMD	04-01-046	132Q- 02-030	NEW-P	03-13-081	132Q- 02-340	NEW-P	03-13-081
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132H-116-615	AMD	04-01-046	132Q- 02-040	NEW-P	03-13-081	132Q- 02-350	NEW-P	03-13-081
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132H-116-630	AMD-P	03-19-089	132Q- 02-050	NEW	03-18-021	132Q- 02-360	NEW	03-18-021
132H-116-630	AMD	04-01-046	132Q- 02-060	NEW-P	03-13-081	132Q- 02-370	NEW-P	03-13-081
132H-116-655	AMD-P	03-19-089	132Q- 02-060	NEW	03-18-021	132Q- 02-370	NEW	03-18-021
132H-116-655	AMD	04-01-046	132Q- 02-070	NEW-P	03-13-081	132Q- 02-380	NEW-P	03-13-081
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132H-116-750	AMD	04-01-046	132Q- 02-080	NEW-P	03-13-081	132Q- 02-390	NEW-P	03-13-081
132H-116-790	AMD-P	03-19-089	132Q- 02-080	NEW	03-18-021	132Q- 02-390	NEW	03-18-021
132H-116-790	AMD	04-01-046	132Q- 02-090	NEW-P	03-13-081	132Q- 02-400	NEW-P	03-13-081
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132H-120-030	AMD-P	03-08-021	132Q- 02-110	NEW-P	03-13-081	132Q- 02-420	NEW-P	03-13-081
132H-120-030	AMD	03-14-015	132Q- 02-110	NEW	03-18-021	132Q- 02-420	NEW	03-18-021
132H-120-040	AMD-P	03-08-021	132Q- 02-120	NEW-P	03-13-081	132Q- 02-430	NEW-P	03-13-081
132H-120-040	AMD	03-14-015	132Q- 02-120	NEW	03-18-021	132Q- 02-430	NEW	03-18-021
132H-120-050	AMD-P	03-08-021	132Q- 02-130	NEW-P	03-13-081	132Q- 02-440	NEW-P	03-13-081
132H-120-050	AMD	03-14-015	132Q- 02-130	NEW	03-18-021	132Q- 02-440	NEW	03-18-021
132H-120-200	AMD-P	03-08-021	132Q- 02-140	NEW-P	03-13-081	132Q- 02-450	NEW-P	03-13-081
132H-120-200	AMD	03-14-015	132Q- 02-140	NEW	03-18-021	132Q- 02-450	NEW	03-18-021
132H-120-220	AMD-P	03-08-021	132Q- 02-150	NEW-P	03-13-081	132Q- 03	PREP	03-09-094
132H-120-220	AMD	03-14-015	132Q- 02-150	NEW	03-18-021	132Q- 03-005	REP-P	03-13-082
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132H-120-300	AMD	03-14-015	132Q- 02-160	NEW	03-18-021	132Q- 03-010	REP-P	03-13-082
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132H-120-310	AMD	03-14-015	132Q- 02-170	NEW	03-18-021	132Q- 03-020	REP-P	03-13-082
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132H-152-135	REP	03-14-013	132Q- 02-210	NEW-P	03-13-081	132Q- 04-020	REP-P	03-13-082
132H-155-010	NEW-P	03-08-020	132Q- 02-210	NEW	03-18-021	132Q- 04-020	REP	03-18-021
132H-155-010	NEW	03-14-013	132Q- 02-220	NEW-P	03-13-081	132Q- 04-030	REP-P	03-13-082
132H-155-020	NEW-P	03-08-020	132Q- 02-220	NEW	03-18-021	132Q- 04-030	REP	03-18-021
132H-155-020	NEW	03-14-013	132Q- 02-230	NEW-P	03-13-081	132Q- 04-031	REP-P	03-13-082
132H-155-030	NEW-P	03-08-020	132Q- 02-230	NEW	03-18-021	132Q- 04-031	REP	03-18-021
132H-155-030	NEW	03-14-013	132Q- 02-240	NEW-P	03-13-081	132Q- 04-076	REP-P	03-13-082
132H-155-040	NEW-P	03-08-020	132Q- 02-240	NEW	03-18-021	132Q- 04-076	REP	03-18-021
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132H-155-050	NEW-P	03-08-020	132Q- 02-250	NEW	03-18-021	132Q- 04-078	REP-P	03-13-082
132H-155-050	NEW	03-14-013	132Q- 02-260	NEW-P	03-13-081	132Q- 04-078	REP	03-18-021
132H-155-060	NEW-P	03-08-020	132Q- 02-260	NEW	03-18-021	132Q- 04-078	REP	03-18-021
132H-155-060	NEW	03-14-013	132Q- 02-270	NEW-P	03-13-081	132Q- 04-097	REP-P	03-13-082
132H-155-070	NEW-P	03-08-020	132Q- 02-270	NEW	03-18-021	132Q- 04-097	REP	03-18-021
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132Q- 04-120	REP-P	03-13-082	132Q- 05-120	REP	03-18-021	132Q- 20-180	AMD-P	03-13-082
132Q- 04-120	REP	03-18-021	132Q- 06	PREP	03-09-094	132Q- 20-180	AMD	03-18-021
132Q- 04-130	REP-P	03-13-082	132Q- 06-010	REP-P	03-13-082	132Q- 20-190	AMD-P	03-13-082
132Q- 04-130	REP	03-18-021	132Q- 06-010	REP	03-18-021	132Q- 20-190	AMD	03-18-021
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132Q- 04-150	REP	03-18-021	132Q- 06-016	REP	03-18-021	132Q- 20-210	AMD	03-18-021
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132Q- 04-160	REP	03-18-021	132Q- 06-020	REP	03-18-021	132Q- 20-220	AMD	03-18-021
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132Q- 04-170	REP	03-18-021	132Q- 06-025	REP	03-18-021	132Q- 20-230	AMD	03-18-021
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132Q- 04-180	REP	03-18-021	132Q- 06-030	REP	03-18-021	132Q- 20-240	AMD	03-18-021
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132Q- 04-190	REP	03-18-021	132Q- 06-035	REP	03-18-021	132Q- 20-250	AMD	03-18-021
132Q- 04-200	REP-P	03-13-082	132Q- 06-040	REP-P	03-13-082	132Q- 20-260	AMD-P	03-13-082
132Q- 04-200	REP	03-18-021	132Q- 06-040	REP	03-18-021	132Q- 20-260	AMD	03-18-021
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132Q- 04-220	REP	03-18-021	132Q- 07-020	NEW-P	03-13-082	132Q- 20-270	AMD	03-18-021
132Q- 04-230	REP-P	03-13-082	132Q- 07-020	NEW	03-18-021	132Q- 94	PREP	03-09-094
132Q- 04-230	REP	03-18-021	132Q- 07-030	NEW-P	03-13-082	132Q- 94-010	AMD-P	03-13-082
132Q- 04-240	REP-P	03-13-082	132Q- 07-030	NEW	03-18-021	132Q- 94-010	AMD	03-18-021
132Q- 04-240	REP	03-18-021	132Q- 07-040	NEW-P	03-13-082	132Q- 94-020	AMD-P	03-13-082
132Q- 04-250	REP-P	03-13-082	132Q- 07-040	NEW	03-18-021	132Q- 94-020	AMD	03-18-021
132Q- 04-250	REP	03-18-021	132Q- 07-050	NEW-P	03-13-082	132Q- 94-030	AMD-P	03-13-082
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132Q- 04-260	REP	03-18-021	132Q- 07-060	NEW-P	03-13-082	132Q- 94-130	AMD-P	03-13-082
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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
208-690-020	NEW-E	03-24-035	218- 10-010	NEW-P	03-19-099	220- 32-05100C	NEW-E	03-12-002
208-690-030	NEW-E	03-16-074	218- 10-010	NEW	03-22-012	220- 32-05100C	REP-E	03-12-023
208-690-030	NEW-E	03-24-035	218- 10-015	NEW-P	03-19-099	220- 32-05100D	NEW-E	03-12-023
208-690-031	NEW-E	03-24-035	218- 10-015	NEW	03-22-012	220- 32-05100D	REP-E	03-15-004
208-690-035	NEW-E	03-24-035	218- 10-020	NEW-P	03-19-099	220- 32-05100E	NEW-E	03-15-004
208-690-040	NEW-E	03-16-074	218- 10-020	NEW	03-22-012	220- 32-05100E	REP-E	03-15-004
208-690-040	NEW-E	03-24-035	218- 10-025	NEW-P	03-19-099	220- 32-05100E	REP-E	03-15-042
208-690-050	NEW-E	03-16-074	218- 10-025	NEW	03-22-012	220- 32-05100F	NEW-E	03-15-042
208-690-050	NEW-E	03-24-035	218- 10-030	NEW-P	03-19-099	220- 32-05100F	REP-E	03-15-042
208-690-060	NEW-E	03-16-074	218- 10-030	NEW	03-22-012	220- 32-05100G	NEW-E	03-15-093
208-690-060	NEW-E	03-24-035	220- 12-020	AMD	03-05-057	220- 32-05100G	REP-E	03-15-093
208-690-070	NEW-E	03-16-074	220- 12-020	AMD-P	03-21-174	220- 32-05100H	NEW-E	03-17-020
208-690-070	NEW-E	03-24-035	220- 12-020	AMD-S	04-01-035	220- 32-05100H	REP-E	03-18-018
208-690-080	NEW-E	03-16-074	220- 12-090	AMD-P	03-21-173	220- 32-05100I	NEW-E	03-18-018
208-690-080	NEW-E	03-24-035	220- 12-090	AMD	04-01-096	220- 32-05100I	REP-E	03-18-018
208-690-090	NEW-E	03-16-074	220- 16-270	AMD-P	03-13-147	220- 32-05100J	NEW-E	03-19-084
208-690-090	NEW-E	03-24-035	220- 16-270	AMD	03-16-097	220- 32-05100J	REP-E	03-20-019
208-690-100	NEW-E	03-16-074	220- 16-270	AMD-P	03-21-174	220- 32-05100K	NEW-E	03-20-019
208-690-100	NEW-E	03-24-035	220- 16-270	AMD-S	04-01-035	220- 32-05100K	REP-E	03-20-098
208-690-110	NEW-E	03-16-074	220- 16-27000A	NEW-E	03-09-081	220- 32-05100L	NEW-E	03-20-098
208-690-110	NEW-E	03-24-035	220- 16-290	NEW	03-05-061	220- 32-05100L	REP-E	03-21-012
208-690-120	NEW-E	03-16-074	220- 16-550	AMD-P	03-21-174	220- 32-05100M	NEW-E	03-21-012
208-690-120	NEW-E	03-24-035	220- 16-550	AMD-S	04-01-035	220- 32-05100M	REP-E	03-21-050
208-690-130	NEW-E	03-16-074	220- 16-800	NEW-P	03-21-174	220- 32-05100N	NEW-E	03-21-050
208-690-130	NEW-E	03-24-035	220- 16-800	NEW-S	04-01-035	220- 32-05100N	REP-E	03-21-050
208-690-140	NEW-E	03-16-074	220- 16-800	NEW-P	04-01-195	220- 32-05100Z	REP-E	03-07-044
208-690-140	NEW-E	03-24-035	220- 16-810	NEW-P	03-21-174	220- 32-05500F	NEW-E	03-08-047
208-690-150	NEW-E	03-16-074	220- 16-810	NEW-S	04-01-035	220- 32-05700S	NEW-E	03-13-017
208-690-150	NEW-E	03-24-035	220- 16-810	NEW-P	04-01-195	220- 32-05700S	REP-E	03-13-017
208-690-160	NEW-E	03-16-074	220- 16-820	NEW-P	04-01-195	220- 32-05700S	REP-E	03-15-043
208-690-160	NEW-E	03-24-035	220- 16-830	NEW-P	04-01-195	220- 32-05700T	NEW-E	03-15-043
208-690-170	NEW-E	03-16-074	220- 16-840	NEW-P	04-01-195	220- 32-05700T	REP-E	03-15-043
208-690-170	NEW-E	03-24-035	220- 16-850	NEW-P	04-01-195	220- 32-05700T	REP-E	03-15-094
208-700-010	NEW-P	03-21-175	220- 20-01000C	NEW-E	03-19-049	220- 32-05700U	NEW-E	03-15-094
208-700-020	NEW-P	03-21-175	220- 20-016	AMD	03-10-010	220- 32-05700U	REP-E	03-15-094
208-700-030	NEW-P	03-21-175	220- 20-056	REP-X	03-23-004	220- 32-05700V	NEW-E	03-21-058
208-700-040	NEW-P	03-21-175	220- 20-080	NEW	03-05-059	220- 32-05700V	REP-E	03-24-020
212- 12-200	NEW	03-06-063	220- 20-080	AMD-X	03-19-109	220- 32-05700W	NEW-E	03-24-020
212- 12-210	NEW	03-06-063	220- 20-08000C	NEW-E	03-16-031	220- 32-06000A	NEW-E	03-10-003
212- 12-220	NEW	03-06-063	220- 20-08000C	REP-E	03-17-090	220- 32-06000A	REP-E	03-10-003
212- 12-230	NEW	03-06-063	220- 20-08000D	NEW-E	03-17-090	220- 33-01000A	NEW-E	03-05-036
212- 12-240	NEW	03-06-063	220- 20-100	AMD-P	04-01-195	220- 33-01000A	REP-E	03-05-036
212- 12-250	NEW	03-06-063	220- 20-110	NEW-P	03-12-076	220- 33-01000A	REP-E	03-06-007
212- 12-260	NEW	03-06-063	220- 20-110	NEW-P	03-21-103	220- 33-01000B	NEW-E	03-06-007
212- 12-270	NEW	03-06-063	220- 20-110	NEW-P	03-21-164	220- 33-01000B	REP-E	03-06-007
212- 12-280	NEW	03-06-063	220- 20-110	NEW-W	03-21-165	220- 33-01000C	NEW-E	03-08-004
212- 12-290	NEW	03-06-063	220- 20-110	NEW	04-01-056	220- 33-01000C	REP-E	03-08-004
212- 12-300	NEW	03-06-063	220- 20-110	NEW-W	04-01-080	220- 33-01000D	NEW-E	03-09-080
212- 12-310	NEW	03-06-063	220- 20-115	NEW-P	03-21-137	220- 33-01000D	REP-E	03-09-080
212- 12-320	NEW	03-06-063	220- 20-115	NEW	04-01-052	220- 33-01000D	REP-E	03-10-006
212- 12-330	NEW	03-06-063	220- 22-40000E	NEW-E	03-13-067	220- 33-01000E	NEW-E	03-10-042
212- 12-340	NEW	03-06-063	220- 24-04000I	NEW-E	03-10-005	220- 33-01000E	REP-E	03-10-042
212- 12-350	NEW	03-06-063	220- 24-04000I	REP-E	03-13-014	220- 33-01000F	NEW-E	03-16-056
212- 12-360	NEW	03-06-063	220- 24-04000J	NEW-E	03-14-049	220- 33-01000F	REP-E	03-16-056
212- 12-370	NEW	03-06-063	220- 24-04000J	REP-E	03-14-049	220- 33-01000G	NEW-E	03-17-019
212- 12-380	NEW	03-06-063	220- 24-04000K	NEW-E	03-14-084	220- 33-01000G	REP-E	03-17-019
212- 12-390	NEW	03-06-063	220- 24-04000K	REP-E	03-14-084	220- 33-01000G	REP-E	03-18-019
212- 12-400	NEW	03-06-063	220- 32-05100A	NEW-E	03-07-044	220- 33-01000H	NEW-E	03-18-019
212- 12-410	NEW	03-06-063	220- 32-05100A	REP-E	03-07-044	220- 33-01000H	REP-E	03-18-019
212- 12-420	NEW-W	03-06-071	220- 32-05100B	NEW-E	03-10-003	220- 33-01000H	REP-E	03-18-045
218- 10-005	NEW-P	03-19-099	220- 32-05100B	REP-E	03-10-003	220- 33-01000I	NEW-E	03-18-045
218- 10-005	NEW	03-22-012	220- 32-05100B	REP-E	03-12-002	220- 33-01000I	REP-E	03-18-045

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220-33-01000I	REP-E	03-19-040	220-44-05000X	REP-E	03-22-028	220-47-50100C	NEW-E	03-18-043
220-33-01000J	NEW-E	03-19-040	220-44-05000Y	NEW-E	03-22-028	220-47-50100C	REP-E	03-18-095
220-33-01000J	REP-E	03-19-040	220-44-05000Y	REP-E	04-01-005	220-47-50100D	NEW-E	03-18-095
220-33-01000J	REP-E	03-19-085	220-44-05000Z	NEW-E	04-01-005	220-47-50100D	REP-E	03-19-024
220-33-01000K	NEW-E	03-19-085	220-47-301	AMD	03-05-076	220-47-50100E	NEW-E	03-19-024
220-33-01000K	REP-E	03-20-002	220-47-302	AMD-X	03-13-145	220-47-50100E	REP-E	03-19-086
220-33-01000L	NEW-E	03-20-002	220-47-302	AMD	03-18-005	220-47-50100F	NEW-E	03-19-086
220-33-01000L	REP-E	03-20-018	220-47-307	AMD-X	03-13-145	220-47-50100F	REP-E	03-20-005
220-33-01000M	NEW-E	03-20-018	220-47-307	AMD	03-18-005	220-47-50100G	NEW-E	03-20-005
220-33-01000M	REP-E	03-21-060	220-47-30700D	NEW-E	03-17-053	220-47-50100G	REP-E	03-21-013
220-33-01000N	NEW-E	03-21-060	220-47-30700D	REP-E	03-17-053	220-47-50100H	NEW-E	03-21-013
220-33-01000N	REP-E	03-22-001	220-47-311	AMD-X	03-13-145	220-47-50100H	REP-E	03-21-013
220-33-01000P	NEW-E	03-22-001	220-47-311	AMD	03-18-005	220-48-01500R	NEW-E	03-13-025
220-33-01000P	REP-E	03-22-001	220-47-31100L	NEW-E	03-21-105	220-48-01500S	NEW-E	03-19-049
220-33-01000Y	REP-E	03-04-033	220-47-31100L	REP-E	03-22-017	220-48-029	AMD	03-05-063
220-33-01000Z	NEW-E	03-04-033	220-47-31100M	NEW-E	03-22-017	220-48-02900B	NEW-E	03-13-078
220-33-01000Z	REP-E	03-04-033	220-47-31100M	REP-E	03-22-058	220-48-02900C	NEW-E	03-19-088
220-33-01000Z	REP-E	03-04-078	220-47-31100N	NEW-E	03-22-058	220-48-032	AMD	03-05-063
220-33-03000T	NEW-E	03-11-002	220-47-31100N	REP-E	03-23-008	220-48-03200A	NEW-E	03-13-078
220-33-03000T	REP-E	03-11-002	220-47-31100P	NEW-E	03-23-008	220-48-03200B	NEW-E	03-19-088
220-33-04000S	REP-E	03-07-015	220-47-31100P	REP-E	03-23-058	220-48-06200B	NEW-E	03-19-088
220-33-04000T	NEW-E	03-07-015	220-47-31100Q	NEW-E	03-23-058	220-49-02000N	NEW-E	03-19-088
220-33-04000T	REP-E	03-07-015	220-47-31100Q	REP-E	03-23-118	220-49-02000N	REP-E	04-01-101
220-33-04000U	NEW-E	04-01-189	220-47-31100R	NEW-E	03-23-118	220-49-05600B	NEW-E	03-19-088
220-33-04000U	REP-E	04-01-189	220-47-31100R	REP-E	03-24-021	220-49-05600B	REP-E	04-01-101
220-33-060	AMD	03-05-062	220-47-31100S	NEW-E	03-24-021	220-52-018	AMD-P	03-13-140
220-33-070	NEW-P	03-21-138	220-47-325	AMD-X	03-13-145	220-52-019	AMD-P	03-06-065
220-36-023	AMD-X	03-13-106	220-47-325	AMD	03-18-005	220-52-019	AMD	03-10-008
220-36-023	AMD	03-18-004	220-47-401	AMD-X	03-13-145	220-52-01900A	NEW-E	03-09-072
220-36-02300F	NEW-E	03-19-038	220-47-401	AMD	03-18-005	220-52-020	AMD-P	03-13-032
220-36-02300F	REP-E	03-21-037	220-47-411	AMD-P	03-13-146	220-52-020	AMD-P	03-13-140
220-36-02300G	NEW-E	03-21-037	220-47-411	AMD	03-16-101	220-52-020	AMD	03-16-099
220-36-03001	AMD	03-05-062	220-47-41100K	NEW-E	03-21-025	220-52-02000A	NEW-E	03-10-002
220-36-03001A	NEW-E	03-05-002	220-47-41100K	REP-E	03-21-062	220-52-03000S	NEW-E	03-17-001
220-36-03001A	REP-E	03-05-002	220-47-41100K	REP-E	03-21-105	220-52-03000S	REP-E	03-17-001
220-40-02100X	NEW-E	03-14-086	220-47-41100L	NEW-E	03-21-062	220-52-03000S	REP-E	03-17-018
220-40-02100X	REP-E	03-14-086	220-47-41100L	REP-E	03-21-144	220-52-03000T	NEW-E	03-18-035
220-40-02100X	REP-E	03-16-064	220-47-41100M	NEW-E	03-21-105	220-52-03000T	REP-E	03-18-035
220-40-02100Y	NEW-E	03-16-064	220-47-41100M	REP-E	03-22-017	220-52-035	AMD-P	03-13-147
220-40-02100Y	REP-E	03-16-064	220-47-41100N	NEW-E	03-22-017	220-52-035	AMD	03-16-097
220-40-027	AMD-X	03-13-106	220-47-41100N	REP-E	03-22-058	220-52-03500A	NEW-E	03-09-081
220-40-027	AMD	03-18-004	220-47-41100P	NEW-E	03-22-058	220-52-04000M	REP-E	03-06-030
220-40-02700B	NEW-E	03-19-037	220-47-41100P	REP-E	03-23-008	220-52-04000N	NEW-E	03-13-067
220-40-02700B	REP-E	03-21-106	220-47-41100Q	NEW-E	03-23-008	220-52-04000N	REP-E	03-13-067
220-40-02700C	NEW-E	03-21-106	220-47-41100Q	REP-E	03-23-058	220-52-04000P	NEW-E	03-14-085
220-40-02700C	REP-E	03-22-018	220-47-41100R	NEW-E	03-23-058	220-52-04000P	REP-E	03-14-085
220-40-02700D	NEW-E	03-22-018	220-47-41100R	REP-E	03-23-118	220-52-04000Q	NEW-E	03-17-052
220-40-030	AMD	03-05-062	220-47-41100S	NEW-E	03-23-118	220-52-04000Q	REP-E	03-17-052
220-44-050	AMD-P	03-02-105	220-47-41100S	REP-E	03-24-021	220-52-04000R	NEW-E	03-19-048
220-44-050	AMD	03-05-078	220-47-41100T	NEW-E	03-24-021	220-52-04000R	REP-E	03-21-108
220-44-05000R	REP-E	03-04-058	220-47-41100T	REP-E	03-24-037	220-52-04000S	NEW-E	03-20-044
220-44-05000S	NEW-E	03-04-058	220-47-41100U	NEW-E	03-24-037	220-52-04000S	REP-E	03-22-050
220-44-05000S	REP-E	03-05-027	220-47-427	AMD-X	03-13-145	220-52-04000T	NEW-E	03-22-050
220-44-05000T	NEW-E	03-05-027	220-47-427	AMD	03-18-005	220-52-04000T	REP-E	03-23-057
220-44-05000T	REP-E	03-07-024	220-47-428	AMD-X	03-13-145	220-52-04000U	NEW-E	03-23-057
220-44-05000U	NEW-E	03-07-024	220-47-428	AMD	03-18-005	220-52-04600A	NEW-E	03-19-048
220-44-05000U	REP-E	03-13-008	220-47-430	AMD-X	03-13-145	220-52-04600A	REP-E	03-21-108
220-44-05000V	NEW-E	03-13-008	220-47-430	AMD	03-18-005	220-52-04600B	NEW-E	03-21-108
220-44-05000V	REP-E	03-15-064	220-47-50100A	NEW-E	03-17-025	220-52-04600B	REP-E	04-01-059
220-44-05000W	NEW-E	03-15-064	220-47-50100A	REP-E	03-18-034	220-52-04600C	NEW-E	03-24-019
220-44-05000W	REP-E	03-16-016	220-47-50100B	NEW-E	03-18-034	220-52-04600C	REP-E	04-01-004
220-44-05000X	NEW-E	03-16-016	220-47-50100B	REP-E	03-18-043	220-52-04600D	NEW-E	04-01-004

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220-52-04600E	NEW-E	04-01-059	220-52-05100S	NEW-E	03-12-016	220-56-118	NEW-P	03-21-174
220-52-04600N	REP-E	03-04-046	220-52-05100S	REP-E	03-13-084	220-56-118	NEW-S	04-01-035
220-52-04600P	NEW-E	03-04-007	220-52-05100T	NEW-E	03-13-084	220-56-126	AMD-X	03-14-069
220-52-04600P	REP-E	03-04-007	220-52-05100T	REP-E	03-14-048	220-56-126	AMD	03-21-001
220-52-04600P	REP-E	03-07-014	220-52-05100U	NEW-E	03-14-048	220-56-12800F	NEW-E	03-10-039
220-52-04600Q	NEW-E	03-04-046	220-52-05100U	REP-E	03-14-149	220-56-12800F	REP-E	03-10-039
220-52-04600Q	REP-E	03-07-002	220-52-05100V	NEW-E	03-14-149	220-56-12800F	REP-E	03-16-043
220-52-04600R	NEW-E	03-05-006	220-52-05100V	REP-E	03-15-053	220-56-12800G	NEW-E	03-16-043
220-52-04600R	REP-E	03-06-020	220-52-05100W	NEW-E	03-15-053	220-56-12800G	REP-E	03-16-043
220-52-04600S	NEW-E	03-05-047	220-52-05100W	REP-E	03-15-083	220-56-129	NEW	03-05-057
220-52-04600S	REP-E	03-10-022	220-52-05100X	NEW-E	03-15-083	220-56-150	AMD-P	03-21-174
220-52-04600T	NEW-E	03-06-020	220-52-05100X	REP-E	03-15-136	220-56-150	AMD-S	04-01-035
220-52-04600T	REP-E	03-10-022	220-52-05100Y	NEW-E	03-15-136	220-56-175	AMD	03-05-057
220-52-04600U	NEW-E	03-07-002	220-52-05100Y	REP-E	03-16-011	220-56-175	AMD-X	03-21-139
220-52-04600U	REP-E	03-08-048	220-52-05100Z	NEW-E	03-16-011	220-56-18000B	NEW-E	03-10-039
220-52-04600V	NEW-E	03-07-014	220-52-05100Z	REP-E	03-16-023	220-56-18000B	REP-E	03-10-039
220-52-04600V	REP-E	03-07-014	220-52-066	AMD-P	03-06-064	220-56-19500K	NEW-E	03-10-039
220-52-04600V	REP-E	03-10-021	220-52-066	AMD-W	03-19-103	220-56-19500K	REP-E	03-10-039
220-52-04600W	NEW-E	03-08-048	220-52-071	AMD-P	03-13-085	220-56-19500K	REP-E	03-16-043
220-52-04600X	NEW-E	03-10-021	220-52-071	AMD	03-16-098	220-56-19500L	NEW-E	03-16-043
220-52-04600X	REP-E	03-10-021	220-52-07100A	NEW-E	03-14-031	220-56-19500L	REP-E	03-16-043
220-52-04600Y	NEW-E	03-13-067	220-52-07100A	REP-E	03-15-052	220-56-21000A	NEW-E	03-16-055
220-52-04600Y	REP-E	03-13-067	220-52-07100B	NEW-E	03-15-052	220-56-21000A	REP-E	03-16-055
220-52-04600Z	NEW-E	03-14-085	220-52-07100B	REP-E	03-17-003	220-56-215	AMD-P	03-21-174
220-52-04600Z	REP-E	03-14-085	220-52-07100C	NEW-E	03-17-003	220-56-215	AMD-S	04-01-035
220-52-050	AMD	03-05-060	220-52-07100C	REP-E	03-18-048	220-56-230	AMD	03-05-057
220-52-051	AMD	03-05-064	220-52-07300A	REP-E	03-03-002	220-56-23000A	NEW-E	03-07-032
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222- 21-050	AMD	03-06-039	230- 40-825	AMD-P	03-05-087	232- 19-015	REP-P	03-06-080
222- 24-010	AMD-E	03-22-042	230- 40-825	AMD	03-09-076	232- 19-015	REP	03-10-038
222- 24-050	AMD-P	03-17-078	230- 40-825	AMD-P	03-13-137	232- 19-020	REP-P	03-06-080
222- 24-050	AMD-E	03-22-042	230- 40-825	AMD	03-17-044	232- 19-020	REP	03-10-038

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
232- 19-030	REP-P	03-06-080	232- 28-282	AMD	03-03-016	232- 28-61900B	REP-E	03-04-047
232- 19-030	REP	03-10-038	232- 28-282	AMD-P	03-13-141	232- 28-61900B	NEW-E	03-11-001
232- 19-040	REP-P	03-06-080	232- 28-282	AMD	03-16-087	232- 28-61900B	REP-E	03-11-001
232- 19-040	REP	03-10-038	232- 28-291	AMD-P	03-06-105	232- 28-61900B	REP-E	03-13-001
232- 19-050	REP-P	03-06-080	232- 28-291	AMD-P	03-12-077	232- 28-61900B	NEW-E	03-21-002
232- 19-050	REP	03-10-038	232- 28-291	AMD	03-13-047	232- 28-61900B	REP-E	03-21-002
232- 19-055	REP-P	03-06-080	232- 28-291	AMD	03-16-087	232- 28-61900B	REP-E	03-21-026
232- 19-055	REP	03-10-038	232- 28-331	NEW-P	03-02-103	232- 28-61900C	NEW-E	03-03-004
232- 19-060	REP-P	03-06-080	232- 28-331	NEW	03-06-110	232- 28-61900C	REP-E	03-03-004
232- 19-060	REP	03-10-038	232- 28-331	AMD-P	03-13-117	232- 28-61900C	NEW-E	03-11-037
232- 19-070	REP-P	03-06-080	232- 28-331	AMD	03-16-087	232- 28-61900C	REP-E	03-11-082
232- 19-070	REP	03-10-038	232- 28-332	NEW-P	03-02-103	232- 28-61900C	NEW-E	03-21-026
232- 19-080	REP-P	03-06-080	232- 28-332	NEW	03-06-110	232- 28-61900C	REP-E	03-24-002
232- 19-080	REP	03-10-038	232- 28-332	AMD-P	03-13-118	232- 28-61900D	NEW-E	03-03-098
232- 19-090	REP-P	03-06-080	232- 28-332	AMD	03-16-087	232- 28-61900D	REP-E	03-03-098
232- 19-090	REP	03-10-038	232- 28-333	NEW-P	03-02-103	232- 28-61900D	NEW-E	03-11-051
232- 19-100	REP-P	03-06-080	232- 28-333	NEW	03-06-110	232- 28-61900D	REP-E	03-11-051
232- 19-100	REP	03-10-038	232- 28-333	AMD-P	03-13-121	232- 28-61900D	NEW-E	03-23-047
232- 19-110	REP-P	03-06-080	232- 28-333	AMD	03-16-087	232- 28-61900D	REP-E	03-23-047
232- 19-110	REP	03-10-038	232- 28-334	NEW-P	03-02-103	232- 28-61900E	NEW-E	03-04-047
232- 19-120	REP-P	03-06-080	232- 28-334	NEW	03-06-110	232- 28-61900E	REP-E	03-04-047
232- 19-120	REP	03-10-038	232- 28-334	AMD-P	03-13-119	232- 28-61900E	NEW-E	03-11-082
232- 19-130	REP-P	03-06-080	232- 28-334	AMD	03-16-087	232- 28-61900E	REP-E	03-12-022
232- 19-130	REP	03-10-038	232- 28-335	NEW-P	03-02-103	232- 28-61900E	NEW-E	03-24-002
232- 19-140	REP-P	03-06-080	232- 28-335	NEW	03-06-110	232- 28-61900E	REP-E	04-01-139
232- 19-140	REP	03-10-038	232- 28-335	AMD-P	03-13-120	232- 28-61900F	NEW-E	03-05-003
232- 19-180	REP-P	03-06-080	232- 28-335	AMD	03-16-087	232- 28-61900F	REP-E	03-05-003
232- 19-180	REP	03-10-038	232- 28-336	NEW-P	03-02-103	232- 28-61900F	NEW-E	03-12-022
232- 28-02201	REP-P	03-02-103	232- 28-336	NEW	03-06-110	232- 28-61900F	REP-E	03-13-068
232- 28-02201	REP	03-06-110	232- 28-337	NEW-P	03-06-112	232- 28-61900F	NEW-E	04-01-139
232- 28-02202	REP-P	03-02-103	232- 28-337	NEW	03-13-047	232- 28-61900G	NEW-E	03-05-038
232- 28-02202	REP	03-06-110	232- 28-33700A	NEW-E	03-23-009	232- 28-61900G	REP-E	03-05-038
232- 28-02203	REP-P	03-02-103	232- 28-341	NEW-P	03-06-106	232- 28-61900G	NEW-E	03-12-041
232- 28-02203	REP	03-06-110	232- 28-341	NEW	03-13-047	232- 28-61900G	REP-E	03-12-041
232- 28-02204	REP-P	03-02-103	232- 28-341	AMD-P	03-13-116	232- 28-61900H	NEW-E	03-05-037
232- 28-02204	REP	03-06-110	232- 28-341	AMD	03-16-087	232- 28-61900H	REP-E	03-05-037
232- 28-02205	REP-P	03-02-103	232- 28-351	NEW-P	03-06-113	232- 28-61900H	REP-E	03-09-001
232- 28-02205	REP	03-06-110	232- 28-351	NEW	03-13-047	232- 28-61900H	NEW-E	03-13-003
232- 28-02206	REP-P	03-02-103	232- 28-35100A	NEW-E	03-17-038	232- 28-61900H	REP-E	03-13-003
232- 28-02206	REP	03-06-110	232- 28-35100A	REP-E	03-17-038	232- 28-61900I	NEW-E	03-06-009
232- 28-02220	REP-P	03-06-112	232- 28-352	NEW-P	03-06-114	232- 28-61900I	REP-E	03-06-009
232- 28-02220	REP	03-13-047	232- 28-352	NEW	03-13-047	232- 28-61900I	NEW-E	03-13-013
232- 28-02240	REP-P	03-06-112	232- 28-35200A	NEW-E	03-17-039	232- 28-61900I	REP-E	03-13-013
232- 28-02240	REP	03-13-047	232- 28-35200A	REP-E	03-18-016	232- 28-61900J	NEW-E	03-06-008
232- 28-02280	REP-P	03-02-103	232- 28-35200B	NEW-E	03-18-016	232- 28-61900J	REP-E	03-06-008
232- 28-02280	REP	03-06-110	232- 28-426	REP-P	03-13-115	232- 28-61900J	NEW-E	03-13-001
232- 28-248	AMD-P	03-06-108	232- 28-426	REP	03-16-087	232- 28-61900J	REP-E	03-13-001
232- 28-248	AMD	03-13-047	232- 28-42600C	NEW-E	03-03-102	232- 28-61900K	NEW-E	03-06-028
232- 28-266	AMD-P	03-06-066	232- 28-42600C	REP-E	03-03-102	232- 28-61900K	REP-E	03-06-028
232- 28-266	AMD	03-10-009	232- 28-427	NEW-P	03-13-115	232- 28-61900K	NEW-E	03-13-069
232- 28-271	AMD	03-03-016	232- 28-427	NEW	03-16-087	232- 28-61900K	REP-E	03-14-028
232- 28-271	AMD-P	03-21-134	232- 28-515	AMD-P	03-06-107	232- 28-61900L	NEW-E	03-07-001
232- 28-272	AMD-P	03-06-108	232- 28-515	AMD	03-13-047	232- 28-61900L	REP-E	03-07-001
232- 28-272	AMD	03-13-047	232- 28-619	AMD	03-05-057	232- 28-61900L	REP-E	03-11-037
232- 28-273	AMD-P	03-06-105	232- 28-619	AMD-X	03-12-094	232- 28-61900L	NEW-E	03-13-068
232- 28-273	AMD	03-13-047	232- 28-619	AMD	03-16-110	232- 28-61900L	REP-E	03-14-073
232- 28-276	REP-P	03-06-106	232- 28-619	AMD-P	03-21-174	232- 28-61900M	NEW-E	03-07-016
232- 28-276	REP	03-13-047	232- 28-619	AMD-S	04-01-035	232- 28-61900M	REP-E	03-07-016
232- 28-278	REP-P	03-06-113	232- 28-61900A	NEW-E	03-10-053	232- 28-61900M	REP-E	03-11-037
232- 28-278	REP	03-13-047	232- 28-61900A	REP-E	03-10-053	232- 28-61900M	NEW-E	03-13-094
232- 28-279	REP-P	03-06-114	232- 28-61900A	NEW-E	03-20-099	232- 28-61900M	REP-E	03-13-094
232- 28-279	REP	03-13-047	232- 28-61900A	REP-E	03-20-099	232- 28-61900N	NEW-E	03-07-023

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
232- 28-61900N	REP-E	03-07-023	232- 28-62000M	REP-E	03-18-033	242- 02-070	AMD-X	03-10-069
232- 28-61900N	NEW-E	03-14-028	232- 28-62000N	NEW-E	03-18-033	242- 02-070	AMD	03-15-047
232- 28-61900N	REP-E	03-14-093	232- 28-621	AMD	03-05-057	242- 02-072	AMD-X	03-10-069
232- 28-61900P	NEW-E	03-07-075	232- 28-621	AMD-X	03-12-095	242- 02-072	AMD	03-15-047
232- 28-61900P	REP-E	03-07-075	232- 28-621	AMD	03-16-109	242- 02-076	NEW-X	03-10-069
232- 28-61900P	REP-E	03-13-069	232- 28-62100K	NEW-E	03-10-039	242- 02-076	NEW	03-15-047
232- 28-61900P	NEW-E	03-14-073	232- 28-62100K	REP-E	03-10-039	242- 02-834	AMD-X	03-10-069
232- 28-61900P	REP-E	03-20-004	232- 28-62100K	REP-E	03-16-043	242- 02-834	AMD	03-15-047
232- 28-61900Q	REP-E	03-05-003	232- 28-62100L	NEW-E	03-16-043	242- 04-050	AMD-X	03-10-069
232- 28-61900Q	NEW-E	03-07-064	232- 28-62100L	REP-E	03-18-082	242- 04-050	AMD	03-15-047
232- 28-61900Q	REP-E	03-07-064	232- 28-62100M	NEW-E	03-18-082	246- 01-001	AMD-X	03-04-105
232- 28-61900Q	NEW-E	03-14-093	232- 28-62100M	REP-E	03-18-082	246- 01-001	AMD	03-11-032
232- 28-61900Q	REP-E	03-15-092	236- 12-435	NEW-P	03-20-112	246- 01-040	REP-X	03-04-105
232- 28-61900R	NEW-E	03-07-068	236- 12-435	NEW	03-24-089	246- 01-040	REP	03-11-032
232- 28-61900R	REP-E	03-07-068	236- 12-480	NEW-E	03-08-006	246- 01-070	REP-X	03-04-105
232- 28-61900R	NEW-E	03-15-092	236- 12-480	REP-E	03-09-030	246- 01-070	REP	03-11-032
232- 28-61900R	REP-E	03-20-099	236- 51-001	NEW-P	03-24-090	246- 01-080	AMD-X	03-04-105
232- 28-61900S	NEW-E	03-08-054	236- 51-005	NEW-P	03-24-090	246- 01-080	AMD	03-11-032
232- 28-61900S	REP-E	03-08-054	236- 51-006	NEW-P	03-24-090	246- 01-090	AMD-X	03-04-105
232- 28-61900S	NEW-E	03-16-012	236- 51-010	NEW-P	03-24-090	246- 01-090	AMD	03-11-032
232- 28-61900S	REP-E	03-21-082	236- 51-100	NEW-P	03-24-090	246- 01-100	REP-X	03-04-105
232- 28-61900T	NEW-E	03-09-001	236- 51-110	NEW-P	03-24-090	246- 01-100	REP	03-11-032
232- 28-61900T	REP-E	03-09-001	236- 51-115	NEW-P	03-24-090	246- 08-400	AMD-P	03-10-098
232- 28-61900T	REP-E	03-10-033	236- 51-120	NEW-P	03-24-090	246- 08-400	AMD	03-14-036
232- 28-61900T	NEW-E	03-16-057	236- 51-200	NEW-P	03-24-090	246- 12-040	AMD-P	03-15-105
232- 28-61900T	REP-E	03-16-057	236- 51-205	NEW-P	03-24-090	246- 12-040	AMD	03-19-136
232- 28-61900U	NEW-E	03-09-016	236- 51-210	NEW-P	03-24-090	246- 50-001	AMD-X	03-23-135
232- 28-61900U	REP-E	03-09-016	236- 51-215	NEW-P	03-24-090	246- 50-005	NEW-X	03-23-135
232- 28-61900U	NEW-E	03-18-041	236- 51-220	NEW-P	03-24-090	246- 50-010	AMD-X	03-23-135
232- 28-61900V	NEW-E	03-10-001	236- 51-225	NEW-P	03-24-090	246- 50-020	AMD-X	03-23-135
232- 28-61900V	REP-E	03-10-001	236- 51-300	NEW-P	03-24-090	246- 50-030	AMD-X	03-23-135
232- 28-61900V	REP-E	03-12-041	236- 51-302	NEW-P	03-24-090	246- 50-035	NEW-X	03-23-135
232- 28-61900V	NEW-E	03-18-081	236- 51-305	NEW-P	03-24-090	246- 50-040	REP-X	03-23-135
232- 28-61900V	REP-E	03-18-081	236- 51-306	NEW-P	03-24-090	246- 50-990	AMD-X	03-23-135
232- 28-61900W	NEW-E	03-10-015	236- 51-310	NEW-P	03-24-090	246- 100	AMD-W	03-06-051
232- 28-61900W	REP-E	03-11-037	236- 51-320	NEW-P	03-24-090	246- 100	PREP	03-20-043
232- 28-61900W	NEW-E	03-19-023	236- 51-400	NEW-P	03-24-090	246-100-011	AMD	03-06-003
232- 28-61900W	REP-E	03-19-023	236- 51-405	NEW-P	03-24-090	246-100-036	AMD	03-05-048
232- 28-61900W	REP-E	03-19-039	236- 51-410	NEW-P	03-24-090	246-100-036	AMD-X	03-09-066
232- 28-61900X	NEW-E	03-10-032	236- 51-500	NEW-P	03-24-090	246-100-036	AMD	03-17-022
232- 28-61900X	REP-E	03-10-032	236- 51-502	NEW-P	03-24-090	246-100-040	NEW	03-05-048
232- 28-61900X	REP-E	03-11-037	236- 51-505	NEW-P	03-24-090	246-100-045	NEW	03-05-048
232- 28-61900X	NEW-E	03-19-036	236- 51-510	NEW-P	03-24-090	246-100-050	NEW	03-05-048
232- 28-61900X	REP-E	03-19-036	236- 51-515	NEW-P	03-24-090	246-100-055	NEW	03-05-048
232- 28-61900Y	NEW-E	03-10-039	236- 51-600	NEW-P	03-24-090	246-100-060	NEW	03-05-048
232- 28-61900Y	REP-E	03-10-039	236- 51-605	NEW-P	03-24-090	246-100-065	NEW	03-05-048
232- 28-61900Y	REP-E	03-10-053	236- 51-610	NEW-P	03-24-090	246-100-070	NEW	03-05-048
232- 28-61900Y	NEW-E	03-19-039	236- 51-615	NEW-P	03-24-090	246-100-166	PREP	03-09-126
232- 28-61900Y	REP-E	03-19-039	236- 51-620	NEW-P	03-24-090	246-101	PREP	03-20-043
232- 28-61900Z	NEW-E	03-10-033	236- 51-700	NEW-P	03-24-090	246-101-505	AMD	03-06-003
232- 28-61900Z	REP-E	03-10-033	236- 51-710	NEW-P	03-24-090	246-205-990	AMD-P	03-08-033
232- 28-61900Z	NEW-E	03-20-004	236- 51-715	NEW-P	03-24-090	246-205-990	AMD	03-13-123
232- 28-61900Z	REP-E	03-20-004	236- 51-720	NEW-P	03-24-090	246-232-020	AMD-P	03-23-133
232- 28-61900Z	REP-E	03-21-002	236- 51-725	NEW-P	03-24-090	246-232-040	AMD-P	03-23-133
232- 28-620	AMD-X	03-12-095	236- 51-730	NEW-P	03-24-090	246-232-050	AMD-P	03-23-133
232- 28-620	AMD	03-16-109	236- 51-735	NEW-P	03-24-090	246-232-060	AMD-P	03-23-133
232- 28-62000K	NEW-E	03-10-039	236- 51-740	NEW-P	03-24-090	246-233-001	AMD-P	03-23-133
232- 28-62000K	REP-E	03-10-039	236- 51-745	NEW-P	03-24-090	246-233-005	NEW-P	03-23-133
232- 28-62000K	REP-E	03-15-095	242- 02-010	AMD-X	03-10-069	246-233-015	NEW-P	03-23-133
232- 28-62000L	NEW-E	03-15-095	242- 02-010	AMD	03-15-047	246-233-020	AMD-P	03-23-133
232- 28-62000L	REP-E	03-18-011	242- 02-052	AMD-X	03-10-069	246-233-025	NEW-P	03-23-133
232- 28-62000M	NEW-E	03-18-011	242- 02-052	AMD	03-15-047	246-233-030	NEW-P	03-23-133

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-233-035	NEW-P	03-23-133	246-272B-09501	NEW-P	03-12-089	246-290-010	AMD-P	03-03-079
246-233-040	NEW-P	03-23-133	246-272B-09501	NEW-S	03-18-091	246-290-010	AMD	03-08-037
246-235-093	AMD-P	03-23-133	246-272B-09501	NEW	03-22-098	246-290-010	AMD-P	03-24-106
246-235-095	AMD-P	03-23-133	246-272B-0990	NEW-P	03-12-089	246-290-025	AMD-P	03-03-079
246-235-097	AMD-P	03-23-133	246-272B-0990	NEW-S	03-18-091	246-290-025	AMD	03-08-037
246-239-080	AMD-P	03-23-133	246-272B-11001	NEW-P	03-12-089	246-290-025	AMD-P	03-24-106
246-243-150	AMD-P	03-07-094	246-272B-11001	NEW-S	03-18-091	246-290-060	AMD-P	03-03-078
246-243-150	AMD	03-12-062	246-272B-11001	NEW	03-22-098	246-290-060	AMD-P	03-03-079
246-244-020	AMD-P	03-07-094	246-272B-11501	NEW-P	03-12-089	246-290-060	AMD	03-08-037
246-244-020	AMD	03-12-062	246-272B-11501	NEW-S	03-18-091	246-290-100	AMD-P	03-03-079
246-244-030	AMD-P	03-07-094	246-272B-11501	NEW	03-22-098	246-290-100	AMD	03-08-037
246-244-030	AMD	03-12-062	246-272B-12501	NEW-P	03-12-089	246-290-105	AMD-P	03-03-079
246-244-080	AMD-P	03-07-094	246-272B-12501	NEW-S	03-18-091	246-290-105	AMD	03-08-037
246-244-080	AMD	03-12-062	246-272B-12501	NEW	03-22-098	246-290-105	AMD	03-08-037
246-244-080	AMD	03-12-062	246-272B-12501	NEW	03-22-098	246-290-125	AMD-P	03-03-079
246-244-110	AMD-P	03-07-094	246-272B-13501	NEW-P	03-12-089	246-290-125	AMD	03-08-037
246-244-110	AMD	03-12-062	246-272B-13501	NEW-S	03-18-091	246-290-130	AMD-P	03-24-106
246-244-115	NEW-P	03-07-094	246-272B-13501	NEW	03-22-098	246-290-220	AMD-P	03-03-079
246-244-115	NEW	03-12-062	246-272B-15501	NEW-P	03-12-089	246-290-220	AMD	03-08-037
246-244-160	AMD-P	03-07-094	246-272B-15501	NEW-S	03-18-091	246-290-300	AMD-P	03-03-079
246-244-160	AMD	03-12-062	246-272B-15501	NEW	03-22-098	246-290-300	AMD	03-08-037
246-244-240	AMD-P	03-07-094	246-272B-16501	NEW-P	03-12-089	246-290-300	AMD-P	03-24-106
246-244-240	AMD	03-12-062	246-272B-16501	NEW-S	03-18-091	246-290-310	AMD-P	03-03-079
246-247-075	AMD-P	03-15-104	246-272B-16501	NEW	03-22-098	246-290-310	AMD	03-08-037
246-247-110	PREP	03-10-016	246-272B-17501	NEW-P	03-12-089	246-290-310	AMD-P	03-24-106
246-247-110	AMD-P	03-15-104	246-272B-17501	NEW-S	03-18-091	246-290-320	AMD-P	03-03-079
246-247-120	PREP	03-10-016	246-272B-17501	NEW	03-22-098	246-290-320	AMD	03-08-037
246-247-120	AMD-P	03-15-104	246-272B-18501	NEW-P	03-12-089	246-290-320	AMD-P	03-24-106
246-247-130	PREP	03-10-016	246-272B-18501	NEW-S	03-18-091	246-290-416	AMD-P	03-03-079
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246-976-550	REP	04-01-041	250-18-020	AMD	03-13-056	251-22-270	AMD	03-20-011
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246-976-600	REP	04-01-041	250-18-030	AMD	03-13-056	260	PREP	03-21-076
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246-976-760	NEW	04-01-041	250-70-030	AMD-P	03-16-065	260-48-630	AMD	03-07-057
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246-976-780	REP	04-01-041	250-70-050	AMD-P	03-16-065	260-48-900	AMD-W	03-13-072
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296-17-35201	AMD-P	03-17-016	296-17-752	AMD	03-23-025	296-17-875	AMD	03-24-066
296-17-35201	AMD	03-23-025	296-17-757	PREP	03-03-026	296-17-880	AMD-P	03-19-107
296-17-35203	AMD-P	03-17-016	296-17-757	AMD-P	03-14-126	296-17-880	AMD	03-24-066
296-17-35203	AMD	03-23-025	296-17-757	AMD	03-20-081	296-17-885	AMD-P	03-19-107
296-17-501	AMD-P	03-17-016	296-17-758	PREP	03-03-026	296-17-885	AMD	03-24-066
296-17-501	AMD	03-23-025	296-17-758	AMD-P	03-14-126	296-17-890	AMD-P	03-19-107
296-17-519	AMD-P	03-17-016	296-17-758	AMD	03-20-081	296-17-890	AMD	03-24-066
296-17-519	AMD	03-23-025	296-17-759	PREP	03-03-026	296-17-895	AMD-P	03-19-107
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296-17-52001	REP	03-23-025	296-17-759	AMD	03-20-081	296-17-89502	AMD-P	03-19-107
296-17-521	AMD-P	03-17-016	296-17-760	PREP	03-03-026	296-17-89502	AMD	03-24-066

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296-17-90493	AMD-P	03-19-107	296-19A-480	AMD	03-11-009	296-23-357	NEW-P	03-21-070
296-17-90493	AMD	03-24-066	296-19A-480	AMD-P	04-01-164	296-23-362	NEW-P	03-21-070
296-17-90494	AMD-P	03-19-107	296-20	PREP	03-23-023	296-23-367	NEW-P	03-21-070
296-17-90494	AMD	03-24-066	296-20-010	AMD-X	03-14-127	296-23-372	NEW-P	03-21-070
296-17-90495	AMD-P	03-19-107	296-20-010	AMD	03-21-069	296-23-377	NEW-P	03-21-070
296-17-90495	AMD	03-24-066	296-20-01002	AMD-X	03-14-127	296-23-382	NEW-P	03-21-070
296-17-90496	AMD-P	03-19-107	296-20-01002	AMD	03-21-069	296-23-387	NEW-P	03-21-070
296-17-90496	AMD	03-24-066	296-20-01002	PREP	03-23-024	296-23-392	NEW-P	03-21-070
296-17-90497	AMD-P	03-19-107	296-20-01501	AMD-X	03-14-127	296-23A-0710	AMD-X	03-14-127
296-17-90497	AMD	03-24-066	296-20-01501	AMD	03-21-069	296-23A-0710	AMD	03-21-069
296-17-920	AMD-P	03-19-107	296-20-02010	AMD-X	03-14-127	296-24	PREP	03-03-110
296-17-920	AMD	03-24-066	296-20-02010	AMD	03-21-069	296-24	PREP	03-10-064
296-19A-010	AMD	03-11-009	296-20-02704	PREP	03-23-024	296-24	PREP	03-10-066
296-19A-020	AMD	03-11-009	296-200A	PREP	03-04-098	296-24	PREP	03-20-080
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296-19A-030	AMD	03-11-009	296-20-12501	AMD	03-21-069	296-24-120	AMD-X	03-12-072
296-19A-040	AMD	03-11-009	296-20-135	AMD-P	03-09-107	296-24-120	AMD	03-18-090
296-19A-045	AMD-X	03-17-072	296-20-135	AMD	03-14-043	296-24-120	REP-X	03-24-086
296-19A-045	AMD	03-22-030	296-20-135	PREP	04-01-156	296-24-12001	REP-X	03-12-072
296-19A-050	PREP	03-17-070	296-20-170	AMD-X	03-14-127	296-24-12001	REP	03-18-090
296-19A-050	PREP-W	03-22-068	296-20-170	AMD	03-21-069	296-24-12002	REP-X	03-12-072
296-19A-060	AMD	03-11-009	296-20-200	AMD-P	03-21-070	296-24-12002	REP	03-18-090
296-19A-065	NEW	03-11-009	296-20-2010	NEW-P	03-21-070	296-24-12010	REP-X	03-12-072
296-19A-065	PREP	03-17-070	296-20-2015	NEW-P	03-21-070	296-24-12010	REP	03-18-090
296-19A-065	PREP-W	03-22-068	296-20-2020	NEW-P	03-21-070	296-24-12011	REP-X	03-12-072
296-19A-070	AMD	03-11-009	296-20-2025	NEW-P	03-21-070	296-24-12011	REP	03-18-090
296-19A-080	AMD-X	03-17-072	296-20-2030	NEW-P	03-21-070	296-24-12017	REP-X	03-12-072
296-19A-080	AMD	03-22-030	296-20-210	REP-P	03-21-070	296-24-12017	REP	03-18-090
296-19A-090	AMD	03-11-009	296-20-303	DECOD-X	03-14-127	296-24-235	REP-P	03-14-075
296-19A-090	PREP	03-17-070	296-20-303	DECOD	03-21-069	296-24-235	REP-W	04-01-063
296-19A-090	PREP-W	03-22-068	296-23-220	AMD-P	03-09-107	296-24-23501	REP-P	03-14-075
296-19A-100	AMD	03-11-009	296-23-220	AMD	03-14-043	296-24-23501	REP-W	04-01-063
296-19A-110	AMD	03-11-009	296-23-220	PREP	04-01-156	296-24-23503	REP-P	03-14-075
296-19A-110	PREP	03-17-070	296-23-230	AMD-P	03-09-107	296-24-23503	REP-W	04-01-063
296-19A-110	PREP-W	03-22-068	296-23-230	AMD	03-14-043	296-24-23505	REP-P	03-14-075
296-19A-120	PREP	03-17-070	296-23-230	PREP	04-01-156	296-24-23505	REP-W	04-01-063
296-19A-120	AMD-X	03-17-072	296-23-240	AMD-X	03-14-127	296-24-23507	REP-P	03-14-075
296-19A-120	AMD	03-22-030	296-23-240	AMD	03-21-069	296-24-23507	REP-W	04-01-063
296-19A-120	PREP-W	03-22-068	296-23-246	RECOD-X	03-14-127	296-24-23509	REP-P	03-14-075
296-19A-125	NEW	03-11-009	296-23-246	RECOD	03-21-069	296-24-23509	REP-W	04-01-063
296-19A-130	AMD	03-11-009	296-23-255	REP-P	03-21-070	296-24-23511	REP-P	03-14-075
296-19A-135	NEW	03-11-009	296-23-260	REP-P	03-21-070	296-24-23511	REP-W	04-01-063
296-19A-137	NEW	03-11-009	296-23-265	REP-P	03-21-070	296-24-23513	REP-P	03-14-075
296-19A-140	AMD	03-11-009	296-23-26501	REP-P	03-21-070	296-24-23513	REP-W	04-01-063
296-19A-170	AMD	03-11-009	296-23-26502	REP-P	03-21-070	296-24-23515	REP-P	03-14-075
296-19A-180	AMD	03-11-009	296-23-26503	REP-P	03-21-070	296-24-23515	REP-W	04-01-063
296-19A-190	AMD	03-11-009	296-23-26504	REP-P	03-21-070	296-24-23517	REP-P	03-14-075
296-19A-191	NEW	03-11-009	296-23-26505	REP-P	03-21-070	296-24-23517	REP-W	04-01-063
296-19A-192	NEW	03-11-009	296-23-26506	REP-P	03-21-070	296-24-23519	REP-P	03-14-075
296-19A-193	NEW	03-11-009	296-23-267	REP-P	03-21-070	296-24-23519	REP-W	04-01-063
296-19A-200	AMD	03-11-009	296-23-270	REP-P	03-21-070	296-24-23521	REP-P	03-14-075
296-19A-210	AMD	03-11-009	296-23-302	NEW-P	03-21-070	296-24-23521	REP-W	04-01-063
296-19A-210	PREP	03-16-083	296-23-307	NEW-P	03-21-070	296-24-23523	REP-P	03-14-075
296-19A-210	AMD-P	04-01-164	296-23-312	NEW-P	03-21-070	296-24-23523	REP-W	04-01-063
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296-24-23531	REP-W	04-01-063	296-24-66007	REP	03-09-009	296-46A-100	REP-P	03-05-074
296-24-240	REP-P	03-14-075	296-24-66009	REP	03-09-009	296-46A-100	REP	03-09-111
296-24-240	REP-W	04-01-063	296-24-66011	REP	03-09-009	296-46A-102	REP-P	03-05-074
296-24-24001	REP-P	03-14-075	296-24-663	REP	03-09-009	296-46A-102	REP	03-09-111
296-24-24001	REP-W	04-01-063	296-24-66301	REP	03-09-009	296-46A-104	REP-P	03-05-074
296-24-24003	REP-P	03-14-075	296-24-66303	REP	03-09-009	296-46A-104	REP	03-09-111
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296-24-24005	REP-P	03-14-075	296-24-66307	REP	03-09-009	296-46A-110	REP	03-09-111
296-24-24005	REP-W	04-01-063	296-24-66309	REP	03-09-009	296-46A-130	REP-P	03-05-074
296-24-24007	REP-P	03-14-075	296-24-66311	REP	03-09-009	296-46A-130	REP	03-09-111
296-24-24007	REP-W	04-01-063	296-24-66313	REP	03-09-009	296-46A-140	REP-P	03-05-074
296-24-24009	REP-P	03-14-075	296-24-66315	REP	03-09-009	296-46A-140	REP	03-09-111
296-24-24009	REP-W	04-01-063	296-24-66317	REP	03-09-009	296-46A-155	REP-P	03-05-074
296-24-24011	REP-P	03-14-075	296-24-66319	REP	03-09-009	296-46A-155	REP	03-09-111
296-24-24011	REP-W	04-01-063	296-24-66321	REP	03-09-009	296-46A-21052	REP-P	03-05-074
296-24-24013	REP-P	03-14-075	296-24-665	REP	03-09-009	296-46A-21052	REP	03-09-111
296-24-24013	REP-W	04-01-063	296-24-66501	REP	03-09-009	296-46A-215	REP-P	03-05-074
296-24-24015	REP-P	03-14-075	296-24-66503	REP	03-09-009	296-46A-215	REP	03-09-111
296-24-24015	REP-W	04-01-063	296-24-66505	REP	03-09-009	296-46A-220	REP-P	03-05-074
296-24-24017	REP-P	03-14-075	296-24-66507	REP	03-09-009	296-46A-220	REP	03-09-111
296-24-24017	REP-W	04-01-063	296-24-66509	REP	03-09-009	296-46A-22530	REP-P	03-05-074
296-24-24019	REP-P	03-14-075	296-24-670	REP	03-09-009	296-46A-22530	REP	03-09-111
296-24-24019	REP-W	04-01-063	296-24-67001	REP	03-09-009	296-46A-23001	REP-P	03-05-074
296-24-245	REP-P	03-14-075	296-24-67003	REP	03-09-009	296-46A-23001	REP	03-09-111
296-24-245	REP-W	04-01-063	296-24-67005	REP	03-09-009	296-46A-23028	REP-P	03-05-074
296-24-24501	REP-P	03-14-075	296-24-75011	AMD-X	03-24-086	296-46A-23028	REP	03-09-111
296-24-24501	REP-W	04-01-063	296-24-95603	AMD-X	03-24-086	296-46A-23040	REP-P	03-05-074
296-24-24503	REP-P	03-14-075	296-27-01109	AMD	03-09-110	296-46A-23040	REP	03-09-111
296-24-24503	REP-W	04-01-063	296-27-01113	AMD-X	03-19-105	296-46A-23062	REP-P	03-05-074
296-24-24505	REP-P	03-14-075	296-27-01113	AMD	03-24-085	296-46A-23062	REP	03-09-111
296-24-24505	REP-W	04-01-063	296-27-01117	REP-X	03-19-105	296-46A-250	REP-P	03-05-074
296-24-24507	REP-P	03-14-075	296-27-01117	REP	03-24-085	296-46A-250	REP	03-09-111
296-24-24507	REP-W	04-01-063	296-27-01119	AMD-X	03-19-105	296-46A-300	REP-P	03-05-074
296-24-24509	REP-P	03-14-075	296-27-01119	AMD	03-24-085	296-46A-300	REP	03-09-111
296-24-24509	REP-W	04-01-063	296-27-061	NEW-X	03-19-105	296-46A-30011	REP-P	03-05-074
296-24-24511	REP-P	03-14-075	296-27-061	NEW	03-24-085	296-46A-30011	REP	03-09-111
296-24-24511	REP-W	04-01-063	296-30-190	PREP	03-11-057	296-46A-324	REP-P	03-05-074
296-24-24513	REP-P	03-14-075	296-30-200	PREP	03-11-058	296-46A-324	REP	03-09-111
296-24-24513	REP-W	04-01-063	296-37	PREP	03-04-097	296-46A-348	REP-P	03-05-074
296-24-24515	REP-P	03-14-075	296-37-575	AMD-P	03-23-101	296-46A-348	REP	03-09-111
296-24-24515	REP-W	04-01-063	296-400A	PREP	03-04-098	296-46A-365	REP-P	03-05-074
296-24-24517	REP-P	03-14-075	296-401B	PREP	03-04-098	296-46A-365	REP	03-09-111
296-24-24517	REP-W	04-01-063	296-402A	PREP	03-04-098	296-46A-370	REP-P	03-05-074
296-24-24519	REP-P	03-14-075	296-45	PREP	03-07-072	296-46A-370	REP	03-09-111
296-24-24519	REP-W	04-01-063	296-45	PREP	03-10-064	296-46A-41004	REP-P	03-05-074
296-24-260	REP-P	04-01-157	296-45	PREP	03-21-126	296-46A-41004	REP	03-09-111
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296-24-61703	AMD-X	03-24-086	296-45-045	AMD	03-17-071	296-46A-41030	REP	03-09-111
296-24-63399	AMD-X	03-24-086	296-45-125	AMD-P	04-01-155	296-46A-422	REP-P	03-05-074
296-24-650	REP	03-09-009	296-45-255	AMD-P	03-10-067	296-46A-422	REP	03-09-111
296-24-65003	REP	03-09-009	296-45-255	AMD	03-17-071	296-46A-450	REP-P	03-05-074
296-24-65005	REP	03-09-009	296-45-325	AMD-P	03-10-067	296-46A-450	REP	03-09-111
296-24-65007	REP	03-09-009	296-45-325	AMD	03-17-071	296-46A-500	REP-P	03-05-074
296-24-655	REP	03-09-009	296-45-48535	AMD-X	03-12-072	296-46A-500	REP	03-09-111
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296-24-65701	REP	03-09-009	296-46A-090	REP-P	03-05-074	296-46A-517	REP-P	03-05-074
296-24-65703	REP	03-09-009	296-46A-090	REP	03-09-111	296-46A-517	REP	03-09-111
296-24-660	REP	03-09-009	296-46A-092	REP-P	03-05-074	296-46A-550	REP-P	03-05-074
296-24-66001	REP	03-09-009	296-46A-092	REP	03-09-111	296-46A-550	REP	03-09-111
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296-46A-600	REP	03-09-111	296-46B-314	NEW	03-09-111	296-46B-940	NEW	03-09-111
296-46A-680	REP-P	03-05-074	296-46B-334	NEW-P	03-05-074	296-46B-945	NEW-P	03-05-074
296-46A-680	REP	03-09-111	296-46B-334	NEW	03-09-111	296-46B-945	NEW	03-09-111
296-46A-700	REP-P	03-05-074	296-46B-358	NEW-P	03-05-074	296-46B-950	NEW-P	03-05-074
296-46A-700	REP	03-09-111	296-46B-358	NEW	03-09-111	296-46B-950	NEW	03-09-111
296-46A-702	REP-P	03-05-074	296-46B-394	NEW-P	03-05-074	296-46B-950	AMD-X	03-13-100
296-46A-702	REP	03-09-111	296-46B-394	NEW	03-09-111	296-46B-950	AMD	03-18-089
296-46A-900	REP-P	03-05-074	296-46B-410	NEW-P	03-05-074	296-46B-951	NEW-P	03-05-074
296-46A-900	REP	03-09-111	296-46B-410	NEW	03-09-111	296-46B-951	NEW	03-09-111
296-46A-910	REP-P	03-05-074	296-46B-422	NEW-P	03-05-074	296-46B-955	NEW-P	03-05-074
296-46A-910	REP	03-09-111	296-46B-422	NEW	03-09-111	296-46B-955	NEW	03-09-111
296-46A-915	REP-P	03-05-074	296-46B-430	NEW-P	03-05-074	296-46B-960	NEW-P	03-05-074
296-46A-915	REP	03-09-111	296-46B-430	NEW	03-09-111	296-46B-960	NEW	03-09-111
296-46A-920	REP-P	03-05-074	296-46B-450	NEW-P	03-05-074	296-46B-965	NEW-P	03-05-074
296-46A-920	REP	03-09-111	296-46B-450	NEW	03-09-111	296-46B-965	NEW	03-09-111
296-46A-930	REP-P	03-05-074	296-46B-501	NEW-P	03-05-074	296-46B-970	NEW-P	03-05-074
296-46A-930	REP	03-09-111	296-46B-501	NEW	03-09-111	296-46B-970	NEW	03-09-111
296-46A-931	REP-P	03-05-074	296-46B-514	NEW-P	03-05-074	296-46B-971	NEW-P	03-05-074
296-46A-931	REP	03-09-111	296-46B-514	NEW	03-09-111	296-46B-971	NEW	03-09-111
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296-46A-932	REP	03-09-111	296-46B-517	NEW	03-09-111	296-46B-975	NEW	03-09-111
296-46A-933	REP-P	03-05-074	296-46B-520	NEW-P	03-05-074	296-46B-980	NEW-P	03-05-074
296-46A-933	REP	03-09-111	296-46B-520	NEW	03-09-111	296-46B-980	NEW	03-09-111
296-46A-934	REP-P	03-05-074	296-46B-527	NEW-P	03-05-074	296-46B-985	NEW-P	03-05-074
296-46A-934	REP	03-09-111	296-46B-527	NEW	03-09-111	296-46B-985	NEW	03-09-111
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296-46A-950	REP	03-09-111	296-46B-555	NEW	03-09-111	296-46B-998	NEW	03-09-111
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296-304-07009	AMD	03-04-099	296-307-14830	NEW-S	03-20-113	296-307-45050	NEW	03-10-068
296-304-07011	AMD	03-04-099	296-307-14830	NEW	03-24-105	296-307-455	NEW-X	03-04-100
296-304-07013	AMD	03-04-099	296-307-14835	NEW-P	03-15-032	296-307-455	NEW	03-10-068
296-304-08001	AMD	03-04-099	296-307-14835	NEW-S	03-20-113	296-307-45505	NEW-X	03-04-100
296-304-08009	AMD	03-11-060	296-307-14835	NEW	03-24-105	296-307-45505	NEW	03-10-068
296-304-09009	AMD	03-11-060	296-307-14840	NEW-P	03-15-032	296-307-45510	NEW-X	03-04-100
296-304-09017	AMD	03-04-099	296-307-14840	NEW-S	03-20-113	296-307-45510	NEW	03-10-068
296-304-09021	AMD	03-04-099	296-307-14840	NEW	03-24-105	296-307-45515	NEW-X	03-04-100
296-304-09023	AMD	03-04-099	296-307-14845	NEW-P	03-15-032	296-307-45515	NEW	03-10-068
296-304-10003	AMD	03-04-099	296-307-14845	NEW-S	03-20-113	296-307-45520	NEW-X	03-04-100
296-304-10007	AMD	03-04-099	296-307-14845	NEW	03-24-105	296-307-45520	NEW	03-10-068
296-305	PREP	03-04-097	296-307-40013	AMD-X	03-04-100	296-307-45525	NEW-X	03-04-100
296-305	PREP	03-10-066	296-307-40013	AMD	03-10-068	296-307-45525	NEW	03-10-068
296-305	PREP	03-21-126	296-307-40015	AMD-X	03-04-100	296-307-45535	NEW-X	03-04-100
296-305-01515	AMD	03-09-110	296-307-40015	AMD	03-10-068	296-307-45535	NEW	03-10-068
296-305-01515	AMD-P	04-01-155	296-307-40027	AMD-X	03-04-100	296-307-45540	NEW-X	03-04-100
296-305-02005	AMD	03-11-060	296-307-40027	AMD	03-10-068	296-307-45540	NEW	03-10-068
296-305-02501	AMD	03-09-110	296-307-445	NEW-X	03-04-100	296-307-45545	NEW-X	03-04-100
296-305-02501	AMD-P	03-23-101	296-307-445	NEW	03-10-068	296-307-45545	NEW	03-10-068
296-305-05503	AMD	03-11-060	296-307-450	AMD-X	03-04-100	296-307-45550	NEW-X	03-04-100
296-307	PREP	03-10-064	296-307-450	AMD	03-10-068	296-307-45550	NEW	03-10-068
296-307	PREP	03-10-066	296-307-45001	REP-X	03-04-100	296-307-45555	NEW-X	03-04-100
296-307	AMD-S	03-18-046	296-307-45001	REP	03-10-068	296-307-45555	NEW	03-10-068
296-307	PREP	03-21-126	296-307-45003	REP-X	03-04-100	296-307-45560	NEW-X	03-04-100
296-307-009	AMD-X	03-04-100	296-307-45003	REP	03-10-068	296-307-45560	NEW	03-10-068
296-307-009	AMD	03-10-068	296-307-45005	AMD-X	03-04-100	296-307-45565	NEW-X	03-04-100
296-307-018	AMD-X	03-04-100	296-307-45005	AMD	03-10-068	296-307-45565	NEW	03-10-068
296-307-018	AMD	03-10-068	296-307-45007	REP-X	03-04-100	296-307-460	NEW-X	03-04-100
296-307-039	AMD-P	04-01-155	296-307-45007	REP	03-10-068	296-307-460	NEW	03-10-068
296-307-03905	AMD-P	04-01-155	296-307-45009	REP-X	03-04-100	296-307-46005	NEW-X	03-04-100
296-307-03910	REP-P	04-01-155	296-307-45009	REP	03-10-068	296-307-46005	NEW	03-10-068
296-307-03915	REP-P	04-01-155	296-307-45010	NEW-X	03-04-100	296-307-46025	NEW-X	03-04-100
296-307-03925	REP-P	04-01-155	296-307-45010	NEW	03-10-068	296-307-46025	NEW	03-10-068
296-307-03930	NEW-X	03-04-100	296-307-45011	REP-X	03-04-100	296-307-46030	NEW-X	03-04-100
296-307-03930	NEW	03-10-068	296-307-45011	REP	03-10-068	296-307-46030	NEW	03-10-068
296-307-03935	NEW-X	03-04-100	296-307-45013	REP-X	03-04-100	296-307-465	NEW-X	03-04-100
296-307-03935	NEW	03-10-068	296-307-45013	REP	03-10-068	296-307-465	NEW	03-10-068
296-307-03940	NEW-X	03-04-100	296-307-45015	AMD-X	03-04-100	296-307-55030	AMD-X	03-04-100
296-307-03940	NEW	03-10-068	296-307-45015	AMD	03-10-068	296-307-55030	AMD	03-10-068
296-307-03945	NEW-X	03-04-100	296-307-45017	REP-X	03-04-100	296-307-560	NEW-X	03-04-100
296-307-03945	NEW	03-10-068	296-307-45017	REP	03-10-068	296-307-560	NEW	03-10-068
296-307-14520	REP-P	03-15-032	296-307-45019	REP-X	03-04-100	296-307-56005	NEW-X	03-04-100
296-307-14520	REP	03-24-105	296-307-45019	REP	03-10-068	296-307-56005	NEW	03-10-068
296-307-148	NEW-P	03-15-032	296-307-45020	NEW-X	03-04-100	296-307-56010	NEW-X	03-04-100
296-307-148	NEW-S	03-20-113	296-307-45020	NEW	03-10-068	296-307-56010	NEW	03-10-068
296-307-148	NEW	03-24-105	296-307-45021	REP-X	03-04-100	296-307-56015	NEW-X	03-04-100
296-307-14805	NEW-P	03-15-032	296-307-45021	REP	03-10-068	296-307-56015	NEW	03-10-068
296-307-14805	NEW-S	03-20-113	296-307-45023	REP-X	03-04-100	296-307-56020	NEW-X	03-04-100
296-307-14805	NEW	03-24-105	296-307-45023	REP	03-10-068	296-307-56020	NEW	03-10-068
296-307-14810	NEW-P	03-15-032	296-307-45025	AMD-X	03-04-100	296-307-56025	NEW-X	03-04-100
296-307-14810	NEW-S	03-20-113	296-307-45025	AMD	03-10-068	296-307-56025	NEW	03-10-068
296-307-14810	NEW	03-24-105	296-307-45027	REP-X	03-04-100	296-307-56030	NEW-X	03-04-100
296-307-14815	NEW-P	03-15-032	296-307-45027	REP	03-10-068	296-307-56030	NEW	03-10-068
296-307-14815	NEW-S	03-20-113	296-307-45029	REP-X	03-04-100	296-307-56035	NEW-X	03-04-100
296-307-14815	NEW	03-24-105	296-307-45029	REP	03-10-068	296-307-56035	NEW	03-10-068
296-307-14820	NEW-P	03-15-032	296-307-45030	NEW-X	03-04-100	296-307-56040	NEW-X	03-04-100
296-307-14820	NEW-S	03-20-113	296-307-45030	NEW	03-10-068	296-307-56040	NEW	03-10-068
296-307-14820	NEW	03-24-105	296-307-45035	NEW-X	03-04-100	296-307-56045	NEW-X	03-04-100
296-307-14825	NEW-P	03-15-032	296-307-45035	NEW	03-10-068	296-307-56045	NEW	03-10-068
296-307-14825	NEW-S	03-20-113	296-307-45045	NEW-X	03-04-100	296-307-56050	NEW-X	03-04-100
296-307-14825	NEW	03-24-105	296-307-45045	NEW	03-10-068	296-307-56050	NEW	03-10-068
296-307-14830	NEW-P	03-15-032	296-307-45050	NEW-X	03-04-100	296-400A	PREP	03-10-065

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-402A-450	REP	03-09-111	296-800-15025	REP-P	04-01-155	296-802-100	NEW-P	03-23-101
296-402A-460	REP-P	03-05-074	296-800-170	AMD-X	03-12-072	296-802-200	NEW-P	03-23-101
296-402A-460	REP	03-09-111	296-800-170	AMD	03-18-090	296-802-20005	NEW-P	03-23-101
296-402A-470	REP-P	03-05-074	296-800-17005	AMD-X	03-12-072	296-802-20010	NEW-P	03-23-101
296-402A-470	REP	03-09-111	296-800-17005	AMD	03-18-090	296-802-20015	NEW-P	03-23-101
296-402A-480	REP-P	03-05-074	296-800-17005	AMD-P	03-23-101	296-802-300	NEW-P	03-23-101
296-402A-480	REP	03-09-111	296-800-17007	NEW-X	03-12-072	296-802-30005	NEW-P	03-23-101
296-402A-490	REP-P	03-05-074	296-800-17007	NEW	03-18-090	296-802-400	NEW-P	03-23-101
296-402A-490	REP	03-09-111	296-800-17015	AMD-X	03-12-072	296-802-40005	NEW-P	03-23-101
296-402A-500	REP-P	03-05-074	296-800-17015	AMD	03-18-090	296-802-40010	NEW-P	03-23-101
296-402A-500	REP	03-09-111	296-800-17020	AMD-X	03-12-072	296-802-40015	NEW-P	03-23-101
296-402A-510	REP-P	03-05-074	296-800-17020	AMD	03-18-090	296-802-500	NEW-P	03-23-101
296-402A-510	REP	03-09-111	296-800-180	AMD-P	03-23-101	296-802-50005	NEW-P	03-23-101
296-402A-520	REP-P	03-05-074	296-800-230	AMD-X	03-12-072	296-802-50010	NEW-P	03-23-101
296-402A-520	REP	03-09-111	296-800-230	AMD	03-18-090	296-802-600	NEW-P	03-23-101
296-402A-530	REP-P	03-05-074	296-800-23005	AMD-X	03-12-072	296-802-60005	NEW-P	03-23-101
296-402A-530	REP	03-09-111	296-800-23005	AMD	03-18-090	296-802-900	NEW-P	03-23-101
296-402A-540	REP-P	03-05-074	296-800-23010	AMD-X	03-12-072	296-807-100	NEW	03-09-009
296-402A-540	REP	03-09-111	296-800-23010	AMD	03-18-090	296-807-110	NEW	03-09-009
296-402A-550	REP-P	03-05-074	296-800-23020	AMD-X	03-12-072	296-807-11005	NEW	03-09-009
296-402A-550	REP	03-09-111	296-800-23020	AMD	03-18-090	296-807-120	NEW	03-09-009
296-402A-560	REP-P	03-05-074	296-800-23025	AMD-X	03-12-072	296-807-12005	NEW	03-09-009
296-402A-560	REP	03-09-111	296-800-23025	AMD	03-18-090	296-807-130	NEW	03-09-009
296-402A-570	REP-P	03-05-074	296-800-23030	REP-X	03-12-072	296-807-13005	NEW	03-09-009
296-402A-570	REP	03-09-111	296-800-23030	REP	03-18-090	296-807-140	NEW	03-09-009
296-402A-580	REP-P	03-05-074	296-800-23035	REP-X	03-12-072	296-807-14005	NEW	03-09-009
296-402A-580	REP	03-09-111	296-800-23035	REP	03-18-090	296-807-14010	NEW	03-09-009
296-402A-590	REP-P	03-05-074	296-800-23040	NEW-X	03-12-072	296-807-14015	NEW	03-09-009
296-402A-590	REP	03-09-111	296-800-23040	NEW	03-18-090	296-807-14020	NEW	03-09-009
296-402A-600	REP-P	03-05-074	296-800-23045	NEW-X	03-12-072	296-807-14025	NEW	03-09-009
296-402A-600	REP	03-09-111	296-800-23045	NEW	03-18-090	296-807-14030	NEW	03-09-009
296-402A-610	REP-P	03-05-074	296-800-23050	NEW-X	03-12-072	296-807-14035	NEW	03-09-009
296-402A-610	REP	03-09-111	296-800-23050	NEW	03-18-090	296-807-14040	NEW	03-09-009
296-402A-620	REP-P	03-05-074	296-800-23055	NEW-X	03-12-072	296-807-150	NEW	03-09-009
296-402A-620	REP	03-09-111	296-800-23055	NEW	03-18-090	296-807-15005	NEW	03-09-009
296-402A-630	REP-P	03-05-074	296-800-23060	NEW-X	03-12-072	296-807-15010	NEW	03-09-009
296-402A-630	REP	03-09-111	296-800-23060	NEW	03-18-090	296-807-15015	NEW	03-09-009
296-402A-640	REP-P	03-05-074	296-800-23065	NEW-X	03-12-072	296-807-15020	NEW	03-09-009
296-402A-640	REP	03-09-111	296-800-23065	NEW	03-18-090	296-807-15025	NEW	03-09-009
296-402A-650	REP-P	03-05-074	296-800-23070	NEW-X	03-12-072	296-807-15030	NEW	03-09-009
296-402A-650	REP	03-09-111	296-800-23070	NEW	03-18-090	296-807-15035	NEW	03-09-009
296-402A-660	REP-P	03-05-074	296-800-23075	NEW-X	03-12-072	296-807-15040	NEW	03-09-009
296-402A-660	REP	03-09-111	296-800-23075	NEW	03-18-090	296-807-15045	NEW	03-09-009
296-402A-670	REP-P	03-05-074	296-800-310	AMD-X	03-22-069	296-807-15050	NEW	03-09-009
296-402A-670	REP	03-09-111	296-800-31010	AMD-X	03-22-069	296-807-15055	NEW	03-09-009
296-402A-675	REP-P	03-05-074	296-800-31020	AMD-X	03-22-069	296-807-160	NEW	03-09-009
296-402A-675	REP	03-09-111	296-800-31050	AMD-X	03-12-072	296-807-16005	NEW	03-09-009
296-402A-680	REP-P	03-05-074	296-800-31050	AMD	03-18-090	296-807-16010	NEW	03-09-009
296-402A-680	REP	03-09-111	296-800-31070	AMD-X	03-22-069	296-807-16015	NEW	03-09-009
296-402A-690	REP-P	03-05-074	296-800-350	AMD-X	03-12-072	296-807-16020	NEW	03-09-009
296-402A-690	REP	03-09-111	296-800-350	AMD	03-18-090	296-807-16025	NEW	03-09-009
296-800	PREP	03-04-097	296-800-35038	AMD-X	03-12-072	296-807-16030	NEW	03-09-009
296-800	PREP	03-21-126	296-800-35038	AMD	03-18-090	296-807-16035	NEW	03-09-009
296-800-110	AMD-X	03-12-072	296-800-35040	AMD-X	03-12-072	296-807-170	NEW	03-09-009
296-800-110	AMD	03-18-090	296-800-35040	AMD	03-18-090	296-807-17005	NEW	03-09-009
296-800-11030	AMD-X	03-12-072	296-800-35062	AMD-X	03-12-072	296-807-17010	NEW	03-09-009
296-800-11030	AMD	03-18-090	296-800-35062	AMD	03-18-090	296-807-17015	NEW	03-09-009
296-800-150	AMD-P	04-01-155	296-800-35064	AMD-X	03-12-072	296-807-17020	NEW	03-09-009
296-800-15005	AMD	03-09-110	296-800-35064	AMD	03-18-090	296-807-180	NEW	03-09-009
296-800-15005	AMD-P	04-01-155	296-800-370	AMD-X	03-12-072	296-807-18005	NEW	03-09-009
296-800-15010	REP-P	04-01-155	296-800-370	AMD	03-18-090	296-807-18010	NEW	03-09-009
296-800-15015	REP-P	04-01-155	296-800-370	AMD-X	03-22-069	296-807-18015	NEW	03-09-009

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-807-18020	NEW	03-09-009	296-817-03015	NEW-W	03-13-096	296-823-14030	NEW	03-09-110
296-807-18025	NEW	03-09-009	296-817-03020	NEW-W	03-13-096	296-823-14035	NEW	03-09-110
296-807-18030	NEW	03-09-009	296-817-03025	NEW-W	03-13-096	296-823-14040	NEW	03-09-110
296-807-18035	NEW	03-09-009	296-817-03030	NEW-W	03-13-096	296-823-14045	NEW	03-09-110
296-807-18040	NEW	03-09-009	296-817-03035	NEW-W	03-13-096	296-823-14050	NEW	03-09-110
296-807-18045	NEW	03-09-009	296-817-040	NEW-W	03-13-096	296-823-14055	NEW	03-09-110
296-807-18050	NEW	03-09-009	296-817-04005	NEW-W	03-13-096	296-823-14060	NEW	03-09-110
296-807-18055	NEW	03-09-009	296-817-04010	NEW-W	03-13-096	296-823-14065	NEW	03-09-110
296-807-18060	NEW	03-09-009	296-817-04015	NEW-W	03-13-096	296-823-150	NEW	03-09-110
296-807-18065	NEW	03-09-009	296-817-04020	NEW-W	03-13-096	296-823-15005	NEW	03-09-110
296-807-18070	NEW	03-09-009	296-817-04025	NEW-W	03-13-096	296-823-15010	NEW	03-09-110
296-807-18075	NEW	03-09-009	296-817-050	NEW-W	03-13-096	296-823-15015	NEW	03-09-110
296-807-18080	NEW	03-09-009	296-817-100	NEW	03-11-060	296-823-15020	NEW	03-09-110
296-807-18085	NEW	03-09-009	296-817-200	NEW	03-11-060	296-823-15025	NEW	03-09-110
296-807-190	NEW	03-09-009	296-817-20005	NEW	03-11-060	296-823-15030	NEW	03-09-110
296-809-100	NEW-P	03-19-106	296-817-20010	NEW	03-11-060	296-823-160	NEW	03-09-110
296-809-200	NEW-P	03-19-106	296-817-20015	NEW	03-11-060	296-823-16005	NEW	03-09-110
296-809-20002	NEW-P	03-19-106	296-817-20020	NEW	03-11-060	296-823-16010	NEW	03-09-110
296-809-20004	NEW-P	03-19-106	296-817-20025	NEW	03-11-060	296-823-16015	NEW	03-09-110
296-809-20006	NEW-P	03-19-106	296-817-20030	NEW	03-11-060	296-823-16020	NEW	03-09-110
296-809-300	NEW-P	03-19-106	296-817-20035	NEW	03-11-060	296-823-16025	NEW	03-09-110
296-809-30002	NEW-P	03-19-106	296-817-20040	NEW	03-11-060	296-823-16030	NEW	03-09-110
296-809-30004	NEW-P	03-19-106	296-817-300	NEW	03-11-060	296-823-16035	NEW-W	03-14-136
296-809-400	NEW-P	03-19-106	296-817-30005	NEW	03-11-060	296-823-16040	NEW-W	03-14-136
296-809-40002	NEW-P	03-19-106	296-817-30010	NEW	03-11-060	296-823-16045	NEW-W	03-14-136
296-809-40004	NEW-P	03-19-106	296-817-30015	NEW	03-11-060	296-823-170	NEW	03-09-110
296-809-500	NEW-P	03-19-106	296-817-400	NEW	03-11-060	296-823-17005	NEW	03-09-110
296-809-50002	NEW-P	03-19-106	296-817-40005	NEW	03-11-060	296-823-17010	NEW	03-09-110
296-809-50004	NEW-P	03-19-106	296-817-40010	NEW	03-11-060	296-823-17015	NEW-W	03-14-136
296-809-50006	NEW-P	03-19-106	296-817-40015	NEW	03-11-060	296-823-17020	NEW-W	03-14-136
296-809-50008	NEW-P	03-19-106	296-817-40020	NEW	03-11-060	296-823-17025	NEW-W	03-14-136
296-809-50010	NEW-P	03-19-106	296-817-40025	NEW	03-11-060	296-823-17030	NEW-W	03-14-136
296-809-50012	NEW-P	03-19-106	296-817-40030	NEW	03-11-060	296-823-180	NEW	03-09-110
296-809-50014	NEW-P	03-19-106	296-817-40035	NEW	03-11-060	296-823-18005	NEW	03-09-110
296-809-50016	NEW-P	03-19-106	296-817-500	NEW	03-11-060	296-823-18010	NEW	03-09-110
296-809-50018	NEW-P	03-19-106	296-817-50005	NEW	03-11-060	296-823-18015	NEW	03-09-110
296-809-50020	NEW-P	03-19-106	296-817-50010	NEW	03-11-060	296-823-18020	NEW	03-09-110
296-809-50022	NEW-P	03-19-106	296-817-50015	NEW	03-11-060	296-823-18025	NEW	03-09-110
296-809-50024	NEW-P	03-19-106	296-817-50020	NEW	03-11-060	296-823-18030	NEW	03-09-110
296-809-600	NEW-P	03-19-106	296-817-50025	NEW	03-11-060	296-823-18035	NEW	03-09-110
296-809-60002	NEW-P	03-19-106	296-817-600	NEW	03-11-060	296-823-18040	NEW	03-09-110
296-809-60004	NEW-P	03-19-106	296-823-100	NEW	03-09-110	296-823-18045	NEW	03-09-110
296-809-700	NEW-P	03-19-106	296-823-110	NEW	03-09-110	296-823-18050	NEW	03-09-110
296-809-70002	NEW-P	03-19-106	296-823-11005	NEW	03-09-110	296-823-18055	NEW	03-09-110
296-809-70004	NEW-P	03-19-106	296-823-11010	NEW	03-09-110	296-823-190	NEW-W	03-14-136
296-809-800	NEW-P	03-19-106	296-823-120	NEW	03-09-110	296-823-19005	NEW-W	03-14-136
296-817-010	NEW-W	03-13-096	296-823-12005	NEW	03-09-110	296-823-19010	NEW-W	03-14-136
296-817-01005	NEW-W	03-13-096	296-823-12010	NEW	03-09-110	296-823-19015	NEW-W	03-14-136
296-817-01010	NEW-W	03-13-096	296-823-12015	NEW	03-09-110	296-823-19020	NEW-W	03-14-136
296-817-01015	NEW-W	03-13-096	296-823-130	NEW	03-09-110	296-823-19025	NEW-W	03-14-136
296-817-01020	NEW-W	03-13-096	296-823-13005	NEW	03-09-110	296-823-19030	NEW-W	03-14-136
296-817-01025	NEW-W	03-13-096	296-823-13010	NEW	03-09-110	296-823-19035	NEW-W	03-14-136
296-817-01030	NEW-W	03-13-096	296-823-13015	NEW-W	03-14-136	296-823-19040	NEW-W	03-14-136
296-817-01035	NEW-W	03-13-096	296-823-13020	NEW-W	03-14-136	296-823-19045	NEW-W	03-14-136
296-817-01040	NEW-W	03-13-096	296-823-13025	NEW-W	03-14-136	296-823-19050	NEW-W	03-14-136
296-817-020	NEW-W	03-13-096	296-823-13030	NEW-W	03-14-136	296-823-19055	NEW-W	03-14-136
296-817-02005	NEW-W	03-13-096	296-823-140	NEW	03-09-110	296-823-200	NEW	03-09-110
296-817-02010	NEW-W	03-13-096	296-823-14005	NEW	03-09-110	296-824-50030	AMD	03-09-110
296-817-02015	NEW-W	03-13-096	296-823-14010	NEW	03-09-110	296-829-100	NEW-P	04-01-157
296-817-030	NEW-W	03-13-096	296-823-14015	NEW	03-09-110	296-829-200	NEW-P	04-01-157
296-817-03005	NEW-W	03-13-096	296-823-14020	NEW	03-09-110	296-829-20005	NEW-P	04-01-157
296-817-03010	NEW-W	03-13-096	296-823-14025	NEW	03-09-110	296-829-20010	NEW-P	04-01-157

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-829-300	NEW-P	04-01-157	296-831-23015	NEW-P	03-14-075	296-831-33020	NEW-P	03-14-075
296-829-30005	NEW-P	04-01-157	296-831-23015	NEW-W	04-01-063	296-831-33020	NEW-W	04-01-063
296-829-30010	NEW-P	04-01-157	296-831-23025	NEW-P	03-14-075	296-831-33025	NEW-P	03-14-075
296-829-400	NEW-P	04-01-157	296-831-23025	NEW-W	04-01-063	296-831-33025	NEW-W	04-01-063
296-829-40005	NEW-P	04-01-157	296-831-23030	NEW-P	03-14-075	296-831-33030	NEW-P	03-14-075
296-829-40010	NEW-P	04-01-157	296-831-23030	NEW-W	04-01-063	296-831-33030	NEW-W	04-01-063
296-829-40015	NEW-P	04-01-157	296-831-23035	NEW-P	03-14-075	296-831-33035	NEW-P	03-14-075
296-829-40020	NEW-P	04-01-157	296-831-23035	NEW-W	04-01-063	296-831-33035	NEW-W	04-01-063
296-829-500	NEW-P	04-01-157	296-831-23040	NEW-P	03-14-075	296-831-33040	NEW-P	03-14-075
296-831	PREP	03-20-080	296-831-23040	NEW-W	04-01-063	296-831-33040	NEW-W	04-01-063
296-831-100	NEW-P	03-14-075	296-831-23045	NEW-P	03-14-075	296-831-33045	NEW-P	03-14-075
296-831-100	NEW-W	04-01-063	296-831-23045	NEW-W	04-01-063	296-831-33045	NEW-W	04-01-063
296-831-200	NEW-P	03-14-075	296-831-23050	NEW-P	03-14-075	296-831-33050	NEW-P	03-14-075
296-831-200	NEW-W	04-01-063	296-831-23050	NEW-W	04-01-063	296-831-33050	NEW-W	04-01-063
296-831-210	NEW-P	03-14-075	296-831-23055	NEW-P	03-14-075	296-831-340	NEW-P	03-14-075
296-831-210	NEW-W	04-01-063	296-831-23055	NEW-W	04-01-063	296-831-340	NEW-W	04-01-063
296-831-21005	NEW-P	03-14-075	296-831-23060	NEW-P	03-14-075	296-831-34005	NEW-P	03-14-075
296-831-21005	NEW-W	04-01-063	296-831-23060	NEW-W	04-01-063	296-831-34005	NEW-W	04-01-063
296-831-21010	NEW-P	03-14-075	296-831-240	NEW-P	03-14-075	296-831-34015	NEW-P	03-14-075
296-831-21010	NEW-W	04-01-063	296-831-240	NEW-W	04-01-063	296-831-34015	NEW-W	04-01-063
296-831-21015	NEW-P	03-14-075	296-831-24005	NEW-P	03-14-075	296-831-34016	NEW-P	03-14-075
296-831-21015	NEW-W	04-01-063	296-831-24005	NEW-W	04-01-063	296-831-34016	NEW-W	04-01-063
296-831-21020	NEW-P	03-14-075	296-831-24010	NEW-P	03-14-075	296-831-34020	NEW-P	03-14-075
296-831-21020	NEW-W	04-01-063	296-831-24010	NEW-W	04-01-063	296-831-34020	NEW-W	04-01-063
296-831-21025	NEW-P	03-14-075	296-831-24020	NEW-P	03-14-075	296-831-34025	NEW-P	03-14-075
296-831-21025	NEW-W	04-01-063	296-831-24020	NEW-W	04-01-063	296-831-34025	NEW-W	04-01-063
296-831-21030	NEW-P	03-14-075	296-831-24025	NEW-P	03-14-075	296-831-400	NEW-P	03-14-075
296-831-21030	NEW-W	04-01-063	296-831-24025	NEW-W	04-01-063	296-831-400	NEW-W	04-01-063
296-831-21035	NEW-P	03-14-075	296-831-300	NEW-P	03-14-075	296-831-410	NEW-P	03-14-075
296-831-21035	NEW-W	04-01-063	296-831-300	NEW-W	04-01-063	296-831-410	NEW-W	04-01-063
296-831-21040	NEW-P	03-14-075	296-831-310	NEW-P	03-14-075	296-831-41005	NEW-P	03-14-075
296-831-21040	NEW-W	04-01-063	296-831-310	NEW-W	04-01-063	296-831-41005	NEW-W	04-01-063
296-831-21045	NEW-P	03-14-075	296-831-31005	NEW-P	03-14-075	296-831-41010	NEW-P	03-14-075
296-831-21045	NEW-W	04-01-063	296-831-31005	NEW-W	04-01-063	296-831-41010	NEW-W	04-01-063
296-831-21050	NEW-P	03-14-075	296-831-31010	NEW-P	03-14-075	296-831-41015	NEW-P	03-14-075
296-831-21050	NEW-W	04-01-063	296-831-31010	NEW-W	04-01-063	296-831-41015	NEW-W	04-01-063
296-831-21055	NEW-P	03-14-075	296-831-31015	NEW-P	03-14-075	296-831-41020	NEW-P	03-14-075
296-831-21055	NEW-W	04-01-063	296-831-31015	NEW-W	04-01-063	296-831-41020	NEW-W	04-01-063
296-831-21060	NEW-P	03-14-075	296-831-31020	NEW-P	03-14-075	296-831-41025	NEW-P	03-14-075
296-831-21060	NEW-W	04-01-063	296-831-31020	NEW-W	04-01-063	296-831-41025	NEW-W	04-01-063
296-831-21065	NEW-P	03-14-075	296-831-31025	NEW-P	03-14-075	296-831-41030	NEW-P	03-14-075
296-831-21065	NEW-W	04-01-063	296-831-31025	NEW-W	04-01-063	296-831-41030	NEW-W	04-01-063
296-831-21070	NEW-P	03-14-075	296-831-31030	NEW-P	03-14-075	296-831-41035	NEW-P	03-14-075
296-831-21070	NEW-W	04-01-063	296-831-31030	NEW-W	04-01-063	296-831-41035	NEW-W	04-01-063
296-831-220	NEW-P	03-14-075	296-831-31030	NEW-P	04-01-063	296-831-41035	NEW-P	04-01-063
296-831-220	NEW-W	04-01-063	296-831-320	NEW-P	03-14-075	296-831-41040	NEW-P	03-14-075
296-831-22005	NEW-P	03-14-075	296-831-320	NEW-W	04-01-063	296-831-41040	NEW-W	04-01-063
296-831-22005	NEW-W	04-01-063	296-831-32005	NEW-P	03-14-075	296-831-41045	NEW-P	03-14-075
296-831-22010	NEW-P	03-14-075	296-831-32005	NEW-W	04-01-063	296-831-41045	NEW-W	04-01-063
296-831-22010	NEW-W	04-01-063	296-831-32010	NEW-P	03-14-075	296-831-41050	NEW-P	03-14-075
296-831-22015	NEW-P	03-14-075	296-831-32010	NEW-W	04-01-063	296-831-41050	NEW-W	04-01-063
296-831-22015	NEW-W	04-01-063	296-831-32015	NEW-P	03-14-075	296-831-41055	NEW-P	03-14-075
296-831-22020	NEW-P	03-14-075	296-831-32015	NEW-W	04-01-063	296-831-41055	NEW-W	04-01-063
296-831-22020	NEW-W	04-01-063	296-831-32020	NEW-P	03-14-075	296-831-41060	NEW-P	03-14-075
296-831-230	NEW-P	03-14-075	296-831-32020	NEW-W	04-01-063	296-831-41060	NEW-W	04-01-063
296-831-230	NEW-W	04-01-063	296-831-330	NEW-P	03-14-075	296-831-41065	NEW-P	03-14-075
296-831-23001	NEW-P	03-14-075	296-831-330	NEW-W	04-01-063	296-831-41065	NEW-W	04-01-063
296-831-23001	NEW-W	04-01-063	296-831-33005	NEW-P	03-14-075	296-831-420	NEW-P	03-14-075
296-831-23005	NEW-P	03-14-075	296-831-33005	NEW-W	04-01-063	296-831-420	NEW-W	04-01-063
296-831-23005	NEW-W	04-01-063	296-831-33010	NEW-P	03-14-075	296-831-42005	NEW-P	03-14-075
296-831-23010	NEW-P	03-14-075	296-831-33010	NEW-W	04-01-063	296-831-42005	NEW-W	04-01-063
296-831-23010	NEW-W	04-01-063	296-831-33015	NEW-P	03-14-075	296-831-42010	NEW-P	03-14-075
296-831-23010	NEW-W	04-01-063	296-831-33015	NEW-W	04-01-063	296-831-42010	NEW-W	04-01-063

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-831-42015	NEW-P	03-14-075	296-831-52020	NEW-P	03-14-075	296-842-11005	NEW	03-20-114
296-831-42015	NEW-W	04-01-063	296-831-52020	NEW-W	04-01-063	296-842-11010	NEW-P	03-08-044
296-831-42020	NEW-P	03-14-075	296-831-530	NEW-P	03-14-075	296-842-11010	NEW	03-20-114
296-831-42020	NEW-W	04-01-063	296-831-530	NEW-W	04-01-063	296-842-120	NEW-P	03-08-044
296-831-430	NEW-P	03-14-075	296-831-53005	NEW-P	03-14-075	296-842-120	NEW	03-20-114
296-831-430	NEW-W	04-01-063	296-831-53005	NEW-W	04-01-063	296-842-12005	NEW-P	03-08-044
296-831-43005	NEW-P	03-14-075	296-831-53010	NEW-P	03-14-075	296-842-12005	NEW	03-20-114
296-831-43005	NEW-W	04-01-063	296-831-53010	NEW-W	04-01-063	296-842-12010	NEW-P	03-08-044
296-831-43010	NEW-P	03-14-075	296-831-53015	NEW-P	03-14-075	296-842-12010	NEW	03-20-114
296-831-43010	NEW-W	04-01-063	296-831-53015	NEW-W	04-01-063	296-842-130	NEW-P	03-08-044
296-831-43015	NEW-P	03-14-075	296-831-53020	NEW-P	03-14-075	296-842-130	NEW	03-20-114
296-831-43015	NEW-W	04-01-063	296-831-53020	NEW-W	04-01-063	296-842-13005	NEW-P	03-08-044
296-831-43020	NEW-P	03-14-075	296-831-53025	NEW-P	03-14-075	296-842-13005	NEW	03-20-114
296-831-43020	NEW-W	04-01-063	296-831-53025	NEW-W	04-01-063	296-842-140	NEW-P	03-08-044
296-831-43025	NEW-P	03-14-075	296-831-53030	NEW-P	03-14-075	296-842-140	NEW	03-20-114
296-831-43025	NEW-W	04-01-063	296-831-53030	NEW-W	04-01-063	296-842-14005	NEW-P	03-08-044
296-831-43030	NEW-P	03-14-075	296-831-53035	NEW-P	03-14-075	296-842-14005	NEW	03-20-114
296-831-43030	NEW-W	04-01-063	296-831-53035	NEW-W	04-01-063	296-842-150	NEW-P	03-08-044
296-831-43035	NEW-P	03-14-075	296-831-53040	NEW-P	03-14-075	296-842-150	NEW	03-20-114
296-831-43035	NEW-W	04-01-063	296-831-53040	NEW-W	04-01-063	296-842-15005	NEW-P	03-08-044
296-831-43040	NEW-P	03-14-075	296-831-53045	NEW-P	03-14-075	296-842-15005	NEW	03-20-114
296-831-43040	NEW-W	04-01-063	296-831-53045	NEW-W	04-01-063	296-842-160	NEW-P	03-08-044
296-831-43045	NEW-P	03-14-075	296-831-53050	NEW-P	03-14-075	296-842-160	NEW	03-20-114
296-831-43045	NEW-W	04-01-063	296-831-53050	NEW-W	04-01-063	296-842-16005	NEW-P	03-08-044
296-831-43050	NEW-P	03-14-075	296-831-53055	NEW-P	03-14-075	296-842-16005	NEW	03-20-114
296-831-43050	NEW-W	04-01-063	296-831-53055	NEW-W	04-01-063	296-842-170	NEW-P	03-08-044
296-831-43055	NEW-P	03-14-075	296-831-540	NEW-P	03-14-075	296-842-170	NEW	03-20-114
296-831-43055	NEW-W	04-01-063	296-831-540	NEW-W	04-01-063	296-842-17005	NEW-P	03-08-044
296-831-43060	NEW-P	03-14-075	296-831-54005	NEW-P	03-14-075	296-842-17005	NEW	03-20-114
296-831-43060	NEW-W	04-01-063	296-831-54005	NEW-W	04-01-063	296-842-17010	NEW-P	03-08-044
296-831-440	NEW-P	03-14-075	296-831-54010	NEW-P	03-14-075	296-842-17010	NEW	03-20-114
296-831-440	NEW-W	04-01-063	296-831-54010	NEW-W	04-01-063	296-842-17015	NEW-P	03-08-044
296-831-44005	NEW-P	03-14-075	296-831-54015	NEW-P	03-14-075	296-842-17015	NEW	03-20-114
296-831-44005	NEW-W	04-01-063	296-831-54015	NEW-W	04-01-063	296-842-180	NEW-P	03-08-044
296-831-44010	NEW-P	03-14-075	296-831-54020	NEW-P	03-14-075	296-842-180	NEW	03-20-114
296-831-44010	NEW-W	04-01-063	296-831-54020	NEW-W	04-01-063	296-842-18005	NEW-P	03-08-044
296-831-44015	NEW-P	03-14-075	296-831-900	NEW-P	03-14-075	296-842-18005	NEW	03-20-114
296-831-44015	NEW-W	04-01-063	296-831-900	NEW-W	04-01-063	296-842-18010	NEW-P	03-08-044
296-831-500	NEW-P	03-14-075	296-841	PREP	03-08-073	296-842-18010	NEW	03-20-114
296-831-500	NEW-W	04-01-063	296-841-100	NEW-P	03-11-059	296-842-190	NEW-P	03-08-044
296-831-510	NEW-P	03-14-075	296-841-100	NEW	03-20-115	296-842-190	NEW	03-20-114
296-831-510	NEW-W	04-01-063	296-841-200	NEW-P	03-11-059	296-842-19005	NEW-P	03-08-044
296-831-51005	NEW-P	03-14-075	296-841-200	NEW	03-20-115	296-842-19005	NEW	03-20-114
296-831-51005	NEW-W	04-01-063	296-841-20005	NEW-P	03-11-059	296-842-200	NEW-P	03-08-044
296-831-51010	NEW-P	03-14-075	296-841-20005	NEW	03-20-115	296-842-200	NEW	03-20-114
296-831-51010	NEW-W	04-01-063	296-841-20010	NEW-P	03-11-059	296-842-20005	NEW-P	03-08-044
296-831-51015	NEW-P	03-14-075	296-841-20010	NEW	03-20-115	296-842-20005	NEW	03-20-114
296-831-51015	NEW-W	04-01-063	296-841-20015	NEW-P	03-11-059	296-842-20010	NEW-P	03-08-044
296-831-51020	NEW-P	03-14-075	296-841-20015	NEW	03-20-115	296-842-20010	NEW	03-20-114
296-831-51020	NEW-W	04-01-063	296-841-20020	NEW-P	03-11-059	296-842-20015	NEW-P	03-08-044
296-831-51025	NEW-P	03-14-075	296-841-20020	NEW	03-20-115	296-842-20015	NEW	03-20-114
296-831-51025	NEW-W	04-01-063	296-841-300	NEW-P	03-11-059	296-842-210	NEW-P	03-08-044
296-831-51030	NEW-P	03-14-075	296-841-300	NEW	03-20-115	296-842-210	NEW	03-20-114
296-831-51030	NEW-W	04-01-063	296-842-100	NEW-P	03-08-044	296-842-21005	NEW-P	03-08-044
296-831-520	NEW-P	03-14-075	296-842-100	NEW	03-20-114	296-842-21005	NEW	03-20-114
296-831-520	NEW-W	04-01-063	296-842-105	NEW-P	03-08-044	296-842-220	NEW-P	03-08-044
296-831-52005	NEW-P	03-14-075	296-842-105	NEW	03-20-114	296-842-220	NEW	03-20-114
296-831-52005	NEW-W	04-01-063	296-842-10505	NEW-P	03-08-044	296-842-22005	NEW-P	03-08-044
296-831-52010	NEW-P	03-14-075	296-842-10505	NEW	03-20-114	296-842-22005	NEW	03-20-114
296-831-52010	NEW-W	04-01-063	296-842-110	NEW-P	03-08-044	296-842-22010	NEW-P	03-08-044
296-831-52015	NEW-P	03-14-075	296-842-110	NEW	03-20-114	296-842-22010	NEW	03-20-114
296-831-52015	NEW-W	04-01-063	296-842-11005	NEW-P	03-08-044	296-842-22015	NEW-P	03-08-044

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-842-22015	NEW	03-20-114	308- 20-010	AMD	03-14-046	308- 56A-056	AMD	03-05-081
296-842-22020	NEW-P	03-08-044	308- 20-010	AMD-P	04-01-191	308- 56A-060	AMD	03-05-081
296-842-22020	NEW	03-20-114	308- 20-040	AMD-P	03-10-085	308- 56A-065	AMD-P	03-06-040
296-842-300	NEW-P	03-08-044	308- 20-040	AMD	03-14-046	308- 56A-065	AMD	03-10-097
296-842-300	NEW	03-20-114	308- 20-040	AMD-P	04-01-191	308- 56A-070	AMD-P	03-08-093
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388- 71-05880	RECOD-P	03-22-091	388- 71-05932	DECOD-P	03-22-091	388- 71-05952	DECOD-P	03-22-091
388- 71-05885	RECOD-P	03-22-091	388- 71-05933	PREP	03-17-065	388- 71-05953	NEW-E	03-20-105
388- 71-05890	RECOD-P	03-22-091	388- 71-05933	DECOD-P	03-22-091	388- 71-05954	NEW-E	03-20-105
388- 71-05895	NEW-P	03-22-091	388- 71-05934	PREP	03-17-065	388- 71-05955	NEW-E	03-20-105
388- 71-05899	RECOD-P	03-22-091	388- 71-05934	DECOD-P	03-22-091	388- 71-05956	NEW-E	03-20-105
388- 71-05905	RECOD-P	03-22-091	388- 71-05935	PREP	03-17-065	388- 71-05957	NEW-E	03-20-105
388- 71-05909	RECOD-P	03-22-091	388- 71-05935	DECOD-P	03-22-091	388- 71-05958	NEW-E	03-20-105
388- 71-05910	PREP	03-17-065	388- 71-05936	PREP	03-17-065	388- 71-06000	AMD-E	03-05-044
388- 71-05910	AMD-P	03-22-091	388- 71-05936	DECOD-P	03-22-091	388- 71-06000	AMD-E	03-05-098
388- 71-05910	DECOD-P	03-22-091	388- 71-05937	PREP	03-17-065	388- 71-06000	AMD-P	03-09-042
388- 71-05911	PREP	03-17-065	388- 71-05937	DECOD-P	03-22-091	388- 71-06000	AMD-E	03-13-007
388- 71-05911	DECOD-P	03-22-091	388- 71-05938	PREP	03-17-065	388- 71-06000	AMD	03-13-052
388- 71-05912	PREP	03-17-065	388- 71-05938	PREP	03-19-117	388- 71-06005	AMD-E	03-05-044
388- 71-05912	DECOD-P	03-22-091	388- 71-05938	DECOD-P	03-22-091	388- 71-06005	AMD-E	03-05-098
388- 71-05913	PREP	03-17-065	388- 71-05939	PREP	03-17-065	388- 71-06005	AMD-P	03-09-042
388- 71-05913	DECOD-P	03-22-091	388- 71-05939	PREP	03-19-117	388- 71-06005	AMD-E	03-13-007
388- 71-05914	PREP	03-17-065	388- 71-05939	DECOD-P	03-22-091	388- 71-06005	AMD	03-13-052
388- 71-05914	DECOD-P	03-22-091	388- 71-05940	PREP	03-17-065	388- 71-06010	AMD-E	03-05-044
388- 71-05915	PREP	03-17-065	388- 71-05940	PREP	03-19-117	388- 71-06010	AMD-E	03-05-098
388- 71-05915	DECOD-P	03-22-091	388- 71-05940	DECOD-P	03-22-091	388- 71-06010	AMD-P	03-09-042
388- 71-05916	PREP	03-17-065	388- 71-05941	PREP	03-17-065	388- 71-06010	AMD-E	03-13-007
388- 71-05916	DECOD-P	03-22-091	388- 71-05941	PREP	03-19-117	388- 71-06010	AMD	03-13-052
388- 71-05917	PREP	03-17-065	388- 71-05941	AMD-P	03-22-091	388- 71-07020	NEW	03-06-024
388- 71-05917	DECOD-P	03-22-091	388- 71-05941	DECOD-P	03-22-091	388- 71-07040	NEW	03-06-024
388- 71-05918	PREP	03-17-065	388- 71-05942	PREP	03-17-065	388- 71-07060	NEW	03-06-024
388- 71-05918	AMD-P	03-22-091	388- 71-05942	PREP	03-19-117	388- 71-07080	NEW	03-06-024
388- 71-05918	DECOD-P	03-22-091	388- 71-05942	DECOD-P	03-22-091	388- 71-07100	NEW	03-06-024
388- 71-05919	PREP	03-17-065	388- 71-05943	PREP	03-17-065	388- 71-07120	NEW	03-06-024
388- 71-05919	AMD-P	03-22-091	388- 71-05943	PREP	03-19-117	388- 71-07140	NEW	03-06-024
388- 71-05919	DECOD-P	03-22-091	388- 71-05943	AMD-P	03-22-091	388- 71-07160	NEW	03-06-024
388- 71-05920	PREP	03-17-065	388- 71-05943	DECOD-P	03-22-091	388- 71-07180	NEW	03-06-024
388- 71-05920	AMD-P	03-22-091	388- 71-05944	PREP	03-17-065	388- 71-07200	NEW	03-06-024
388- 71-05920	DECOD-P	03-22-091	388- 71-05944	PREP	03-19-117	388- 71-07220	NEW	03-06-024
388- 71-05921	PREP	03-17-065	388- 71-05944	DECOD-P	03-22-091	388- 71-07240	NEW	03-06-024
388- 71-05921	DECOD-P	03-22-091	388- 71-05945	PREP	03-17-065	388- 71-07260	NEW	03-06-024
388- 71-05922	PREP	03-17-065	388- 71-05945	PREP	03-19-117	388- 71-07280	NEW	03-06-024
388- 71-05922	DECOD-P	03-22-091	388- 71-05945	DECOD-P	03-22-091	388- 71-07300	NEW	03-06-024
388- 71-05923	PREP	03-09-089	388- 71-05946	PREP	03-17-065	388- 71-07320	NEW	03-06-024
388- 71-05923	AMD-P	03-15-126	388- 71-05946	PREP	03-19-117	388- 71-07340	NEW	03-06-024
388- 71-05923	PREP	03-17-065	388- 71-05946	AMD-P	03-22-091	388- 71-07360	NEW	03-06-024
388- 71-05923	AMD	03-19-076	388- 71-05946	DECOD-P	03-22-091	388- 71-07380	NEW	03-06-024
388- 71-05923	DECOD-P	03-22-091	388- 71-05947	PREP	03-17-065	388- 71-07400	NEW	03-06-024
388- 71-05924	PREP	03-17-065	388- 71-05947	PREP	03-19-117	388- 71-07420	NEW	03-06-024
388- 71-05924	AMD-P	03-22-091	388- 71-05947	AMD-P	03-22-091	388- 71-07440	NEW	03-06-024

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388- 71-0746	NEW	03-06-024	388- 72A-0095	PREP	03-17-065	388- 78A-0240	NEW-P	03-03-018
388- 71-0748	NEW	03-06-024	388- 72A-0100	NEW	03-05-097	388- 78A-0240	NEW	03-16-047
388- 71-0750	NEW	03-06-024	388- 72A-0105	NEW	03-05-097	388- 78A-0250	NEW-P	03-03-018
388- 71-0752	NEW	03-06-024	388- 72A-0110	NEW	03-05-097	388- 78A-0250	NEW	03-16-047
388- 71-0754	NEW	03-06-024	388- 76-655	AMD-P	03-10-090	388- 78A-0260	NEW-P	03-03-018
388- 71-0756	NEW	03-06-024	388- 76-655	AMD	03-14-018	388- 78A-0260	NEW	03-16-047
388- 71-0758	NEW	03-06-024	388- 76-675	PREP	03-12-055	388- 78A-0270	NEW-P	03-03-018
388- 71-0760	NEW	03-06-024	388- 76-675	AMD-P	03-21-123	388- 78A-0270	NEW	03-16-047
388- 71-0762	NEW	03-06-024	388- 76-675	AMD	04-01-032	388- 78A-0280	NEW-P	03-03-018
388- 71-0764	NEW	03-06-024	388- 78A	AMD-P	03-03-018	388- 78A-0280	NEW	03-16-047
388- 71-0766	NEW	03-06-024	388- 78A	AMD-C	03-07-088	388- 78A-0290	NEW-P	03-03-018
388- 71-0768	NEW	03-06-024	388- 78A	AMD	03-16-047	388- 78A-0290	NEW	03-16-047
388- 71-0770	NEW	03-06-024	388- 78A-0010	NEW-P	03-03-018	388- 78A-030	REP-P	03-03-018
388- 71-0772	NEW	03-06-024	388- 78A-0010	NEW	03-16-047	388- 78A-030	REP	03-16-047
388- 71-0774	NEW	03-06-024	388- 78A-0020	NEW-P	03-03-018	388- 78A-0300	NEW-P	03-03-018
388- 71-0776	NEW	03-06-024	388- 78A-0020	NEW	03-16-047	388- 78A-0300	NEW	03-16-047
388- 71-0800	AMD-P	03-09-091	388- 78A-0030	NEW-P	03-03-018	388- 78A-0310	NEW-P	03-03-018
388- 71-0800	AMD	03-13-091	388- 78A-0030	NEW	03-16-047	388- 78A-0310	NEW	03-16-047
388- 71-0805	AMD-P	03-09-091	388- 78A-0040	NEW-P	03-03-018	388- 78A-0320	NEW-P	03-03-018
388- 71-0805	AMD	03-13-091	388- 78A-0040	NEW	03-16-047	388- 78A-0320	NEW	03-16-047
388- 71-0810	AMD-P	03-09-091	388- 78A-0050	NEW-P	03-03-018	388- 78A-0330	NEW-P	03-03-018
388- 71-0810	AMD	03-13-091	388- 78A-0050	NEW	03-16-047	388- 78A-0330	NEW	03-16-047
388- 71-0815	AMD-P	03-09-091	388- 78A-0060	NEW-P	03-03-018	388- 78A-0340	NEW-P	03-03-018
388- 71-0815	AMD	03-13-091	388- 78A-0060	NEW	03-16-047	388- 78A-0340	NEW	03-16-047
388- 71-0820	AMD-P	03-09-091	388- 78A-0070	NEW-P	03-03-018	388- 78A-0350	NEW-P	03-03-018
388- 71-0820	AMD	03-13-091	388- 78A-0070	NEW	03-16-047	388- 78A-0350	NEW	03-16-047
388- 71-0825	AMD-P	03-09-091	388- 78A-0080	NEW-P	03-03-018	388- 78A-0360	NEW-P	03-03-018
388- 71-0825	AMD	03-13-091	388- 78A-0080	NEW	03-16-047	388- 78A-0360	NEW	03-16-047
388- 71-0835	AMD-P	03-09-091	388- 78A-0090	NEW-P	03-03-018	388- 78A-0370	NEW-P	03-03-018
388- 71-0835	AMD	03-13-091	388- 78A-0090	NEW	03-16-047	388- 78A-0370	NEW	03-16-047
388- 71-0840	AMD-P	03-09-091	388- 78A-010	REP-P	03-03-018	388- 78A-0380	NEW-P	03-03-018
388- 71-0840	AMD	03-13-091	388- 78A-010	REP	03-16-047	388- 78A-0380	NEW	03-16-047
388- 71-0845	AMD-P	03-09-091	388- 78A-0100	NEW-P	03-03-018	388- 78A-0390	NEW-P	03-03-018
388- 71-0845	AMD	03-13-091	388- 78A-0100	NEW	03-16-047	388- 78A-0390	NEW	03-16-047
388- 72A	PREP	03-21-148	388- 78A-0110	NEW-P	03-03-018	388- 78A-040	REP-P	03-03-018
388- 72A	AMD-W	04-01-086	388- 78A-0110	NEW	03-16-047	388- 78A-040	REP	03-16-047
388- 72A	PREP	04-01-087	388- 78A-0120	NEW-P	03-03-018	388- 78A-0400	NEW-P	03-03-018
388- 72A	PREP	04-01-192	388- 78A-0120	NEW	03-16-047	388- 78A-0400	NEW	03-16-047
388- 72A-0005	NEW	03-05-097	388- 78A-0130	NEW-P	03-03-018	388- 78A-0410	NEW-P	03-03-018
388- 72A-0010	NEW	03-05-097	388- 78A-0130	NEW	03-16-047	388- 78A-0410	NEW	03-16-047
388- 72A-0015	NEW	03-05-097	388- 78A-0140	NEW-P	03-03-018	388- 78A-0420	NEW-P	03-03-018
388- 72A-0020	NEW	03-05-097	388- 78A-0140	NEW	03-16-047	388- 78A-0420	NEW	03-16-047
388- 72A-0025	NEW	03-05-097	388- 78A-0150	NEW-P	03-03-018	388- 78A-0430	NEW-P	03-03-018
388- 72A-0030	NEW	03-05-097	388- 78A-0150	NEW	03-16-047	388- 78A-0430	NEW	03-16-047
388- 72A-0035	NEW	03-05-097	388- 78A-0160	NEW-P	03-03-018	388- 78A-0440	NEW-P	03-03-018
388- 72A-0040	NEW	03-05-097	388- 78A-0160	NEW	03-16-047	388- 78A-0440	NEW	03-16-047
388- 72A-0045	NEW	03-05-097	388- 78A-0170	NEW-P	03-03-018	388- 78A-045	REP-P	03-03-018
388- 72A-0050	NEW	03-05-097	388- 78A-0170	NEW	03-16-047	388- 78A-045	REP	03-16-047
388- 72A-0055	NEW	03-05-097	388- 78A-0180	NEW-P	03-03-018	388- 78A-0450	NEW-P	03-03-018
388- 72A-0060	NEW	03-05-097	388- 78A-0180	NEW	03-16-047	388- 78A-0450	NEW	03-16-047
388- 72A-0060	PREP	03-14-099	388- 78A-0190	NEW-P	03-03-018	388- 78A-0460	NEW-P	03-03-018
388- 72A-0060	AMD-E	03-15-133	388- 78A-0190	NEW	03-16-047	388- 78A-0460	NEW	03-16-047
388- 72A-0060	AMD-P	03-19-073	388- 78A-020	REP-P	03-03-018	388- 78A-0470	NEW-P	03-03-018
388- 72A-0060	AMD-E	03-23-114	388- 78A-020	REP	03-16-047	388- 78A-0470	NEW	03-16-047
388- 72A-0060	AMD	03-24-001	388- 78A-0200	NEW-P	03-03-018	388- 78A-0480	NEW-P	03-03-018
388- 72A-0065	NEW	03-05-097	388- 78A-0200	NEW	03-16-047	388- 78A-0480	NEW	03-16-047
388- 72A-0070	NEW	03-05-097	388- 78A-0210	NEW-P	03-03-018	388- 78A-0490	NEW-P	03-03-018
388- 72A-0075	NEW	03-05-097	388- 78A-0210	NEW	03-16-047	388- 78A-0490	NEW	03-16-047
388- 72A-0080	NEW	03-05-097	388- 78A-0220	NEW-P	03-03-018	388- 78A-050	REP-P	03-03-018
388- 72A-0085	NEW	03-05-097	388- 78A-0220	NEW	03-16-047	388- 78A-050	REP	03-16-047
388- 72A-0090	NEW	03-05-097	388- 78A-0230	NEW-P	03-03-018	388- 78A-0500	NEW-P	03-03-018
388- 72A-0095	NEW	03-05-097	388- 78A-0230	NEW	03-16-047	388- 78A-0500	NEW	03-16-047

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388- 78A-230	REP-P	03-03-018	388-140-0015	NEW-E	03-19-074	388-140-0120	NEW-E	03-12-004
388- 78A-230	REP	03-16-047	388-140-0020	NEW-E	03-04-035	388-140-0120	NEW-E	03-19-074
388- 78A-240	REP-P	03-03-018	388-140-0020	NEW-E	03-12-004	388-140-0125	NEW-E	03-04-035
388- 78A-240	REP	03-16-047	388-140-0020	NEW-E	03-19-074	388-140-0125	NEW-E	03-12-004
388- 78A-250	REP-P	03-03-018	388-140-0025	NEW-E	03-04-035	388-140-0125	NEW-E	03-19-074
388- 78A-250	REP	03-16-047	388-140-0025	NEW-E	03-12-004	388-140-0130	NEW-E	03-04-035
388- 78A-260	REP-P	03-03-018	388-140-0025	NEW-E	03-19-074	388-140-0130	NEW-E	03-12-004
388- 78A-260	REP	03-16-047	388-140-0030	NEW-E	03-04-035	388-140-0130	NEW-E	03-19-074
388- 78A-265	REP-P	03-03-018	388-140-0030	NEW-E	03-12-004	388-140-0135	NEW-E	03-04-035
388- 78A-265	REP	03-16-047	388-140-0030	NEW-E	03-19-074	388-140-0135	NEW-E	03-12-004
388- 78A-268	REP-P	03-03-018	388-140-0035	NEW-E	03-04-035	388-140-0135	NEW-E	03-19-074
388- 78A-268	REP	03-16-047	388-140-0035	NEW-E	03-12-004	388-140-0140	NEW-E	03-04-035
388- 78A-280	REP-P	03-03-018	388-140-0035	NEW-E	03-19-074	388-140-0140	NEW-E	03-12-004
388- 78A-280	REP	03-16-047	388-140-0040	NEW-E	03-04-035	388-140-0140	NEW-E	03-19-074
388- 78A-290	REP-P	03-03-018	388-140-0040	NEW-E	03-12-004	388-140-0145	NEW-E	03-04-035
388- 78A-290	REP	03-16-047	388-140-0040	NEW-E	03-19-074	388-140-0145	NEW-E	03-12-004
388- 78A-300	REP-P	03-03-018	388-140-0045	NEW-E	03-04-035	388-140-0145	NEW-E	03-19-074
388- 78A-300	REP	03-16-047	388-140-0045	NEW-E	03-12-004	388-140-0150	NEW-E	03-04-035
388- 78A-310	REP-P	03-03-018	388-140-0045	NEW-E	03-19-074	388-140-0150	NEW-E	03-12-004
388- 78A-310	REP	03-16-047	388-140-0050	NEW-E	03-04-035	388-140-0150	NEW-E	03-19-074
388- 78A-320	REP-P	03-03-018	388-140-0050	NEW-E	03-12-004	388-140-0155	NEW-E	03-04-035
388- 78A-320	REP	03-16-047	388-140-0050	NEW-E	03-19-074	388-140-0155	NEW-E	03-12-004
388- 78A-330	REP-P	03-03-018	388-140-0055	NEW-E	03-04-035	388-140-0155	NEW-E	03-19-074
388- 78A-330	REP	03-16-047	388-140-0055	NEW-E	03-12-004	388-140-0160	NEW-E	03-04-035
388- 78A-335	REP-P	03-03-018	388-140-0055	NEW-E	03-19-074	388-140-0160	NEW-E	03-12-004
388- 78A-335	REP	03-16-047	388-140-0060	NEW-E	03-04-035	388-140-0160	NEW-E	03-19-074
388- 78A-340	REP-P	03-03-018	388-140-0060	NEW-E	03-12-004	388-140-0165	NEW-E	03-04-035
388- 78A-340	REP	03-16-047	388-140-0060	NEW-E	03-19-074	388-140-0165	NEW-E	03-12-004
388- 78A-990	REP-P	03-03-018	388-140-0065	NEW-E	03-04-035	388-140-0165	NEW-E	03-19-074
388- 78A-990	REP	03-16-047	388-140-0065	NEW-E	03-12-004	388-140-0170	NEW-E	03-04-035
388- 79-010	AMD-P	03-06-094	388-140-0065	NEW-E	03-19-074	388-140-0170	NEW-E	03-12-004
388- 79-010	AMD	03-16-022	388-140-0070	NEW-E	03-04-035	388-140-0170	NEW-E	03-19-074
388- 79-020	AMD-P	03-06-094	388-140-0070	NEW-E	03-12-004	388-140-0175	NEW-E	03-04-035
388- 79-020	AMD	03-16-022	388-140-0070	NEW-E	03-19-074	388-140-0175	NEW-E	03-12-004
388- 79-030	AMD-P	03-06-094	388-140-0075	NEW-E	03-04-035	388-140-0175	NEW-E	03-19-074
388- 79-030	AMD	03-16-022	388-140-0075	NEW-E	03-12-004	388-140-0180	NEW-E	03-04-035
388- 79-040	AMD-P	03-06-094	388-140-0075	NEW-E	03-19-074	388-140-0180	NEW-E	03-12-004
388- 79-040	AMD	03-16-022	388-140-0080	NEW-E	03-04-035	388-140-0180	NEW-E	03-19-074
388- 79-050	NEW-P	03-06-094	388-140-0080	NEW-E	03-12-004	388-140-0185	NEW-E	03-04-035
388- 79-050	NEW	03-16-022	388-140-0080	NEW-E	03-19-074	388-140-0185	NEW-E	03-12-004
388- 96	PREP	03-07-031	388-140-0085	NEW-E	03-04-035	388-140-0185	NEW-E	03-19-074
388- 97-027	PREP-W	03-16-018	388-140-0085	NEW-E	03-12-004	388-140-0190	NEW-E	03-04-035
388- 97-076	PREP	03-12-056	388-140-0085	NEW-E	03-19-074	388-140-0190	NEW-E	03-12-004
388- 97-076	AMD-P	03-20-040	388-140-0090	NEW-E	03-04-035	388-140-0190	NEW-E	03-19-074
388- 97-076	AMD	03-23-021	388-140-0090	NEW-E	03-12-004	388-140-0195	NEW-E	03-04-035
388-105	PREP	03-15-050	388-140-0090	NEW-E	03-19-074	388-140-0195	NEW-E	03-12-004
388-105-0005	AMD-E	03-15-011	388-140-0095	NEW-E	03-04-035	388-140-0195	NEW-E	03-19-074
388-105-0005	AMD-E	03-22-052	388-140-0095	NEW-E	03-12-004	388-140-0200	NEW-E	03-04-035
388-105-0030	AMD-E	03-15-011	388-140-0095	NEW-E	03-19-074	388-140-0200	NEW-E	03-12-004
388-105-0030	AMD-E	03-22-052	388-140-0100	NEW-E	03-04-035	388-140-0200	NEW-E	03-19-074
388-105-0040	AMD-E	03-15-011	388-140-0100	NEW-E	03-12-004	388-140-0205	NEW-E	03-04-035
388-105-0040	AMD-E	03-22-052	388-140-0100	NEW-E	03-19-074	388-140-0205	NEW-E	03-12-004
388-105-0045	NEW-E	03-15-011	388-140-0105	NEW-E	03-04-035	388-140-0205	NEW-E	03-19-074
388-105-0045	NEW-E	03-22-052	388-140-0105	NEW-E	03-12-004	388-140-0210	NEW-E	03-04-035
388-140-0005	NEW-E	03-04-035	388-140-0105	NEW-E	03-19-074	388-140-0210	NEW-E	03-12-004
388-140-0005	NEW-E	03-12-004	388-140-0110	NEW-E	03-04-035	388-140-0210	NEW-E	03-19-074
388-140-0005	NEW-E	03-19-074	388-140-0110	NEW-E	03-12-004	388-140-0215	NEW-E	03-04-035
388-140-0010	NEW-E	03-04-035	388-140-0110	NEW-E	03-19-074	388-140-0215	NEW-E	03-12-004
388-140-0010	NEW-E	03-12-004	388-140-0115	NEW-E	03-04-035	388-140-0215	NEW-E	03-19-074
388-140-0010	NEW-E	03-19-074	388-140-0115	NEW-E	03-12-004	388-140-0220	NEW-E	03-04-035
388-140-0015	NEW-E	03-04-035	388-140-0115	NEW-E	03-19-074	388-140-0220	NEW-E	03-12-004
388-140-0015	NEW-E	03-12-004	388-140-0120	NEW-E	03-04-035	388-140-0220	NEW-E	03-19-074

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-148-0040	AMD-E	03-21-074	388-148-0542	NEW-E	03-05-099	388-148-1120	AMD-E	03-21-074
388-148-0045	AMD-E	03-05-099	388-148-0542	NEW-E	03-14-012	388-148-1140	NEW-E	03-05-099
388-148-0045	AMD-E	03-14-012	388-148-0542	NEW-E	03-21-074	388-148-1140	NEW-E	03-14-012
388-148-0045	AMD-E	03-21-074	388-148-0560	AMD-E	03-05-099	388-148-1145	NEW-E	03-05-099
388-148-0050	AMD-E	03-05-099	388-148-0560	AMD-E	03-14-012	388-148-1145	NEW-E	03-14-012
388-148-0050	AMD-E	03-14-012	388-148-0560	AMD-E	03-21-074	388-148-1150	NEW-E	03-05-099
388-148-0050	AMD-E	03-21-074	388-148-0585	AMD-E	03-05-099	388-148-1150	NEW-E	03-14-012
388-148-0058	NEW-E	03-05-099	388-148-0585	AMD-E	03-14-012	388-148-1155	NEW-E	03-05-099
388-148-0058	NEW-E	03-14-012	388-148-0585	AMD-E	03-21-074	388-148-1155	NEW-E	03-14-012
388-148-0058	NEW-E	03-21-074	388-148-0630	AMD-E	03-05-099	388-148-1160	NEW-E	03-05-099
388-148-0060	AMD-E	03-05-099	388-148-0630	AMD-E	03-14-012	388-148-1160	NEW-E	03-14-012
388-148-0060	AMD-E	03-14-012	388-148-0630	AMD-E	03-21-074	388-148-1165	NEW-E	03-05-099
388-148-0060	AMD-E	03-21-074	388-148-0700	AMD-E	03-05-099	388-148-1165	NEW-E	03-14-012
388-148-0065	AMD-E	03-05-099	388-148-0700	AMD-E	03-14-012	388-148-1170	NEW-E	03-05-099
388-148-0065	AMD-E	03-14-012	388-148-0700	AMD-E	03-21-074	388-148-1170	NEW-E	03-14-012
388-148-0065	AMD-E	03-21-074	388-148-0720	AMD-E	03-05-099	388-148-1175	NEW-E	03-05-099
388-148-0095	AMD-E	03-14-012	388-148-0720	AMD-E	03-14-012	388-148-1175	NEW-E	03-14-012
388-148-0095	AMD-E	03-21-074	388-148-0720	AMD-E	03-21-074	388-148-1180	NEW-E	03-05-099
388-148-0120	AMD-E	03-05-099	388-148-0722	NEW-E	03-05-099	388-148-1180	NEW-E	03-14-012
388-148-0120	AMD-E	03-14-012	388-148-0722	NEW-E	03-14-012	388-148-1185	NEW-E	03-05-099
388-148-0120	AMD-E	03-21-074	388-148-0722	NEW-E	03-21-074	388-148-1185	NEW-E	03-14-012
388-148-0125	AMD-E	03-05-099	388-148-0725	AMD-E	03-05-099	388-148-1190	NEW-E	03-05-099
388-148-0125	AMD-E	03-14-012	388-148-0725	AMD-E	03-14-012	388-148-1190	NEW-E	03-14-012
388-148-0125	AMD-E	03-21-074	388-148-0725	AMD-E	03-21-074	388-148-1205	NEW-E	03-06-091
388-148-0140	AMD-E	03-05-099	388-148-0785	AMD-E	03-05-099	388-148-1210	NEW-E	03-06-091
388-148-0140	AMD-E	03-14-012	388-148-0785	AMD-E	03-14-012	388-148-1215	NEW-E	03-06-091
388-148-0140	AMD-E	03-21-074	388-148-0785	AMD-E	03-21-074	388-148-1220	NEW-E	03-06-091
388-148-0170	AMD-E	03-14-012	388-148-0880	AMD-E	03-05-099	388-148-1225	NEW-E	03-06-091
388-148-0170	AMD-E	03-21-074	388-148-0880	AMD-E	03-14-012	388-148-1230	NEW-E	03-06-091
388-148-0220	AMD-E	03-05-099	388-148-0880	AMD-E	03-21-074	388-148-1235	NEW-E	03-06-091
388-148-0220	AMD-E	03-14-012	388-148-0892	NEW-E	03-05-099	388-148-1240	NEW-E	03-06-091
388-148-0220	AMD-E	03-21-074	388-148-0892	NEW-E	03-14-012	388-148-1245	NEW-E	03-06-091
388-148-0260	AMD-E	03-05-099	388-148-0892	NEW-E	03-21-074	388-148-1250	NEW-E	03-06-091
388-148-0260	AMD-E	03-14-012	388-148-0915	AMD-E	03-05-099	388-148-1255	NEW-E	03-06-091
388-148-0260	AMD-E	03-21-074	388-148-0915	AMD-E	03-14-012	388-148-1260	NEW-E	03-06-091
388-148-0270	AMD-E	03-05-099	388-148-0915	AMD-E	03-21-074	388-148-1265	NEW-E	03-06-091
388-148-0270	AMD-E	03-14-012	388-148-0995	AMD-E	03-05-099	388-148-1270	NEW-E	03-06-091
388-148-0270	AMD-E	03-21-074	388-148-0995	AMD-E	03-14-012	388-148-1275	NEW-E	03-06-091
388-148-0335	AMD-E	03-05-099	388-148-0995	AMD-E	03-21-074	388-148-1280	NEW-E	03-06-091
388-148-0335	AMD-E	03-14-012	388-148-1060	AMD-E	03-05-099	388-148-1285	NEW-E	03-06-091
388-148-0335	AMD-E	03-21-074	388-148-1060	AMD-E	03-14-012	388-148-1290	NEW-E	03-06-091
388-148-0345	AMD-E	03-05-099	388-148-1060	AMD-E	03-21-074	388-148-1295	NEW-E	03-06-091
388-148-0345	AMD-E	03-14-012	388-148-1070	AMD-E	03-05-099	388-148-1300	NEW-E	03-06-091
388-148-0345	AMD-E	03-21-074	388-148-1070	AMD-E	03-14-012	388-150-005	REP-P	03-09-005
388-148-0350	AMD-E	03-05-099	388-148-1070	AMD-E	03-21-074	388-150-005	REP	03-14-110
388-148-0350	AMD-E	03-14-012	388-148-1076	NEW-E	03-05-099	388-150-010	REP-P	03-09-005
388-148-0350	AMD-E	03-21-074	388-148-1076	NEW-E	03-14-012	388-150-010	REP	03-14-110
388-148-0395	AMD-E	03-05-099	388-148-1076	NEW-E	03-21-074	388-150-020	REP-P	03-09-005
388-148-0395	AMD-E	03-14-012	388-148-1077	NEW-E	03-05-099	388-150-020	REP	03-14-110
388-148-0395	AMD-E	03-21-074	388-148-1077	NEW-E	03-14-012	388-150-040	REP-P	03-09-005
388-148-0427	NEW-E	03-05-099	388-148-1077	NEW-E	03-21-074	388-150-040	REP	03-14-110
388-148-0427	NEW-E	03-14-012	388-148-1078	NEW-E	03-05-099	388-150-050	REP-P	03-09-005
388-148-0427	NEW-E	03-21-074	388-148-1078	NEW-E	03-14-012	388-150-050	REP	03-14-110
388-148-0460	AMD-E	03-05-099	388-148-1078	NEW-E	03-21-074	388-150-060	REP-P	03-09-005
388-148-0460	AMD-E	03-14-012	388-148-1079	NEW-E	03-05-099	388-150-060	REP	03-14-110
388-148-0460	AMD-E	03-21-074	388-148-1079	NEW-E	03-14-012	388-150-070	REP-P	03-09-005
388-148-0462	NEW-E	03-05-099	388-148-1079	NEW-E	03-21-074	388-150-070	REP	03-14-110
388-148-0462	NEW-E	03-14-012	388-148-1115	AMD-E	03-05-099	388-150-080	REP-P	03-09-005
388-148-0462	NEW-E	03-21-074	388-148-1115	AMD-E	03-14-012	388-150-080	REP	03-14-110
388-148-0520	AMD-E	03-05-099	388-148-1115	AMD-E	03-21-074	388-150-085	REP-P	03-09-005
388-148-0520	AMD-E	03-14-012	388-148-1120	AMD-E	03-05-099	388-150-085	REP	03-14-110
388-148-0520	AMD-E	03-21-074	388-148-1120	AMD-E	03-14-012	388-150-090	REP-P	03-09-005

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-150-090	REP	03-14-110	388-150-320	REP	03-14-110	388-180-0200	NEW	03-04-013
388-150-092	REP-P	03-09-005	388-150-330	REP-P	03-09-005	388-180-0210	NEW	03-04-013
388-150-092	REP	03-14-110	388-150-330	REP	03-14-110	388-180-0220	NEW	03-04-013
388-150-093	REP-P	03-09-005	388-150-340	REP-P	03-09-005	388-180-0230	NEW	03-04-013
388-150-093	REP	03-14-110	388-150-340	REP	03-14-110	388-273-0025	AMD-E	03-12-057
388-150-094	REP-P	03-09-005	388-150-350	REP-P	03-09-005	388-273-0025	PREP	03-13-044
388-150-094	REP	03-14-110	388-150-350	REP	03-14-110	388-273-0025	AMD-E	03-20-051
388-150-095	REP-P	03-09-005	388-150-360	REP-P	03-09-005	388-273-0030	AMD-E	03-12-057
388-150-095	REP	03-14-110	388-150-360	REP	03-14-110	388-273-0030	PREP	03-13-044
388-150-096	REP-P	03-09-005	388-150-370	REP-P	03-09-005	388-273-0030	AMD-E	03-20-051
388-150-096	REP	03-14-110	388-150-370	REP	03-14-110	388-273-0035	AMD-E	03-12-057
388-150-097	REP-P	03-09-005	388-150-380	REP-P	03-09-005	388-273-0035	PREP	03-13-044
388-150-097	REP	03-14-110	388-150-380	REP	03-14-110	388-273-0035	AMD-E	03-20-051
388-150-098	REP-P	03-09-005	388-150-390	REP-P	03-09-005	388-290-0075	AMD-E	03-06-045
388-150-098	REP	03-14-110	388-150-390	REP	03-14-110	388-290-0075	AMD-E	03-14-061
388-150-100	REP-P	03-09-005	388-150-400	REP-P	03-09-005	388-290-0075	AMD-E	03-22-005
388-150-100	REP	03-14-110	388-150-400	REP	03-14-110	388-290-0085	AMD-E	03-06-045
388-150-110	REP-P	03-09-005	388-150-410	REP-P	03-09-005	388-290-0085	AMD-E	03-14-061
388-150-110	REP	03-14-110	388-150-410	REP	03-14-110	388-290-0085	AMD-E	03-22-005
388-150-120	REP-P	03-09-005	388-150-420	REP-P	03-09-005	388-290-0130	AMD-E	03-12-026
388-150-120	REP	03-14-110	388-150-420	REP	03-14-110	388-290-0130	AMD-E	03-20-050
388-150-130	REP-P	03-09-005	388-150-430	REP-P	03-09-005	388-290-0190	AMD-E	03-06-045
388-150-130	REP	03-14-110	388-150-430	REP	03-14-110	388-290-0190	AMD-E	03-14-061
388-150-140	REP-P	03-09-005	388-150-440	REP-P	03-09-005	388-290-0190	AMD-E	03-22-005
388-150-140	REP	03-14-110	388-150-440	REP	03-14-110	388-290-0210	REP-E	03-06-045
388-150-150	REP-P	03-09-005	388-150-450	REP-P	03-09-005	388-290-0210	REP-E	03-14-061
388-150-150	REP	03-14-110	388-150-450	REP	03-14-110	388-290-0210	REP-E	03-22-005
388-150-160	REP-P	03-09-005	388-150-460	REP-P	03-09-005	388-292-0001	NEW-P	03-09-033
388-150-160	REP	03-14-110	388-150-460	REP	03-14-110	388-292-0001	NEW	03-14-109
388-150-165	REP-P	03-09-005	388-150-470	REP-P	03-09-005	388-292-0003	NEW-P	03-09-033
388-150-165	REP	03-14-110	388-150-470	REP	03-14-110	388-292-0003	NEW	03-14-109
388-150-170	REP-P	03-09-005	388-150-480	REP-P	03-09-005	388-292-0005	NEW-P	03-09-033
388-150-170	REP	03-14-110	388-150-480	REP	03-14-110	388-292-0005	NEW	03-14-109
388-150-180	REP-P	03-09-005	388-150-490	REP-P	03-09-005	388-292-0010	NEW-P	03-09-033
388-150-180	REP	03-14-110	388-150-490	REP	03-14-110	388-292-0010	NEW	03-14-109
388-150-190	REP-P	03-09-005	388-150-500	REP-P	03-09-005	388-292-0015	NEW-P	03-09-033
388-150-190	REP	03-14-110	388-150-500	REP	03-14-110	388-292-0015	NEW	03-14-109
388-150-200	REP-P	03-09-005	388-150-990	REP-P	03-09-005	388-292-0020	NEW-P	03-09-033
388-150-200	REP	03-14-110	388-150-990	REP	03-14-110	388-292-0020	NEW	03-14-109
388-150-210	REP-P	03-09-005	388-150-991	REP-P	03-09-005	388-292-0025	NEW-P	03-09-033
388-150-210	REP	03-14-110	388-150-991	REP	03-14-110	388-292-0025	NEW	03-14-109
388-150-220	REP-P	03-09-005	388-150-992	REP-P	03-09-005	388-292-0030	NEW-P	03-09-033
388-150-220	REP	03-14-110	388-150-992	REP	03-14-110	388-292-0030	NEW	03-14-109
388-150-230	REP-P	03-09-005	388-150-993	REP-P	03-09-005	388-292-0035	NEW-P	03-09-033
388-150-230	REP	03-14-110	388-150-993	REP	03-14-110	388-292-0035	NEW	03-14-109
388-150-240	REP-P	03-09-005	388-151	PREP	03-20-025	388-292-0040	NEW-P	03-09-033
388-150-240	REP	03-14-110	388-155-070	AMD-P	03-06-092	388-292-0040	NEW	03-14-109
388-150-250	REP-P	03-09-005	388-155-070	AMD	03-09-074	388-292-0045	NEW-P	03-09-033
388-150-250	REP	03-14-110	388-155-090	AMD-P	03-06-092	388-292-0045	NEW	03-14-109
388-150-260	REP-P	03-09-005	388-155-090	AMD	03-09-074	388-292-0050	NEW-P	03-09-033
388-150-260	REP	03-14-110	388-165-130	REP-P	03-09-033	388-292-0050	NEW	03-14-109
388-150-270	REP-P	03-09-005	388-165-130	REP	03-14-109	388-292-0055	NEW-P	03-09-033
388-150-270	REP	03-14-110	388-180-0100	NEW	03-04-013	388-292-0055	NEW	03-14-109
388-150-280	REP-P	03-09-005	388-180-0110	NEW	03-04-013	388-292-0060	NEW-P	03-09-033
388-150-280	REP	03-14-110	388-180-0120	NEW	03-04-013	388-292-0060	NEW	03-14-109
388-150-290	REP-P	03-09-005	388-180-0130	NEW	03-04-013	388-292-0065	NEW-P	03-09-033
388-150-290	REP	03-14-110	388-180-0140	NEW	03-04-013	388-292-0065	NEW	03-14-109
388-150-295	REP-P	03-09-005	388-180-0150	NEW	03-04-013	388-292-0070	NEW-P	03-09-033
388-150-295	REP	03-14-110	388-180-0160	NEW	03-04-013	388-292-0070	NEW	03-14-109
388-150-310	REP-P	03-09-005	388-180-0170	NEW	03-04-013	388-292-0075	NEW-P	03-09-033
388-150-310	REP	03-14-110	388-180-0180	NEW	03-04-013	388-292-0075	NEW	03-14-109
388-150-320	REP-P	03-09-005	388-180-0190	NEW	03-04-013	388-292-0080	NEW-P	03-09-033

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388-292-0080	NEW	03-14-109	388-295-0100	NEW	03-14-110	388-295-2100	PREP	03-23-062
388-292-0085	NEW-P	03-09-033	388-295-0100	PREP	03-23-062	388-295-2110	NEW-P	03-09-005
388-292-0085	NEW	03-14-109	388-295-0110	NEW-P	03-09-005	388-295-2110	NEW	03-14-110
388-292-0090	NEW-P	03-09-033	388-295-0110	NEW	03-14-110	388-295-2120	NEW-P	03-09-005
388-292-0090	NEW	03-14-109	388-295-0110	PREP	03-23-062	388-295-2120	NEW	03-14-110
388-292-0095	NEW-P	03-09-033	388-295-0120	NEW-P	03-09-005	388-295-2130	NEW-P	03-09-005
388-292-0095	NEW	03-14-109	388-295-0120	NEW	03-14-110	388-295-2130	NEW	03-14-110
388-292-0100	NEW-P	03-09-033	388-295-0130	NEW-P	03-09-005	388-295-3010	NEW-P	03-09-005
388-292-0100	NEW	03-14-109	388-295-0130	NEW	03-14-110	388-295-3010	NEW	03-14-110
388-292-0102	NEW-P	03-09-033	388-295-0140	NEW-P	03-09-005	388-295-3010	PREP	03-23-062
388-292-0102	NEW	03-14-109	388-295-0140	NEW	03-14-110	388-295-3020	NEW-P	03-09-005
388-292-0105	NEW-P	03-09-033	388-295-0150	NEW-P	03-09-005	388-295-3020	NEW	03-14-110
388-292-0105	NEW	03-14-109	388-295-0150	NEW	03-14-110	388-295-3030	NEW-P	03-09-005
388-292-0110	NEW-P	03-09-033	388-295-1010	NEW-P	03-09-005	388-295-3030	NEW	03-14-110
388-292-0110	NEW	03-14-109	388-295-1010	NEW	03-14-110	388-295-3040	NEW-P	03-09-005
388-292-0115	NEW-P	03-09-033	388-295-1010	PREP	03-23-062	388-295-3040	NEW	03-14-110
388-292-0115	NEW	03-14-109	388-295-1020	NEW-P	03-09-005	388-295-3050	NEW-P	03-09-005
388-292-0120	NEW-P	03-09-033	388-295-1020	NEW	03-14-110	388-295-3050	NEW	03-14-110
388-292-0120	NEW	03-14-109	388-295-1030	NEW-P	03-09-005	388-295-3060	NEW-P	03-09-005
388-292-0125	NEW-P	03-09-033	388-295-1030	NEW	03-14-110	388-295-3060	NEW	03-14-110
388-292-0125	NEW	03-14-109	388-295-1040	NEW-P	03-09-005	388-295-3070	NEW-P	03-09-005
388-292-0130	NEW-P	03-09-033	388-295-1040	NEW	03-14-110	388-295-3070	NEW	03-14-110
388-292-0130	NEW	03-14-109	388-295-1050	NEW-P	03-09-005	388-295-3080	NEW-P	03-09-005
388-292-0135	NEW-P	03-09-033	388-295-1050	NEW	03-14-110	388-295-3080	NEW	03-14-110
388-292-0135	NEW	03-14-109	388-295-1060	NEW-P	03-09-005	388-295-3090	NEW-P	03-09-005
388-292-0140	NEW-P	03-09-033	388-295-1060	NEW	03-14-110	388-295-3090	NEW	03-14-110
388-292-0140	NEW	03-14-109	388-295-1070	NEW-P	03-09-005	388-295-3100	NEW-P	03-09-005
388-292-0145	NEW-P	03-09-033	388-295-1070	NEW	03-14-110	388-295-3100	NEW	03-14-110
388-292-0145	NEW	03-14-109	388-295-1070	PREP	03-23-062	388-295-3110	NEW-P	03-09-005
388-292-0150	NEW-P	03-09-033	388-295-1080	NEW-P	03-09-005	388-295-3110	NEW	03-14-110
388-292-0150	NEW	03-14-109	388-295-1080	NEW	03-14-110	388-295-3120	NEW-P	03-09-005
388-292-0155	NEW-P	03-09-033	388-295-1090	NEW-P	03-09-005	388-295-3120	NEW	03-14-110
388-292-0155	NEW	03-14-109	388-295-1090	NEW	03-14-110	388-295-3130	NEW-P	03-09-005
388-292-0160	NEW-P	03-09-033	388-295-1100	NEW-P	03-09-005	388-295-3130	NEW	03-14-110
388-292-0160	NEW	03-14-109	388-295-1100	NEW	03-14-110	388-295-3140	NEW-P	03-09-005
388-295-0001	NEW-P	03-09-005	388-295-1110	NEW-P	03-09-005	388-295-3140	NEW	03-14-110
388-295-0001	NEW	03-14-110	388-295-1110	NEW	03-14-110	388-295-3150	NEW-P	03-09-005
388-295-0010	NEW-P	03-09-005	388-295-1110	PREP	03-23-062	388-295-3150	NEW	03-14-110
388-295-0010	NEW	03-14-110	388-295-1120	NEW-P	03-09-005	388-295-3160	NEW-P	03-09-005
388-295-0020	NEW-P	03-09-005	388-295-1120	NEW	03-14-110	388-295-3160	NEW	03-14-110
388-295-0020	NEW	03-14-110	388-295-2010	NEW-P	03-09-005	388-295-3170	NEW-P	03-09-005
388-295-0020	PREP	03-23-062	388-295-2010	NEW	03-14-110	388-295-3170	NEW	03-14-110
388-295-0030	NEW-P	03-09-005	388-295-2010	PREP	03-23-062	388-295-3180	NEW-P	03-09-005
388-295-0030	NEW	03-14-110	388-295-2020	NEW-P	03-09-005	388-295-3180	NEW	03-14-110
388-295-0040	NEW-P	03-09-005	388-295-2020	NEW	03-14-110	388-295-3190	NEW-P	03-09-005
388-295-0040	NEW	03-14-110	388-295-2030	NEW-P	03-09-005	388-295-3190	NEW	03-14-110
388-295-0050	NEW-P	03-09-005	388-295-2030	NEW	03-14-110	388-295-3200	NEW-P	03-09-005
388-295-0050	NEW	03-14-110	388-295-2040	NEW-P	03-09-005	388-295-3200	NEW	03-14-110
388-295-0055	NEW-P	03-09-005	388-295-2040	NEW	03-14-110	388-295-3210	NEW-P	03-09-005
388-295-0055	NEW	03-14-110	388-295-2050	NEW-P	03-09-005	388-295-3210	NEW	03-14-110
388-295-0060	NEW-P	03-09-005	388-295-2050	NEW	03-14-110	388-295-3220	NEW-P	03-09-005
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388-295-0060	PREP	03-23-062	388-295-2060	NEW	03-14-110	388-295-3230	NEW-P	03-09-005
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388-295-0070	PREP	03-23-062	388-295-2080	NEW-P	03-09-005	388-295-4010	NEW	03-14-110
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388-295-4050	NEW	03-14-110	388-295-6050	NEW-P	03-09-005	388-406-0055	AMD-P	03-19-112
388-295-4060	NEW-P	03-09-005	388-295-6050	NEW	03-14-110	388-406-0055	AMD	03-22-039
388-295-4060	NEW	03-14-110	388-295-6060	NEW-P	03-09-005	388-406-0060	PREP	03-15-024
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388-295-4080	NEW	03-14-110	388-295-7010	PREP	03-23-062	388-406-0065	AMD-P	03-19-112
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388-480-0001	AMD-P	03-19-071	388-513-1350	AMD-E	03-23-115	388-532-120	NEW-S	03-18-108
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388-557-5250	NEW	03-13-054	388-805-205	AMD-E	03-14-076	388-805-740	AMD-E	03-14-076
388-557-5300	NEW-P	03-09-119	388-805-210	AMD	03-20-020	388-805-740	AMD	03-20-020
388-557-5300	NEW	03-13-054	388-805-210	AMD-P	03-12-066	388-805-750	AMD-E	03-06-059
388-561	PREP	03-08-086	388-805-210	AMD	03-20-020	388-805-750	AMD-P	03-12-066
388-561-0001	AMD	03-06-048	388-805-220	AMD-P	03-12-066	388-805-750	AMD-E	03-14-076
388-561-0100	AMD-P	03-09-117	388-805-220	AMD	03-20-020	388-805-750	AMD	03-20-020
388-561-0100	AMD	03-13-113	388-805-250	AMD-P	03-12-066	388-805-800	AMD-P	03-12-066
388-561-0100	AMD-W	03-15-066	388-805-250	AMD	03-20-020	388-805-800	AMD	03-20-020
388-720-0020	PREP	03-18-099	388-805-300	AMD-E	03-06-059	388-805-810	AMD-P	03-12-066
388-720-0020	AMD-P	03-23-020	388-805-300	AMD-P	03-12-066	388-805-810	AMD	03-20-020
388-730-0010	AMD	03-03-070	388-805-300	AMD-E	03-14-076	388-805-820	AMD-P	03-12-066
388-730-0060	AMD	03-03-070	388-805-300	AMD	03-20-020	388-805-820	AMD	03-20-020
388-730-0065	AMD	03-03-070	388-805-305	AMD-P	03-12-066	388-805-850	AMD-P	03-12-066
			388-805-305	AMD	03-20-020	388-805-850	AMD	03-20-020

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388-805-900	REP-P	03-12-066	388-818-040	REP	03-05-100	388-825-055	AMD-E	04-01-144
388-805-900	REP	03-20-020	388-818-0400	NEW	03-05-100	388-825-060	NEW-E	03-18-029
388-805-905	REP-P	03-12-066	388-818-050	REP	03-05-100	388-825-060	NEW-P	03-21-156
388-805-905	REP	03-20-020	388-818-060	REP	03-05-100	388-825-060	NEW-E	04-01-144
388-805-910	REP-P	03-12-066	388-818-070	REP	03-05-100	388-825-064	NEW-E	03-18-029
388-805-910	REP	03-20-020	388-818-080	REP	03-05-100	388-825-064	NEW-P	03-21-156
388-805-915	REP-P	03-12-066	388-818-090	REP	03-05-100	388-825-064	NEW-E	04-01-144
388-805-915	REP	03-20-020	388-818-110	REP	03-05-100	388-825-070	NEW-E	03-18-029
388-805-920	REP-P	03-12-066	388-818-130	REP	03-05-100	388-825-070	NEW-P	03-21-156
388-805-920	REP	03-20-020	388-820	PREP	03-20-103	388-825-070	NEW-E	04-01-144
388-805-925	REP-P	03-12-066	388-820-020	AMD-E	03-03-115	388-825-075	NEW-E	03-18-029
388-805-925	REP	03-20-020	388-820-020	AMD-E	03-10-026	388-825-075	NEW-P	03-21-156
388-805-930	REP-P	03-12-066	388-820-020	AMD-E	03-18-030	388-825-075	NEW-E	04-01-144
388-805-930	REP	03-20-020	388-820-020	AMD-P	03-21-033	388-825-076	NEW-P	03-21-156
388-805-935	REP-P	03-12-066	388-820-020	AMD-E	04-01-143	388-825-076	NEW-E	04-01-144
388-805-935	REP	03-20-020	388-820-030	AMD-P	03-21-033	388-825-076	NEW-E	04-01-144
388-818-001	REP	03-05-100	388-820-030	AMD-P	03-21-033	388-825-077	NEW-P	03-21-156
388-818-0010	NEW	03-05-100	388-820-050	AMD-P	03-21-033	388-825-077	NEW-E	04-01-144
388-818-002	REP	03-05-100	388-820-056	NEW-P	03-21-033	388-825-078	NEW-P	03-21-156
388-818-0020	NEW	03-05-100	388-820-060	AMD-E	03-03-115	388-825-078	NEW-E	04-01-144
388-818-003	REP	03-05-100	388-820-060	AMD-E	03-10-026	388-825-079	NEW-P	03-21-156
388-818-0030	NEW	03-05-100	388-820-060	AMD-E	03-18-030	388-825-081	NEW-P	03-21-156
388-818-0040	NEW	03-05-100	388-820-060	AMD-P	03-21-033	388-825-082	NEW-P	03-21-156
388-818-005	REP	03-05-100	388-820-060	AMD-E	04-01-143	388-825-082	NEW-P	03-21-156
388-818-0050	NEW	03-05-100	388-820-070	AMD-P	03-21-033	388-825-085	NEW-E	04-01-144
388-818-0060	NEW	03-05-100	388-820-076	NEW-P	03-21-033	388-825-086	NEW-E	04-01-144
388-818-0070	NEW	03-05-100	388-820-086	NEW-P	03-21-033	388-825-087	NEW-E	04-01-144
388-818-0080	NEW	03-05-100	388-820-090	AMD-P	03-21-033	388-825-090	NEW-P	03-21-156
388-818-0080	NEW	03-05-100	388-820-100	AMD-P	03-21-033	388-825-090	NEW-E	04-01-144
388-818-0090	NEW	03-05-100	388-820-120	AMD-E	03-03-115	388-825-095	NEW-P	03-21-156
388-818-010	REP	03-05-100	388-820-120	AMD-E	03-10-026	388-825-095	NEW-E	04-01-144
388-818-0100	NEW	03-05-100	388-820-120	AMD-E	03-18-030	388-825-100	AMD-E	03-03-115
388-818-0110	NEW	03-05-100	388-820-120	AMD-P	03-21-033	388-825-100	AMD-E	03-10-027
388-818-0120	NEW	03-05-100	388-820-120	AMD-E	04-01-143	388-825-100	AMD-E	03-18-029
388-818-0130	NEW	03-05-100	388-820-230	AMD-P	03-21-033	388-825-100	AMD-P	03-21-156
388-818-0140	NEW	03-05-100	388-820-260	AMD-P	03-21-033	388-825-100	AMD-E	04-01-144
388-818-0150	NEW	03-05-100	388-820-290	AMD-P	03-21-033	388-825-120	AMD-E	03-03-115
388-818-0160	NEW	03-05-100	388-820-300	AMD-P	03-21-033	388-825-120	AMD-E	03-10-027
388-818-0170	NEW	03-05-100	388-820-310	AMD-P	03-21-033	388-825-120	AMD-E	03-18-029
388-818-0180	NEW	03-05-100	388-820-320	AMD-P	03-21-033	388-825-120	AMD-P	03-21-156
388-818-0190	NEW	03-05-100	388-820-330	AMD-P	03-21-033	388-825-120	AMD-E	04-01-144
388-818-020	REP	03-05-100	388-820-340	AMD-P	03-21-033	388-825-180	AMD-E	03-03-115
388-818-0200	NEW	03-05-100	388-820-350	AMD-P	03-21-033	388-825-180	AMD-E	03-10-027
388-818-0210	NEW	03-05-100	388-820-400	AMD-P	03-21-033	388-825-180	AMD-E	03-18-029
388-818-0220	NEW	03-05-100	388-820-405	NEW-P	03-21-033	388-825-205	AMD-E	03-03-115
388-818-0230	NEW	03-05-100	388-820-410	AMD-P	03-21-033	388-825-205	AMD-E	03-10-027
388-818-0240	NEW	03-05-100	388-820-550	AMD-P	03-21-033	388-825-205	AMD-E	03-18-029
388-818-0250	NEW	03-05-100	388-820-555	NEW-P	03-21-033	388-825-205	AMD-P	03-21-156
388-818-0260	NEW	03-05-100	388-820-560	AMD-P	03-21-033	388-825-205	AMD-E	04-01-144
388-818-0270	NEW	03-05-100	388-820-600	AMD-P	03-21-033	388-825-252	AMD-E	03-03-115
388-818-0280	NEW	03-05-100	388-820-650	AMD-P	03-21-033	388-825-252	AMD-E	03-10-027
388-818-0280	NEW	03-05-100	388-820-690	AMD-P	03-21-033	388-825-252	AMD-E	03-18-029
388-818-0290	NEW	03-05-100	388-825	PREP	03-18-028	388-825-252	AMD-P	03-21-156
388-818-030	REP	03-05-100	388-825	PREP	03-20-103	388-825-252	AMD-E	04-01-144
388-818-0300	NEW	03-05-100	388-825-020	AMD-E	03-03-115	388-825-254	AMD-E	03-03-115
388-818-0310	NEW	03-05-100	388-825-020	AMD-E	03-10-027	388-825-254	AMD-E	03-10-027
388-818-0320	NEW	03-05-100	388-825-020	AMD-E	03-18-029	388-825-254	AMD-E	03-18-029
388-818-0330	NEW	03-05-100	388-825-020	AMD-P	03-21-156	388-825-254	AMD-P	03-21-156
388-818-0340	NEW	03-05-100	388-825-020	AMD-E	04-01-144	388-825-254	AMD-E	04-01-144
388-818-0350	NEW	03-05-100	388-825-055	AMD-E	03-03-115	388-825-500	NEW-E	03-03-115
388-818-0360	NEW	03-05-100	388-825-055	AMD-E	03-10-027	388-825-500	NEW-E	03-10-027
388-818-0370	NEW	03-05-100	388-825-055	AMD-E	03-18-029	388-825-505	NEW-E	03-03-115
388-818-0380	NEW	03-05-100	388-825-055	AMD-E	03-21-156	388-825-505	NEW-E	03-10-027
388-818-0390	NEW	03-05-100	388-825-055	AMD-P	03-21-156	388-825-510	NEW-E	03-03-115

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388-825-510	NEW-E	03-10-027	388-827-0125	NEW-E	04-01-145	388-850-035	AMD-E	03-10-027
388-825-515	NEW-E	03-03-115	388-827-0130	NEW-E	03-18-027	388-850-035	AMD-E	03-18-029
388-825-515	NEW-E	03-10-027	388-827-0130	NEW-P	03-22-056	388-850-035	AMD-P	03-21-156
388-825-520	NEW-E	03-03-115	388-827-0130	NEW-E	04-01-145	388-850-035	AMD-E	04-01-144
388-825-520	NEW-E	03-10-027	388-827-0131	NEW-E	03-18-027	388-850-045	AMD-E	03-03-115
388-825-525	NEW-E	03-03-115	388-827-0131	NEW-P	03-22-056	388-850-045	AMD-E	03-10-027
388-825-525	NEW-E	03-10-027	388-827-0131	NEW-E	04-01-145	388-850-045	AMD-E	03-18-029
388-825-530	NEW-E	03-03-115	388-827-0135	NEW-E	03-18-027	388-850-045	AMD-P	03-21-156
388-825-530	NEW-E	03-10-027	388-827-0135	NEW-P	03-22-056	388-850-045	AMD-E	04-01-144
388-825-535	NEW-E	03-03-115	388-827-0135	NEW-E	04-01-145	388-865-0100	PREP	03-08-077
388-825-535	NEW-E	03-10-027	388-827-0140	NEW-E	03-18-027	388-865-0105	PREP	03-08-077
388-825-540	NEW-E	03-03-115	388-827-0140	NEW-P	03-22-056	388-865-0110	PREP	03-08-077
388-825-540	NEW-E	03-10-027	388-827-0140	NEW-E	04-01-145	388-865-0115	PREP	03-08-077
388-825-545	NEW-E	03-03-115	388-827-0145	NEW-E	03-18-027	388-865-0120	PREP	03-08-077
388-825-545	NEW-E	03-10-027	388-827-0145	NEW-P	03-22-056	388-865-0150	PREP	03-08-077
388-825-546	NEW-E	03-03-115	388-827-0145	NEW-E	04-01-145	388-865-0150	AMD-P	03-19-096
388-825-546	NEW-E	03-10-027	388-827-0146	NEW-E	03-18-027	388-865-0150	AMD	03-24-030
388-825-550	NEW-E	03-03-115	388-827-0146	NEW-P	03-22-056	388-865-0200	PREP	03-08-077
388-825-550	NEW-E	03-10-027	388-827-0146	NEW-E	04-01-145	388-865-0201	PREP	03-08-077
388-825-555	NEW-E	03-03-115	388-827-0150	NEW-E	03-18-027	388-865-0203	PREP	03-08-077
388-825-555	NEW-E	03-10-027	388-827-0150	NEW-P	03-22-056	388-865-0205	PREP	03-08-077
388-825-560	NEW-E	03-03-115	388-827-0150	NEW-E	04-01-145	388-865-0210	PREP	03-08-077
388-825-560	NEW-E	03-10-027	388-827-0155	NEW-E	03-18-027	388-865-0215	PREP	03-08-077
388-825-565	NEW-E	03-03-115	388-827-0155	NEW-P	03-22-056	388-865-0217	NEW-E	03-14-081
388-825-570	NEW-E	03-03-115	388-827-0155	NEW-E	04-01-145	388-865-0217	NEW-E	03-19-009
388-825-570	NEW-E	03-10-027	388-827-0160	NEW-E	03-18-027	388-865-0217	NEW-P	03-19-096
388-825-571	NEW-E	03-03-115	388-827-0160	NEW-P	03-22-056	388-865-0217	NEW	03-24-030
388-825-571	NEW-E	03-10-027	388-827-0160	NEW-E	04-01-145	388-865-0220	PREP	03-08-077
388-825-575	NEW-E	03-03-115	388-827-0170	NEW-E	03-18-027	388-865-0221	PREP	03-08-077
388-825-575	NEW-E	03-10-027	388-827-0170	NEW-P	03-22-056	388-865-0222	PREP	03-08-077
388-825-576	NEW-E	03-03-115	388-827-0170	NEW-E	04-01-145	388-865-0225	PREP	03-08-077
388-825-576	NEW-E	03-10-027	388-827-0175	NEW-E	03-18-027	388-865-0229	PREP	03-08-077
388-825-580	NEW-E	03-03-115	388-827-0175	NEW-P	03-22-056	388-865-0230	PREP	03-08-077
388-825-580	NEW-E	03-10-027	388-827-0175	NEW-E	04-01-145	388-865-0235	PREP	03-08-077
388-825-585	NEW-E	03-03-115	388-827-0180	NEW-E	03-18-027	388-865-0240	PREP	03-08-077
388-825-585	NEW-E	03-10-027	388-827-0180	NEW-P	03-22-056	388-865-0245	PREP	03-08-077
388-825-590	NEW-E	03-03-115	388-827-0180	NEW-E	04-01-145	388-865-0250	PREP	03-08-077
388-825-590	NEW-E	03-10-027	388-827-0185	NEW-E	03-18-027	388-865-0255	PREP	03-08-077
388-825-591	NEW-E	03-03-115	388-827-0185	NEW-P	03-22-056	388-865-0260	PREP	03-08-077
388-825-591	NEW-E	03-10-027	388-827-0185	NEW-E	04-01-145	388-865-0265	PREP	03-08-077
388-825-592	NEW-E	03-03-115	388-827-0200	NEW-E	03-18-027	388-865-0270	PREP	03-08-077
388-825-592	NEW-E	03-10-027	388-827-0200	NEW-P	03-22-056	388-865-0275	PREP	03-08-077
388-825-600	NEW-E	03-03-115	388-827-0200	NEW-E	04-01-145	388-865-0280	PREP	03-08-077
388-825-600	NEW-E	03-10-027	388-827-0210	NEW-E	03-18-027	388-865-0282	PREP	03-08-077
388-827	PREP	03-18-026	388-827-0210	NEW-P	03-22-056	388-865-0284	PREP	03-08-077
388-827-0100	NEW-E	03-18-027	388-827-0210	NEW-E	04-01-145	388-865-0286	PREP	03-08-077
388-827-0100	NEW-P	03-22-056	388-827-0215	NEW-E	03-18-027	388-865-0288	PREP	03-08-077
388-827-0100	NEW-E	04-01-145	388-827-0215	NEW-P	03-22-056	388-865-0300	PREP	03-08-077
388-827-0105	NEW-E	03-18-027	388-827-0215	NEW-E	04-01-145	388-865-0305	PREP	03-08-077
388-827-0105	NEW-P	03-22-056	388-827-0300	NEW-E	03-18-027	388-865-0310	PREP	03-08-077
388-827-0105	NEW-E	04-01-145	388-827-0300	NEW-P	03-22-056	388-865-0315	PREP	03-08-077
388-827-0110	NEW-E	03-18-027	388-827-0300	NEW-E	04-01-145	388-865-0320	PREP	03-08-077
388-827-0110	NEW-P	03-22-056	388-827-0400	NEW-E	03-18-027	388-865-0325	PREP	03-08-077
388-827-0110	NEW-E	04-01-145	388-827-0400	NEW-P	03-22-056	388-865-0330	PREP	03-08-077
388-827-0115	NEW-E	03-18-027	388-827-0400	NEW-E	04-01-145	388-865-0335	PREP	03-08-077
388-827-0115	NEW-P	03-22-056	388-827-0410	NEW-E	03-18-027	388-865-0340	PREP	03-08-077
388-827-0120	NEW-E	03-18-027	388-827-0410	NEW-P	03-22-056	388-865-0350	PREP	03-08-077
388-827-0120	NEW-P	03-22-056	388-827-0410	NEW-E	04-01-145	388-865-0355	PREP	03-08-077
388-827-0120	NEW-E	04-01-145	388-827-0420	NEW-E	03-18-027	388-865-0360	PREP	03-08-077
388-827-0125	NEW-E	03-18-027	388-827-0420	NEW-P	03-22-056	388-865-0363	PREP	03-08-077
388-827-0125	NEW-P	03-22-056	388-850-035	AMD-E	03-03-115	388-865-0365	PREP	03-08-077

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388-865-0400	PREP	03-08-077	388-865-0546	PREP	03-07-041	388-880-035	NEW-P	03-18-106
388-865-0400	PREP	03-17-062	388-865-0546	REP-P	03-18-103	388-880-035	NEW-E	03-19-119
388-865-0405	PREP	03-08-077	388-865-0547	NEW-P	03-18-103	388-880-035	NEW	03-23-022
388-865-0410	PREP	03-08-077	388-865-0550	PREP	03-07-041	388-880-036	NEW-E	03-12-003
388-865-0415	PREP	03-08-077	388-865-0550	REP-P	03-18-103	388-880-036	NEW-P	03-18-106
388-865-0420	PREP	03-08-077	388-865-0551	NEW-P	03-18-103	388-880-036	NEW-E	03-19-119
388-865-0425	PREP	03-08-077	388-865-0555	PREP	03-07-041	388-880-036	NEW	03-23-022
388-865-0430	PREP	03-08-077	388-865-0555	REP-P	03-18-103	388-880-040	AMD-P	03-18-106
388-865-0435	PREP	03-08-077	388-865-0557	PREP	03-07-041	388-880-040	AMD	03-23-022
388-865-0436	PREP	03-08-077	388-865-0557	REP-P	03-18-103	388-880-042	AMD-P	03-18-106
388-865-0440	PREP	03-08-077	388-865-0560	PREP	03-07-041	388-880-042	AMD	03-23-022
388-865-0445	PREP	03-08-077	388-865-0560	REP-P	03-18-103	388-880-042	AMD	03-23-022
388-865-0450	PREP	03-08-077	388-865-0561	NEW-P	03-18-103	388-880-044	AMD-E	03-12-003
388-865-0452	PREP	03-08-077	388-865-0565	PREP	03-07-041	388-880-044	AMD-P	03-18-106
388-865-0454	PREP	03-08-077	388-865-0565	REP-P	03-18-103	388-880-044	AMD-E	03-19-119
388-865-0456	PREP	03-08-077	388-865-0566	NEW-P	03-18-103	388-880-044	AMD	03-23-022
388-865-0458	PREP	03-08-077	388-865-0570	NEW-P	03-18-103	388-880-045	AMD-E	03-12-003
388-865-0460	PREP	03-08-077	388-865-0570	NEW-P	03-18-103	388-880-045	AMD-P	03-18-106
388-865-0462	PREP	03-08-077	388-865-0575	NEW-P	03-18-103	388-880-045	AMD-E	03-19-119
388-865-0462	PREP	03-08-077	388-865-0580	NEW-P	03-18-103	388-880-045	AMD	03-23-022
388-865-0464	PREP	03-08-077	388-865-0585	NEW-P	03-18-103	388-880-045	AMD	03-23-022
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434-12-040	REP-E	03-15-084	434-112-020	NEW-P	03-22-075	434-219-030	REP	03-23-093
434-12-040	REP-E	03-23-127	434-112-025	NEW-P	03-22-075	434-219-040	REP-P	03-16-041
434-12-040	REP-X	03-24-092	434-112-030	NEW-P	03-22-075	434-219-040	REP	03-23-093
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434-12-050	REP-E	03-23-127	434-112-045	NEW-P	03-22-075	434-219-080	AMD	03-23-093
434-12-050	REP-X	03-24-092	434-112-050	NEW-P	03-22-075	434-219-100	AMD-P	03-16-041
434-12-060	REP-E	03-15-084	434-112-065	NEW-P	03-22-075	434-219-100	AMD	03-23-093
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458-12-060	PREP	03-03-100	458-17-101	NEW	03-16-028	458-61-100	AMD-P	03-11-079
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468-70-070	AMD-P	03-16-105	468-95-150	NEW	03-06-053	468-95-360	NEW-E	03-03-028
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468-70-080	REP-E	03-06-052	468-95-160	NEW-P	03-03-029	468-95-360	NEW	03-06-053
468-70-080	REP-E	03-14-051	468-95-160	NEW	03-06-053	468-95-370	NEW-E	03-03-028
468-70-080	REP-P	03-16-105	468-95-170	NEW-E	03-03-028	468-95-370	NEW-P	03-03-029
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468-95-080	REP	03-06-053	468-95-290	NEW-P	03-03-029	478-136-060	AMD	03-24-045
468-95-090	REP-E	03-03-028	468-95-290	NEW	03-06-053	478-138-060	AMD-X	03-05-019
468-95-090	REP-P	03-03-029	468-95-300	NEW-E	03-03-028	478-138-060	AMD	03-12-007
468-95-090	REP	03-06-053	468-95-300	NEW-P	03-03-029	478-140-018	AMD-X	03-05-019
468-95-100	REP-E	03-03-028	468-95-300	NEW	03-06-053	478-140-018	AMD	03-12-007
468-95-100	REP-P	03-03-029	468-95-310	NEW-E	03-03-028	478-160-085	AMD-X	03-05-019
468-95-100	REP	03-06-053	468-95-310	NEW-P	03-03-029	478-160-085	AMD	03-12-007
468-95-110	NEW-E	03-03-028	468-95-310	NEW	03-06-053	478-168-170	AMD-X	03-05-019
468-95-110	NEW-P	03-03-029	468-95-315	NEW-E	04-01-070	478-168-170	AMD	03-12-007
468-95-110	NEW	03-06-053	468-95-320	NEW-E	03-03-028	478-276-140	AMD-X	03-05-019
468-95-120	NEW-E	03-03-028	468-95-320	NEW-P	03-03-029	478-276-140	AMD	03-12-007
468-95-120	NEW-P	03-03-029	468-95-320	NEW	03-06-053	478-324-020	AMD-X	03-05-019
468-95-120	NEW	03-06-053	468-95-330	NEW-E	03-03-028	478-324-020	AMD	03-12-007
468-95-130	NEW-E	03-03-028	468-95-330	NEW-P	03-03-029	478-324-045	AMD-X	03-05-019
468-95-130	NEW-P	03-03-029	468-95-330	NEW	03-06-053	478-324-045	AMD	03-12-007
468-95-130	NEW	03-06-053	468-95-340	NEW-E	03-03-028	478-324-140	AMD-X	03-05-019
468-95-140	NEW-E	03-03-028	468-95-340	NEW-P	03-03-029	478-324-140	AMD	03-12-007
468-95-140	NEW-P	03-03-029	468-95-340	NEW	03-06-053	478-324-145	NEW-X	03-05-019

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
478-324-145	NEW	03-12-007	480-07-150	NEW-P	03-17-100	480-07-425	NEW-P	03-17-100
478-324-180	AMD-X	03-05-019	480-07-150	NEW	03-24-028	480-07-425	NEW	03-24-028
478-324-180	AMD	03-12-007	480-07-160	NEW-P	03-17-100	480-07-430	NEW-P	03-17-100
479-01-010	AMD-P	03-12-009	480-07-160	NEW	03-24-028	480-07-430	NEW	03-24-028
479-01-010	AMD	03-16-077	480-07-170	NEW-P	03-17-100	480-07-440	NEW-P	03-17-100
479-01-050	AMD-P	03-12-009	480-07-170	NEW	03-24-028	480-07-440	NEW	03-24-028
479-01-050	AMD	03-16-077	480-07-180	NEW-P	03-17-100	480-07-450	NEW-P	03-17-100
479-05-010	AMD-P	03-12-009	480-07-180	NEW	03-24-028	480-07-450	NEW	03-24-028
479-05-010	AMD	03-16-077	480-07-200	NEW-P	03-17-100	480-07-460	NEW-P	03-17-100
479-05-050	AMD-P	03-12-009	480-07-200	NEW	03-24-028	480-07-460	NEW	03-24-028
479-05-050	AMD	03-16-077	480-07-210	NEW-P	03-17-100	480-07-470	NEW-P	03-17-100
479-05-240	AMD-P	03-12-009	480-07-210	NEW	03-24-028	480-07-470	NEW	03-24-028
479-05-240	AMD	03-16-077	480-07-220	NEW-P	03-17-100	480-07-480	NEW-P	03-17-100
479-12-260	REP-P	03-12-009	480-07-220	NEW	03-24-028	480-07-480	NEW	03-24-028
479-12-260	REP	03-16-077	480-07-230	NEW-P	03-17-100	480-07-490	NEW-P	03-17-100
479-12-430	AMD-P	03-12-009	480-07-230	NEW	03-24-028	480-07-490	NEW	03-24-028
479-12-430	AMD	03-16-077	480-07-240	NEW-P	03-17-100	480-07-495	NEW-P	03-17-100
480-04-020	AMD-P	03-17-100	480-07-240	NEW	03-24-028	480-07-495	NEW	03-24-028
480-04-020	AMD	03-24-028	480-07-300	NEW-P	03-17-100	480-07-498	NEW-P	03-17-100
480-04-030	AMD-P	03-17-100	480-07-300	NEW	03-24-028	480-07-498	NEW	03-24-028
480-04-030	AMD	03-24-028	480-07-305	NEW-P	03-17-100	480-07-500	NEW-P	03-17-100
480-04-035	NEW-P	03-17-100	480-07-305	NEW	03-24-028	480-07-500	NEW	03-24-028
480-04-035	NEW	03-24-028	480-07-310	NEW-P	03-17-100	480-07-505	NEW-P	03-17-100
480-04-050	AMD-P	03-17-100	480-07-310	NEW	03-24-028	480-07-505	NEW	03-24-028
480-04-050	AMD	03-24-028	480-07-320	NEW-P	03-17-100	480-07-510	NEW-P	03-17-100
480-04-060	AMD-P	03-17-100	480-07-320	NEW	03-24-028	480-07-510	NEW	03-24-028
480-04-060	AMD	03-24-028	480-07-330	NEW-P	03-17-100	480-07-520	NEW-P	03-17-100
480-04-065	AMD-P	03-17-100	480-07-330	NEW	03-24-028	480-07-520	NEW	03-24-028
480-04-065	AMD	03-24-028	480-07-340	NEW-P	03-17-100	480-07-530	NEW-P	03-17-100
480-04-070	REP-P	03-17-100	480-07-340	NEW	03-24-028	480-07-530	NEW	03-24-028
480-04-070	REP	03-24-028	480-07-345	NEW-P	03-17-100	480-07-540	NEW-P	03-17-100
480-04-090	AMD-P	03-17-100	480-07-345	NEW	03-24-028	480-07-540	NEW	03-24-028
480-04-090	AMD	03-24-028	480-07-350	NEW-P	03-17-100	480-07-550	NEW-P	03-17-100
480-04-095	AMD-P	03-17-100	480-07-350	NEW	03-24-028	480-07-550	NEW	03-24-028
480-04-095	AMD	03-24-028	480-07-355	NEW-P	03-17-100	480-07-600	NEW-P	03-17-100
480-04-100	AMD-P	03-17-100	480-07-355	NEW	03-24-028	480-07-600	NEW	03-24-028
480-04-100	AMD	03-24-028	480-07-360	NEW-P	03-17-100	480-07-610	NEW-P	03-17-100
480-04-110	REP-P	03-17-100	480-07-360	NEW	03-24-028	480-07-610	NEW	03-24-028
480-04-110	REP	03-24-028	480-07-370	NEW-P	03-17-100	480-07-620	NEW-P	03-17-100
480-04-120	AMD-P	03-17-100	480-07-370	NEW	03-24-028	480-07-620	NEW	03-24-028
480-04-120	AMD	03-24-028	480-07-375	NEW-P	03-17-100	480-07-630	NEW-P	03-17-100
480-04-130	AMD-P	03-17-100	480-07-375	NEW	03-24-028	480-07-630	NEW	03-24-028
480-04-130	AMD	03-24-028	480-07-380	NEW-P	03-17-100	480-07-640	NEW-P	03-17-100
480-07-010	NEW-P	03-17-100	480-07-380	NEW	03-24-028	480-07-640	NEW	03-24-028
480-07-010	NEW	03-24-028	480-07-385	NEW-P	03-17-100	480-07-650	NEW-P	03-17-100
480-07-100	NEW-P	03-17-100	480-07-385	NEW	03-24-028	480-07-650	NEW	03-24-028
480-07-100	NEW	03-24-028	480-07-390	NEW-P	03-17-100	480-07-660	NEW-P	03-17-100
480-07-110	NEW-P	03-17-100	480-07-390	NEW	03-24-028	480-07-660	NEW	03-24-028
480-07-110	NEW	03-24-028	480-07-395	NEW-P	03-17-100	480-07-700	NEW-P	03-17-100
480-07-120	NEW-P	03-17-100	480-07-395	NEW	03-24-028	480-07-700	NEW	03-24-028
480-07-120	NEW	03-24-028	480-07-400	NEW-P	03-17-100	480-07-710	NEW-P	03-17-100
480-07-125	NEW-P	03-17-100	480-07-400	NEW	03-24-028	480-07-710	NEW	03-24-028
480-07-125	NEW	03-24-028	480-07-405	NEW-P	03-17-100	480-07-720	NEW-P	03-17-100
480-07-130	NEW-P	03-17-100	480-07-405	NEW	03-24-028	480-07-720	NEW	03-24-028
480-07-130	NEW	03-24-028	480-07-410	NEW-P	03-17-100	480-07-730	NEW-P	03-17-100
480-07-140	NEW-P	03-17-100	480-07-410	NEW	03-24-028	480-07-730	NEW	03-24-028
480-07-140	NEW-S	03-20-117	480-07-415	NEW-P	03-17-100	480-07-740	NEW-P	03-17-100
480-07-140	NEW	03-24-028	480-07-415	NEW	03-24-028	480-07-740	NEW	03-24-028
480-07-143	NEW-P	03-17-100	480-07-420	NEW-P	03-17-100	480-07-750	NEW-P	03-17-100
480-07-143	NEW	03-24-028	480-07-420	NEW	03-24-028	480-07-750	NEW	03-24-028
480-07-145	NEW-P	03-17-100	480-07-423	NEW-P	03-17-100	480-07-800	NEW-P	03-17-100
480-07-145	NEW	03-24-028	480-07-423	NEW	03-24-028	480-07-800	NEW	03-24-028

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-07-810	NEW-P	03-17-100	480-09-140	REP-P	03-17-100	480-09-520	REP-P	03-17-100
480-07-810	NEW	03-24-028	480-09-140	REP	03-24-028	480-09-520	REP	03-24-028
480-07-820	NEW-P	03-17-100	480-09-150	REP-P	03-17-100	480-09-530	REP-P	03-17-100
480-07-820	NEW	03-24-028	480-09-150	REP	03-24-028	480-09-530	REP	03-24-028
480-07-825	NEW-P	03-17-100	480-09-200	REP-P	03-17-100	480-09-600	REP-P	03-17-100
480-07-825	NEW	03-24-028	480-09-200	REP	03-24-028	480-09-600	REP	03-24-028
480-07-830	NEW-P	03-17-100	480-09-210	REP-P	03-17-100	480-09-610	REP-P	03-17-100
480-07-830	NEW	03-24-028	480-09-210	REP	03-24-028	480-09-610	REP	03-24-028
480-07-835	NEW-P	03-17-100	480-09-220	REP-P	03-17-100	480-09-620	REP-P	03-17-100
480-07-835	NEW	03-24-028	480-09-220	REP	03-24-028	480-09-620	REP	03-24-028
480-07-840	NEW-P	03-17-100	480-09-230	REP-P	03-17-100	480-09-700	REP-P	03-17-100
480-07-840	NEW	03-24-028	480-09-230	REP	03-24-028	480-09-700	REP	03-24-028
480-07-850	NEW-P	03-17-100	480-09-300	REP-P	03-17-100	480-09-705	REP-P	03-17-100
480-07-850	NEW	03-24-028	480-09-300	REP	03-24-028	480-09-705	REP	03-24-028
480-07-860	NEW-P	03-17-100	480-09-310	REP-P	03-17-100	480-09-710	REP-P	03-17-100
480-07-860	NEW	03-24-028	480-09-310	REP	03-24-028	480-09-710	REP	03-24-028
480-07-870	NEW-P	03-17-100	480-09-320	REP-P	03-17-100	480-09-720	REP-P	03-17-100
480-07-870	NEW	03-24-028	480-09-320	REP	03-24-028	480-09-720	REP	03-24-028
480-07-875	NEW-P	03-17-100	480-09-330	REP-P	03-17-100	480-09-730	REP-P	03-17-100
480-07-875	NEW	03-24-028	480-09-330	REP	03-24-028	480-09-730	REP	03-24-028
480-07-880	NEW-P	03-17-100	480-09-335	REP-P	03-17-100	480-09-735	REP-P	03-17-100
480-07-880	NEW	03-24-028	480-09-335	REP	03-24-028	480-09-735	REP	03-24-028
480-07-883	NEW-P	03-17-100	480-09-337	REP-P	03-17-100	480-09-736	REP-P	03-17-100
480-07-883	NEW	03-24-028	480-09-337	REP	03-24-028	480-09-736	REP	03-24-028
480-07-885	NEW-P	03-17-100	480-09-340	REP-P	03-17-100	480-09-740	REP-P	03-17-100
480-07-885	NEW	03-24-028	480-09-340	REP	03-24-028	480-09-740	REP	03-24-028
480-07-900	NEW-P	03-17-100	480-09-390	REP-P	03-17-100	480-09-745	REP-P	03-17-100
480-07-900	NEW	03-24-028	480-09-390	REP	03-24-028	480-09-745	REP	03-24-028
480-07-910	NEW-P	03-17-100	480-09-400	REP-P	03-17-100	480-09-750	REP-P	03-17-100
480-07-910	NEW	03-24-028	480-09-400	REP	03-24-028	480-09-750	REP	03-24-028
480-07-920	NEW-P	03-17-100	480-09-410	REP-P	03-17-100	480-09-751	REP-P	03-17-100
480-07-920	NEW	03-24-028	480-09-410	REP	03-24-028	480-09-751	REP	03-24-028
480-07-930	NEW-P	03-17-100	480-09-420	REP-P	03-17-100	480-09-760	REP-P	03-17-100
480-07-930	NEW	03-24-028	480-09-420	REP	03-24-028	480-09-760	REP	03-24-028
480-07-940	NEW-P	03-17-100	480-09-425	REP-P	03-17-100	480-09-770	REP-P	03-17-100
480-07-940	NEW	03-24-028	480-09-425	REP	03-24-028	480-09-770	REP	03-24-028
480-07-950	NEW-P	03-17-100	480-09-426	REP-P	03-17-100	480-09-780	REP-P	03-17-100
480-07-950	NEW	03-24-028	480-09-426	REP	03-24-028	480-09-780	REP	03-24-028
480-09-005	REP-P	03-17-100	480-09-430	REP-P	03-17-100	480-09-800	REP-P	03-17-100
480-09-005	REP	03-24-028	480-09-430	REP	03-24-028	480-09-800	REP	03-24-028
480-09-010	REP-P	03-17-100	480-09-440	REP-P	03-17-100	480-09-810	REP-P	03-17-100
480-09-010	REP	03-24-028	480-09-440	REP	03-24-028	480-09-810	REP	03-24-028
480-09-012	REP-P	03-17-100	480-09-450	REP-P	03-17-100	480-09-815	REP-P	03-17-100
480-09-012	REP	03-24-028	480-09-450	REP	03-24-028	480-09-815	REP	03-24-028
480-09-015	REP-P	03-17-100	480-09-460	REP-P	03-17-100	480-09-820	REP-P	03-17-100
480-09-015	REP	03-24-028	480-09-460	REP	03-24-028	480-09-820	REP	03-24-028
480-09-100	REP-P	03-17-100	480-09-465	REP-P	03-17-100	480-14-050	AMD-S	03-20-117
480-09-100	REP	03-24-028	480-09-465	REP	03-24-028	480-14-050	AMD	03-24-028
480-09-101	REP-P	03-17-100	480-09-466	REP-P	03-17-100	480-14-190	AMD-S	03-20-117
480-09-101	REP	03-24-028	480-09-466	REP	03-24-028	480-14-190	AMD	03-24-028
480-09-110	REP-P	03-17-100	480-09-467	REP-P	03-17-100	480-14-999	AMD-X	03-19-130
480-09-110	REP	03-24-028	480-09-467	REP	03-24-028	480-14-999	AMD	04-01-152
480-09-115	REP-P	03-17-100	480-09-470	REP-P	03-17-100	480-15-035	AMD-S	03-20-117
480-09-115	REP	03-24-028	480-09-470	REP	03-24-028	480-15-035	AMD	03-24-028
480-09-120	REP-P	03-17-100	480-09-475	REP-P	03-17-100	480-15-080	AMD-S	03-20-117
480-09-120	REP	03-24-028	480-09-475	REP	03-24-028	480-15-080	AMD	03-24-028
480-09-125	REP-P	03-17-100	480-09-480	REP-P	03-17-100	480-15-090	AMD-S	03-20-117
480-09-125	REP	03-24-028	480-09-480	REP	03-24-028	480-15-090	AMD	03-24-028
480-09-130	REP-P	03-17-100	480-09-500	REP-P	03-17-100	480-15-120	AMD-S	03-20-117
480-09-130	REP	03-24-028	480-09-500	REP	03-24-028	480-15-120	AMD	03-24-028
480-09-135	REP-P	03-17-100	480-09-510	REP-P	03-17-100	480-15-310	AMD-S	03-20-117
480-09-135	REP	03-24-028	480-09-510	REP	03-24-028	480-15-310	AMD	03-24-028

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-15-350	AMD-S	03-20-117	480-70-231	AMD-S	03-20-117	480-100-208	AMD-P	03-24-060
480-15-350	AMD	03-24-028	480-70-231	AMD	03-24-028	480-100-238	PREP	03-09-068
480-15-440	AMD-S	03-20-117	480-70-256	AMD-S	03-20-117	480-100-999	AMD-X	03-19-130
480-15-440	AMD	03-24-028	480-70-256	AMD	03-24-028	480-100-999	AMD	04-01-152
480-15-460	AMD-S	03-20-117	480-70-339	AMD-S	03-20-117	480-107	PREP	03-09-070
480-15-460	AMD	03-24-028	480-70-339	AMD	03-24-028	480-107-001	AMD-X	03-15-142
480-15-510	AMD-S	03-20-117	480-70-386	AMD-S	03-20-117	480-107-001	AMD	03-22-046
480-15-510	AMD	03-24-028	480-70-386	AMD	03-24-028	480-107-005	AMD-X	03-15-142
480-15-520	AMD-S	03-20-117	480-70-999	AMD-X	03-19-130	480-107-005	AMD	03-22-046
480-15-520	AMD	03-24-028	480-70-999	AMD	04-01-152	480-110-215	AMD-S	03-20-117
480-15-999	AMD-X	03-19-130	480-75-260	AMD-S	03-20-117	480-110-215	AMD	03-24-028
480-15-999	AMD	04-01-152	480-75-260	AMD	03-24-028	480-110-275	AMD-P	03-24-060
480-30-032	AMD-S	03-20-117	480-75-999	AMD-X	03-19-130	480-110-295	AMD-S	03-20-117
480-30-032	AMD	03-24-028	480-75-999	AMD	04-01-152	480-110-295	AMD	03-24-028
480-30-110	AMD-P	03-24-060	480-80-010	AMD-S	03-20-117	480-110-385	AMD-S	03-20-117
480-30-999	AMD-X	03-19-130	480-80-010	AMD	03-24-028	480-110-385	AMD	03-24-028
480-30-999	AMD	04-01-152	480-80-015	AMD-S	03-20-117	480-110-435	AMD-X	03-15-142
480-31-090	AMD-S	03-20-117	480-80-015	AMD	03-24-028	480-110-435	AMD	03-22-046
480-31-090	AMD	03-24-028	480-80-105	AMD-S	03-20-117	480-120-011	AMD-S	03-20-117
480-31-999	AMD-X	03-19-130	480-80-105	AMD	03-24-028	480-120-011	AMD	03-24-028
480-31-999	AMD	04-01-152	480-80-121	AMD-X	03-15-142	480-120-015	AMD-S	03-20-117
480-40-999	NEW-X	03-19-130	480-80-121	AMD	03-22-046	480-120-015	AMD	03-24-028
480-40-999	AMD	04-01-152	480-80-122	AMD-X	03-15-142	480-120-017	NEW	03-03-090
480-51-040	AMD-S	03-20-117	480-80-122	AMD	03-22-046	480-120-019	NEW	03-03-090
480-51-040	AMD	03-24-028	480-80-126	NEW-X	03-15-142	480-120-083	AMD-X	03-15-142
480-51-050	AMD-S	03-20-117	480-80-126	NEW	03-22-046	480-120-083	AMD	03-22-046
480-51-050	AMD	03-24-028	480-80-142	AMD-S	03-20-117	480-120-146	AMD-P	03-16-063
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