

Washington State Register

January 5, 2005

OLYMPIA, WASHINGTON

ISSUE 05-01



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This issue contains documents officially
filed not later than December 22, 2004

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 in the basement of the Pritchard 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 2005 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%) per annum.

The interest rate required by RCW 4.56.110(3) and 4.56.115 for the month of January 2005 is 4.442%.

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

WASHINGTON STATE REGISTER

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

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Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following 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].

2004-2005

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

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

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 rule making and the agency adoption date. No hearing is required, but the public may file written objections. See RCW 34.05.230 and 1.12.040.

REGULATORY FAIRNESS ACT

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

Small Business Economic Impact Statements (SBEIS)

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

Mitigation

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

When is an SBEIS Required?

When:

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

When is an SBEIS Not Required?

When:

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

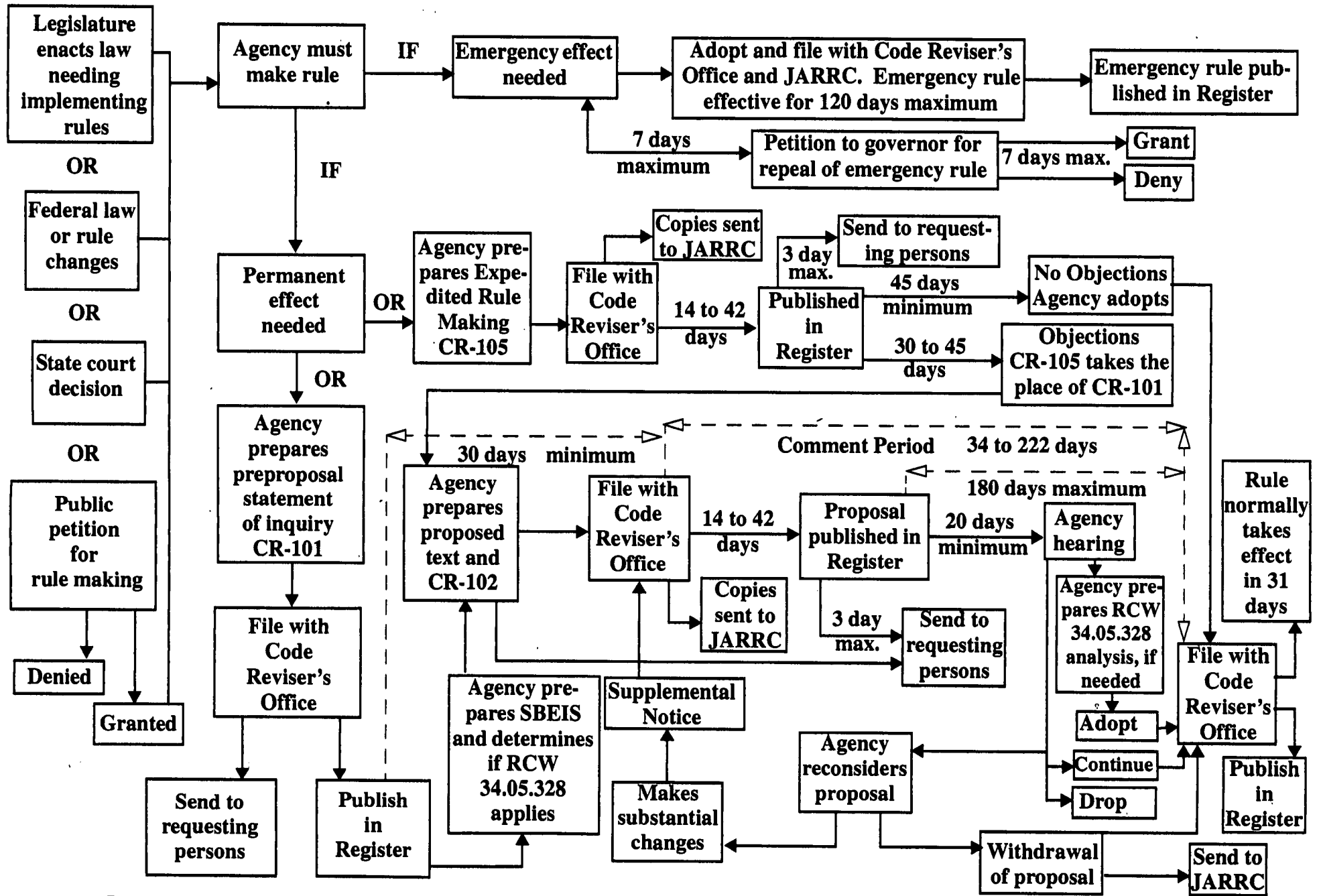
There is less than minor economic impact on business;

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

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

The rule is pure restatement of state statute.

RULE-MAKING PROCESS



WSR 05-01-008
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed December 1, 2004, 3:53 p.m.]

Subject of Possible Rule Making: Reconsideration hearings.

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: Several times over the past few years, the commissioners have had to hold special meetings to address petitions for reconsideration. The proposed change makes it clear that the director has the ability to schedule hearings for reconsideration.

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; Neal Nunamaker, 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 Locations:] On January 14, 2005, at the DoubleTree Guest Suites, 16500 Southcenter Parkway, Seattle, WA 98188, (206) 575-8220; on February 11, 2005, at the Red Lion Hotel - Olympia, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000; and on March 11, 2005, (tentative location), DoubleTree Guest Suites, 16500 Southcenter Parkway, Seattle, WA 98188, (206) 575-8220.

November 30, 2004

Susan Arland
Rules Coordinator

WSR 05-01-017
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed December 2, 2004, 1:03 p.m.]

Subject of Possible Rule Making: The department is considering developing new rules to chapter 246-852 WAC, Consumer access to vision care, relating to contact lens prescription verification and prescription release. Additionally, the department may also amend existing rules in WAC 246-852-010, which sets forth duties of practitioners and 246-852-020 relating to the content of a prescription for correct lenses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.195.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Federal Trade Commission Contact Lens Rule implementing the Fairness to Contact Lens Consumers Act took effect on August 2, 2004 (16 C.F.R. 315.1 to 16 C.F.R. 315.11). As a result, the secretary may be required to adopt new rules or amend existing consumer access to vision care rules to comply with the federal regulation including rules relating to contact lens prescription

release and prescription verification requirements. Under the federal requirement, sellers of contact lenses must verify contact lens prescriptions with providers. Providers must respond to a request for verification and correct errors in prescriptions. A contact lens prescription must be given to the patient after the prescription is complete.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Trade Commission. The department will coordinate with the commission through notices of rule-making activities including board or committee meetings and comment opportunities (16 C.F.R. 315.1 to 16 C.F.R. 315.11).

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Judy Haenke, P.O. Box 47870, Olympia, WA 98504-7870, (360) 236-4947, fax (360) 586-4359, judy.haenke@doh.wa.gov.

M. C. Selecky
Secretary

WSR 05-01-019
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Filed December 2, 2004, 1:46 p.m.]

The Department of Ecology withdraws WSR 03-10-011 and 03-14-023, CR-101 filings related to amending chapter 173-503 WAC.

The department has filed a replacement CR-101 (WSR 04-23-042) to amend chapter 173-503 WAC, Instream resources protection program—Lower and Upper Skagit water resources inventory area (WRIA 3 and 4). The replacement filing reflects the department's current approach to amending the existing regulation.

Joe Stohr
Program Manager
Water Resources

WSR 05-01-027
PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION

[Filed December 3, 2004, 2:19 p.m.]

Subject of Possible Rule Making: Title 390 WAC, rules relating to enforcement hearings, informal settlement-cases resolved by stipulation prior to an enforcement hearing, electronic filing thresholds and mini campaign reporting.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Public Disclosure Commission will consider possible rule amendments to (1) remove the requirement to read stipulations into the record, (2) remove the ten-day notification requirement to respon-

WSR 05-01-081

PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE LOTTERY

[Filed December 10, 2004, 10:59 a.m.]

Subject of Possible Rule Making: Quinto rules, chapter 315-33A WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.70.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The lottery is considering changes to the Quinto game and rules to increase consumer interest in the game.

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 Ceil Buddeke, Legal Counsel, Rules Coordinator, at (360) 664-4831, fax (360) 586-6586, e-mail Cbuddeke@walottery.com, P.O. Box 43025, Olympia, WA 98504-3025, with any comments or questions regarding this statement of intent.

December 10, 2004

Ceil Buddeke

Rules Coordinator

WSR 05-01-082

PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE LOTTERY

[Filed December 10, 2004, 10:59 a.m.]

Subject of Possible Rule Making: Procedures for a Win For Life Scratch ticket.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.70.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The lottery is considering amending WAC 315-11A-156 and 315-11A-183, which deals with the prize aspect of the game.

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 Ceil Buddeke, Legal Counsel, Rules Coordinator, at (360) 664-4831, fax (360) 586-6586, e-mail Cbuddeke@walottery.com, P.O. Box 43025, Olympia, WA 98504-3025, with any comments or questions regarding this statement of intent.

December 10, 2004

Ceil Buddeke

Rules Coordinator

WSR 05-01-080

PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE LOTTERY

[Filed December 10, 2004, 10:58 a.m.]

Subject of Possible Rule Making: Lotto 6 of 49 rules, chapter 315-34 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.70.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The lottery is considering changes to the Lotto game and rules to increase consumer interest in the game.

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 Ceil Buddeke, Legal Counsel, Rules Coordinator, at (360) 664-4831, fax (360) 586-6586, e-mail Cbuddeke@walottery.com, P.O. Box 43025, Olympia, WA 98504-3025, with any comments or questions regarding this statement of intent.

December 10, 2004

Ceil Buddeke

Rules Coordinator

PROPOSED

WSR 05-01-083

**PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE LOTTERY**

[Filed December 10, 2004, 11:00 a.m.]

Subject of Possible Rule Making: On-line Scratch ticket.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.70.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The lottery is considering adopting a new rule for on-line Scratch tickets.

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 Ceil Buddeke, Legal Counsel, Rules Coordinator, at (360) 664-4831, fax (360) 586-6586, e-mail Cbuddeke@walottery.com, P.O. Box 43025, Olympia, WA 98504-3025, with any comments or questions regarding this statement of intent.

December 10, 2004
Ceil Buddeke
Rules Coordinator

WSR 05-01-089

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

[Filed December 10, 2004, 4:38 p.m.]

Subject of Possible Rule Making: Commercial pilchard 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: Changes in the seasons, by-catch provisions, observer coverage and reporting are contemplated. Rule amendments will be needed to accomplish this.

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 Phil Anderson, Intergovernmental Resources Special Assistant, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2720. Contact by February 3, 2005. Expected proposal filing on or after February 4, 2005.

December 10, 2004
Evan Jacoby
Rules Coordinator

PROPOSED

WSR 05-01-084

**PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE LOTTERY**

[Filed December 10, 2004, 11:01 a.m.]

Subject of Possible Rule Making: Assignment of prizes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.70.040(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The lottery is considering amending WAC 315-06-123, which deals with the assignment of prizes.

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 Ceil Buddeke, Legal Counsel, Rules Coordinator, at (360) 664-4831, fax (360) 586-6586, e-mail Cbuddeke@walottery.com, P.O. Box 43025, Olympia, WA 98504-3025, with any comments or questions regarding this statement of intent.

December 10, 2004
Ceil Buddeke
Rules Coordinator

WSR 05-01-096

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed December 14, 2004, 8:52 a.m.]

Subject of Possible Rule Making: To implement revisions to the Group A Public Water Systems Regulations, chapter 246-290 WAC required by the Municipal Water Supply - Efficiency Requirements Act.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.119A RCW and RCW 43.20.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions are necessary to be consistent with the Municipal Water Supply - Efficiency Requirements Act, chapter 5, Laws of 2003 1st sp.s. and to make other technical amendments to clarify existing practices.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The State Board of Health and federal Environmental Protection Agency regulate this subject. The board has delegated its rule-making authority to the department, and the department will report regularly to the board. The revisions do not require coordination with the Environmental Protection Agency because there will be no impact on any federal requirements.

Process for Developing New Rule: The Department of Health will work with the Water Supply Advisory Committee, Washington Water Utility Council and interested parties

on the decision to adopt the rule revision and formulation of the proposed rule before publication.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Theresa Phillips, Program Development Section, Office of Drinking Water, P.O. Box 47822, Olympia, WA 98504-7822, phone (360) 236-3147, fax (360) 236-2253.

December 14, 2004

M. C. Selecky
Secretary

WSR 05-01-097

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Medical Quality Assurance Commission)

[Filed December 14, 2004, 8:52 a.m.]

Subject of Possible Rule Making: WAC 246-919-XXX Oversight of use of lasers in skin care and treatment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.71.017 and 18.130.050(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Medical Commission is aware of many physicians inappropriately delegating to untrained personnel the use of lasers for skin care or treatment. The Medical Commission is concerned about the potential for high-risk complications caused by lasers when used by those who have not had the appropriate training. Several states have created rules regarding the supervision of personnel using lasers.

Process for Developing New Rule: Public workgroups, the commission will conduct public workshops in three areas throughout Washington in order to allow interested persons to participate in the development of the language for these rules. Notification of the meetings will be sent to those individuals and organizations who have requested to be notified of any 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 Beverly A. Thomas, Program Manager, Medical Quality Assurance Commission, P.O. Box 47866, Olympia, WA 9804 [98504], fax (360) 236-4768, phone (360) 236-4788, e-mail beverly.thomas@doh.wa.gov.

November 8, 2004

Maryella E. Jansen
Acting Executive Director

WSR 05-01-105A

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF TRANSPORTATION

[Filed December 15, 2004, 10:10 a.m.]

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

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Review of Washington State Ferries' farebox revenue has been completed, resulting in a proposal to raise ferry fares.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mr. Ray Deardorf, Planning Director, Washington State Ferries, 2911 2nd Avenue, Seattle, WA 98121, phone (206) 515-3491, fax (206) 515-3499.

Dale Stedman, Chair
Transportation Commission

WSR 05-01-107

PREPROPOSAL STATEMENT OF INQUIRY OLYMPIC COLLEGE

[Filed December 15, 2004, 10:22 a.m.]

Subject of Possible Rule Making: Student conduct code, chapter 132C-120 WAC.

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 needed on this subject because the student conduct code governs human interactions on campus and defines resulting disciplinary actions, hearings, and/or appeals.

Process for Developing New Rule: Accepting written comments for thirty days. Conducted comprehensive review of the student conduct code, input from the assistant attorney general, held open forums, received input via e-mails from constituent groups.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ms. Melinda St. John, Principal Assistant to the Vice-President for Student Services, Olympic College, Student Services, 1530 Ohio Street, CSC3, Bremerton, WA 98337, (360) 475-7434 (voice), mstjohn@oc.ctc.edu.

December 14, 2004

Asantewa Antobam
Executive Assistant
to the President

WSR 05-01-127**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed December 15, 2004, 3:54 p.m.]

Subject of Possible Rule Making: Amending chapter 388-820 WAC, Community residential services and support and other related sections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030 and 71A.12.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of amending these rules is to add new sections to chapter 388-820 WAC that attend to the following issues: Health and safety, community protection program, assessments, restrictive procedures, inspections, enforcement remedies, appeals, agency finances and client's rights.

In addition, the proposed rules will clarify procedures and requirements addressing abuse and neglect reporting, and sections that involve the individual financial plans. The department also needs to update chapter 388-820 WAC to follow the federal requirements of the Centers for Medicaid and Medicare Services.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jill Young, Program Manager, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-3210, fax (360) 725-3208, TTY 1-800-737-7931, e-mail Youngjk@dshs.wa.gov.

December 15, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 05-01-128**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed December 15, 2004, 3:56 p.m.]

Subject of Possible Rule Making: Adding sections to chapter 388-106 WAC, Long-term care services, other WAC chapters may be opened as needed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 42 C.F.R. 441.302(a) 1915 c waiver rules, 42 C.F.R. 440.180.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of the new language is to clarify services eligibility, including denial and termination. In addition, Aging and Disability Services Administration may make amendments to existing rules to ensure that rules are current and clear. Policy changes that arise during this time will be incorporated into this rule making.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Draft material and information about how to participate may be obtained from the department representative listed below. At a later date, DSHS will file the proposed rule with the Office of Code Reviser with a notice of proposed rule making, and send the proposal to everyone currently on the mailing list and anyone else who requests a copy.

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

December 15, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 05-01-129**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed December 15, 2004, 3:57 p.m.]

Subject of Possible Rule Making: WAC 388-550-3000 DRG payment system.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is updating and clarifying policy regarding the diagnostic-related group (DRG) classification system for inpatient hospital services provided to medical assistance clients.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed 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, P.O. Box 45533, Olympia, WA 98504-45533, phone (360) 725-1342, fax (360) 586-9727, TTY 1-800-848-5429, e-mail sayrek@dshs.wa.gov.

December 15, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

PROPOSED

WSR 05-01-130
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed December 15, 2004, 3:59 p.m.]

The DSHS Aging and Disability Services Administration (ADSA) would like to withdraw preproposal statement of inquiry filed as WSR 04-07-061 on March 11, 2004.

Brian Lindgren, Manager
 Rules and Policies Assistance Unit

WSR 05-01-142
PREPROPOSAL STATEMENT OF INQUIRY
STATE TOXICOLOGIST

[Filed December 17, 2004, 12:26 p.m.]

Subject of Possible Rule Making: Approval of portable breath test devices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.61.506.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Devices used by law enforcement for evidential breath alcohol testing must be approved by the State Toxicologist. The currently approved device, the Alcosensor III is going out of production. A replacement, the FST, is being considered for approval. Chapter 448.15 WAC approving devices will be amended accordingly.

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 Dr. Barry Logan, Washington State Toxicologist, 2203 Airport Way South, Seattle, WA 98134, (206) 262-6000 or barry.logan@wsp.wa.gov.

December 17, 2004
 Barry K. Logan Ph.D.
 Washington State Toxicologist

WSR 05-01-143
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING
 (Registration for Professional Engineers
 and Land Surveyors)

[Filed December 17, 2004, 12:27 p.m.]

Subject of Possible Rule Making: New section of Title 196 WAC to implement the statutory requirements of chapter 18.210 RCW, requiring continuing education for licensed on-site wastewater treatment system designers and certified local health department inspectors. Amending chapter 196-30 WAC, creating an inactive status and related fee adjustment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 18.210 and 18.43 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New rules are necessary to

implement the statutory requirement for persons licensed and certified under chapter 18.210 RCW to obtain continuing education or continuing professional development. Amendments to chapter 196-30 WAC are needed to create an inactive status for certified inspectors.

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. Comments may be submitted through regular mail, phone, fax or e-mail by contacting Joe Vincent Jr., P.O. Box 9025, Olympia, WA 98507-9025, phone (360) 664-1567, fax (360) 664-2551, e-mail engineers@dol.wa.gov. Draft language of rule amendments will be distributed to the board's list of interested persons.

December 17, 2004
 George A. Twiss
 Executive Director
 Board of Registration for
 Professional Engineers
 and Land Surveyors

WSR 05-01-145
PREPROPOSAL STATEMENT OF INQUIRY
HIGHER EDUCATION
COORDINATING BOARD

[Filed December 17, 2004, 12:31 p.m.]

Subject of Possible Rule Making: Establishing new minimum admission standards for freshmen entering the state's public four-year colleges and universities, effective for students seeking admission in the summer of 2008 and subsequent academic terms.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.76.290(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The HECB first established minimum admission standards in 1988 by board action. To date, none of the HECB's standards have been established in the Washington Administrative Code. The establishment of rules governing minimum admission standards for freshmen entering state four-year institutions of higher education will provide state agencies, colleges and universities, and the public a single and reliable source for determining the minimum requirements for admission.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The HECB has sole responsibility to establish minimum admission standards for all students entering the state's public four-year colleges and universities.

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. The HECB will advertise and hold a period of public comment on the proposed rules in March - May 2005. The

HECB will hold at least three public hearings in the state and accept written testimony. Hearings will be scheduled in early 2005. Interested persons may contact John F. McLain, Associate Director for P-16, Higher Education Coordinating Board, P.O. Box 43430, 917 Lakeridge Way S.W., Olympia, WA 98504-3430, phone (360) 753-7833, fax (360) 753-7808, e-mail johnmcl@hecb.wa.gov.

December 15, 2004

John F. McLain

Associate Director for P-16

WSR 05-01-154

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed December 20, 2004, 10:01 a.m.]

Subject of Possible Rule Making: WAC 260-36-200 Provisional owner's license.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Provisional owner's license is intended to allow an individual licensed as an owner in another state to enter a horse in a limited number of Washington races for fourteen days without the owner actually being present on the grounds of a racing association. The commission is contemplating amending WAC 260-36-200 to include a definition of provisional owner, extending the time a provisional owner's license is valid and specify a requirement that all applicable fees be paid with the extended period of time.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert J. Lopez, Administrative Services Manager, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

December 15, 2004

R. M. Leichner

Executive Secretary

WSR 05-01-159

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed December 20, 2004, 3:55 p.m.]

Subject of Possible Rule Making: New, permanent rule WAC 16-07-001 Unsigned ballot envelopes: Elections for advisory votes, referenda, and board member selection, this proposed new rule section establishes department procedures for conducting commodity commission elections and specifically addresses how the department will handle unsigned ballots envelopes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 15.65 and 15.66 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Department of Agriculture will propose rules that will address how the department will handle unsigned ballots submitted by eligible voters when conducting commodity commission advisory votes, referenda and board member elections.

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

Process for Developing New Rule: The department will communicate with all commodity commissions via their executive directors regarding the intent of the proposed new rules. It will also provide a draft of the proposed rule for comment. Finally, notice will be provided to each commission via the executive director identifying the date, time and location of the public hearing and explaining how interested parties may submit testimony on the proposed rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting George Huffman, Rules Coordinator, Washington State Department of Agriculture, Administrative Regulations Program, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1802.

December 20, 2004

Mary A. Martin Toohey

for William Brookreson

Deputy Director

WSR 05-01-167

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed December 21, 2004, 9:34 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 Labor and Industries and maintain consistency with the Health Care Authority and Medical Assistance Administration. Specifically, the proposed rule changes will do the following:

I. 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

PROPOSED

the department to continue a reimbursement methodology consistent with other state agencies. Cost-of-living increases may be incorporated into the changes in the conversion factors.

2. 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 21, 2004
Paul Trause
Director

WSR 05-01-168
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed December 21, 2004, 9:35 a.m.]

Subject of Possible Rule Making: WAC 296-20-010 General information, eliminate the reference to a "grace period" for end dated HCPCS and CPT® codes. Change the definition of state fund claims.

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 department has made a commitment to follow the rules published in accordance with the federal Health Insurance Portability and Accountability Act (HIPAA). Under HIPAA, procedure codes that are end dated may not be used after the end date. Therefore, there can be no "grace period" for these codes. Removing the "grace period" language from the rule will allow the department to follow the HIPAA rule. Changing the definition of the state fund claim will accurately describe the format of the claim numbers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Centers for Medicare and Medicaid Services (CMS)

Electronic Health Care Transactions and Code Sets. Grace period was eliminated on July 6, 2004.

Process for Developing New Rule: The department has notified providers that the grace period for deleted codes will only be one day for 2005 and we will bring the proposed changes to our reimbursement technical advisory group for review. The proposed changes will also be publicized in a communication 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 21, 2004
Paul Trause
Director

WSR 05-01-169
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed December 21, 2004, 9:36 a.m.]

Subject of Possible Rule Making: Chapter 296-155 WAC, Safety standards for construction work; chapter 296-62 WAC, General occupational health standards; and chapter 296-841 WAC, Respiratory hazards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WISHA is proposing to rewrite and clarify requirements relating to the lead rules. This rule making is part of our long-term goal to rewrite our general occupational safety and health rules. WISHA will be updating requirements to provide consistency between the existing two standards. In addition, the department may eliminate unnecessary requirements and outdated terminology. Also, Labor and Industries will update references to these rules throughout the rest of WISHA's standards. This proposal will move all lead requirements relating to general industries from chapter 296-62 WAC, General occupational health standards and chapter 296-155 WAC, Safety standards for construction work, and place them in a new chapter.

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

Process for Developing New Rule: The department must adopt rules identical to or at-least-as-effective-as OSHA rules are required by the OSHA/WISHA state plan agreement. Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

PROPOSED

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jamie Scibelli, Administrative Regulations Analyst, Department of Labor and Industries, WISHA Services Division, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-4568, fax (360) 902-5529, e-mail scij235@lni.wa.gov.

December 21, 2004

Paul Trause

Director

WSR 05-01-175

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed December 21, 2004, 10:45 a.m.]

Subject of Possible Rule Making: Chapter 392-168 WAC Special programs—Citizens complaint procedure for certain categorical federal programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.300.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state is required under federal rules and regulations to implement a complaint resolution procedure as defined in 34 C.F.R. 76.770 and 76.783. The additions and deletions in chapter 392-168 WAC reflect these requirements.

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 Gayle Pauley, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, phone (360) 725-6100, fax (360) 586-3305, gpauley@ospi.wednet.edu.

December 20, 2004

Dr. Terry Bergeson

State Superintendent

WSR 05-01-179

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed December 21, 2004, 2:32 p.m.]

Subject of Possible Rule Making: WAC 16-470-101 through 16-470-130, the department is reviewing its regulations relating to apple maggot and plum curculio, nonnative insect pests potentially affecting tree fruit industries and related crops in all parts of the state. The department may amend the current rule language so that the requirements: (1) Reflect the most recent scientific data about these insects, (2) are easier to read and understand, (3) reflect current industry practices and needs, (4) incorporate current national and international regulatory standards as appropriate, and (5) facilitate compliance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 17.24 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Due to changing international phytosanitary standards, apple maggot population dynamics, and industry practices, it is necessary to reevaluate and update regulations governing permitting and shipping fruit commodities into, out of, and within the state and to review procedures for possible future regulatory actions to deal with apple maggot and plum curculio.

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

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholders, particularly membership of a statewide advisory committee, the Apple Maggot Working Group. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary A. Martin Toohey, Assistant Director, Washington State Department of Agriculture, Plant Protection Division, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1907, fax (360) 902-2094, e-mail mtoohey@agr.wa.gov; or Brad White, Pest Program Manager, Washington State Department of Agriculture, Plant Protection Division, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-2071, fax (360) 902-2094, e-mail bwhite@agr.wa.gov.

December 21, 2004

Mary A. Martin Toohey

Assistant Director

WSR 05-01-181

PREPROPOSAL STATEMENT OF INQUIRY ENERGY FACILITY SITE EVALUATION COUNCIL

[Filed December 21, 2004, 2:54 p.m.]

Subject of Possible Rule Making: Update of EFSEC's air rules (chapter 463-78 WAC) for consistency with federal Prevention of Significant Deterioration (PSD) and ecology's new source review (NSR) programs for air emissions. Clarification of procedural elements (including but not limited to appeals and permit issuance processes) for permits issued pursuant to chapter 463-78 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.50.040 (1) and (12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In August 2003, ecology undertook revision of its rules relating to air emissions regulation (in particular chapter 173-400 WAC), to incorporate new federal requirements under the PSD program that became effective in 2003, and to reorganize and simplify their rules. The EFSEC intends to adopt some or all of the

PROPOSED

ecology revised rules to retain and exercise its delegated authority from the United States Environmental Protection Agency (US EPA) and to implement state and federal air emissions laws and regulations for facilities under EFSEC jurisdiction. The EFSEC's implementation of chapters 173-401, 173-406, and 173-460 will also be reviewed to assure consistency with state statutory requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Environmental Protection Agency, Department of Ecology, and local Air Authorities. The EFSEC will coordinate directly with US EPA and ecology, and will inform and seek input from local air authorities.

Process for Developing New Rule: The EFSEC will coordinate development of draft rules with ecology and US EPA. The EFSEC will discuss the rule-making activity at regular EFSEC meetings. The EFSEC will issue notices to its interested person mailing list and rule-making lists. The EFSEC will hold a public hearing prior to adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The EFSEC will distribute this information through surface mail and e-mail to persons in EFSEC mailing lists. To be added to these lists, interested persons should send a request to efsec@ep.cted.wa.gov or call (360) 956-2121 stating that they wish to be placed on the "rule making" list. Notice of public hearings on this matter will be sent to these lists. The EFSEC will discuss draft and proposed rules at its regular council meetings that are open to the public. For dates and locations go to www.efsec.wa.gov/meet.html or call (360) 956-2121. For specific information about this rule making contact Irina Makarow at (360) 956-2047 or irinam@ep.cted.wa.gov.

December 21, 2004

Allen J. Fiksdal
EFSEC Manager

Individuals requiring information on this rule should contact Beverly A. Thomas, Program Manager, Medical Quality Assurance Commission, at (360) 236-4788.

Bill White
for Mary C. Selecky
Secretary

WSR 05-01-222

WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed December 22, 2004, 9:45 a.m.]

This memo serves as notice that the department is withdrawing the CR-101 for chapter 246-919 WAC which was filed March 27, 2003, and published as WSR 03-08-032. The original proposal was to develop rules for office-based surgery settings. Since the filing of WSR 03-08-032, the Medical Quality Assurance Commission has determined it will develop a policy at this time and will undertake a feasibility study regarding the regulation of office-based surgery. The results of the study will be presented to the department for possible consideration of legislation. For this reason, the CR-101 for chapter 246-919 WAC is no longer needed.

PROPOSED

WSR 04-24-028
PROPOSED RULES
BENTON CLEAN
AIR AUTHORITY

[Filed November 23, 2004, 1:10 p.m.]

Original Notice.

Title of Rule and Other Identifying Information: Regulation I, the changes are primarily housekeeping items such as updating outdated references to WACs and/or RCWs. Also, making the document easier to read and clarifying language, including adding definitions. A list of sources that must register has been added rather than referring to the WAC.

Hearing Location(s): 114 Columbia Point Drive, Richland, WA 99352, on January 25, 2004, at 4:00 p.m.

Date of Intended Adoption: February 17, 2004 [2005].

Submit Written Comments to: Terry Flores, 114 Columbia Point Drive, Suite C, Richland, WA 99352, e-mail tflo@bcaa.net, fax (509) 943-2232, by January 20, 2005.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The changes are primarily housekeeping items such as updating outdated references to WACs and/or RCWs. Also, making the document easier to read and clarifying language, including adding definitions. A list of sources that must register has been added rather than referring to the WAC. No additional rules are being established.

Reasons Supporting Proposal: Current rules are out of date and in some cases less stringent than state law.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: Chapter 70.94 RCW.

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

Name of Proponent: Benton Clean Air Authority, governmental.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposed changes strictly clarify existing regulation and correct erroneous references to RCWs and WACs.

November 22, 2005

Terry Flores

Administrative Assistant III

November 2004 DRAFT
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ARTICLE 3	Reserved			EFFECTIVE: DRAFT May 25, 1996	
ARTICLE 4	Reserved			Section 1.01 Name of Authority	
ARTICLE 5	Outdoor Burning			The name of the <u>this County Air Pollution Control Authority, declared to be and directed to function as a single county authority</u> with the boundaries of Benton County and activated by the Washington Clean Air Act, Revised Code of Washington (RCW) 70.94 as amended, shall be known as the <u>BENTON CLEAN AIR AUTHORITY, hereinafter referred to as the BCAA, or the Authority.</u>	
Section 5.01	Definitions	5-1		Section 1.02 Short Title	
Section 5.02	Outdoor Burning Requirements	5-1		This Regulation regulation of the BCAA shall be known and cited as REGULATION 1 of the Benton Clean Air Authority" (hereinafter referred to as the BCAA or the Authority).	
Section 5.03	Special Burning Permits	5-3		Section 1.03 Policy	
ARTICLE 6	Agricultural Burning			Section 1.02 Policy	
Section 6.01	Definitions	6-1		A. The Benton Clean Air Authority, with the boundaries of Benton County, has been activated by the Washington Clean Air Act, Revised Code of Washington (RCW) 70.94 as amended. The Benton Clean Air Authority BCAA, declared to be and directed to function as a single county authority, adopts this Regulation Regulation 1 as well as RCW 70.94 as amended to control the emissions of air contaminants from all sources within the jurisdiction of the Authority Benton County; to provide for the uniform administration and enforcement of this Regulation regulation; and to carry out the requirements and purposes of the U.S. Clean Air Act (42 USC. 7401 et. seq.) and the Washington State Clean Air Act (RCW 70.94) the Washington Clean Air Act.	
Section 6.02	Agricultural Burning Permit	6-1		B. It is hereby declared to be the public policy of the Benton Clean Air Authority BCAA to:	
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1. to ~~Secure~~ secure and maintain such levels of air quality that protect human health and safety, including the most sensitive members of the population;

2. ~~Secure compliance to comply~~ with the requirements of the federal clean air act;

3. ~~to prevent~~ Prevent injury to plant and animal life and to property;

4. ~~to foster~~ Foster the comfort and convenience of its inhabitants;

5. ~~to promote~~ Promote the economic and social development of the Benton County; and

6. ~~to facilitate~~ Facilitate the enjoyment of the natural attractions of the Benton County.

C. It is further the intent of this Regulation 1 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.

D. ~~This Regulation adopts the RCW and Washington Administrative Codes (WAC) to the extent applicable to this Authority. When the Benton Clean Air Authority judges it necessary, specific local provisions are adopted to implement the above laws. Wherever Regulation 1 constitutes a restatement of the requirements and purposes of RCW 70.94, it is the intent of the BCAA that Regulation 1 be interpreted in the same manner as the statute adopted by the Washington State Legislature. Any deviation from the statute, except where the statute allows BCAA to be more stringent, is intended for purposes of clarity.~~

ARTICLE 2 General Provisions

ADOPTED: April 18, 1996 DRAFT

EFFECTIVE: May 25, 1996 DRAFT

Section 2.01 Establishment of the Board of Directors

Reserved

Section 2.02 Powers and Duties of the BCAA

As per RCW 70.94.141, the BCAA shall be deemed a municipal corporation; have right to perpetual succession; adopt and use a seal; may sue and be sued in the name of the BCAA in all courts and in all proceedings; and, may receive, account for, and disburse funds, employ personnel, and acquire or dispose of any interest in real or personal property within or without the BCAA in the furtherance of its purposes.

Section 2.01 Section 2.03 Powers and Duties of the Board of Directors

A. The Board of Directors, hereinafter referred to as the Board, shall have all the powers and duties of Section 2.02 and of an activated air pollution control authority under RCW 70.94.081 and 70.94.141.

B. Pursuant to the provisions of RCW 70.94, the Board shall:

1. establish Establish such procedures and take such action as may be required to implement Section 1.01 of this Regulation 1 consistent with federal, state, and local air pol-

lution laws or regulations with RCW 70.94 and other applicable laws. The Board may take

2. Take such action as may be necessary to prevent air pollution including control and measurement of the emission of air contaminant from a source; and The Board shall a

3. Appoint a Control Officer, in accordance with RCW 70.94.170, competent in the control of air pollution who shall, with the Board's advice and approval, enforce the provisions of this Regulation 1 and all ordinances, orders, resolutions, or rules and regulations of this Authority the BCAA pertinent to the control and prevention of air pollution in the county Benton County.

C. The Board shall have the power to:

1. hold Hold hearings relating to any aspect of, or matter in, the administration of this Regulation 1 and in connection therewith, issue subpoenas to compel the attendance of witnesses and production of evidence, administer oaths and take the testimony of any person under oath;

2. The Board shall have the power to a Adopt, amend and repeal its own ordinances, resolutions, rules, or orders and regulations. Any adoption, amendment, or repeal of the Board's ordinances, resolutions, rules, or orders and regulations shall be made after due consideration at a public hearing held in accordance with RCW 42.30, and shall have the same force and effect as all other of the Board's ordinances, resolutions, rules, or orders and regulations as soon as adopted by the Board.; (RCW 70.94.141)

3. Issue such notices, orders, permits, or determinations as may be necessary to effectuate the purposes of federal, state, or local air pollution laws or regulations and enforce the same by all appropriate administrative and judicial proceedings subject to the rights of appeal as provided in chapter 62, Laws of 1970 ex. sess.;

4. Require access to records, books, files and other information specific to the control, recovery or release of air contaminants into the atmosphere;

5. Secure necessary scientific, technical, administrative and operational services, including laboratory facilities, by contract or otherwise;

6. Prepare and develop a comprehensive plan or plans for the prevention, abatement and control of air pollution within its jurisdiction;

7. Encourage voluntary cooperation by persons or affected groups to achieve the purposes of federal, state and local air pollution laws or regulations;

8. Encourage and conduct studies, investigation and research relating to air pollution and its causes, effects, prevention, abatement and control;

9. Collect and disseminate information and conduct educational and training programs relating to air pollution;

10. Advise, consult, cooperate and contract with:

a. State agencies, departments, and educational institutions;

b. Other political subdivisions, other states, interstate or interlocal agencies, and the United States government; and

c. Industries, interested persons or groups;

11. Consult, upon request, with any person proposing to construct, install, or otherwise acquire an air contaminant source or device or system for the control thereof, concerning the efficacy of such device or system, or the air pollution

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problems which may be related to the source, device or system.

Nothing in any such consultation shall be construed to relieve any person from compliance with any federal, state, or local law or regulation in force pursuant thereto, or any other provision of law; and

12. Accept, receive, disburse and administer grants or other funds or gifts from any source, including public and private agencies and the United States government for carrying out any of the functions any federal, state, or local law or regulation.

Section 2.02 Section 2.04 Control Officer's Duties and Powers Powers and Duties of the Control Officer

A. The Control Officer and/or his authorized agents duly authorized representatives of the BCAA shall observe and enforce applicable federal, state, and local air pollution laws and regulations the provisions of the RCW 70.94 and other applicable laws and all orders, ordinances, resolutions, or rules and regulations of the Authority BCAA pertaining to the control and prevention of air pollution pursuant to the policies set down by the Board.

B. The Control Officer, with the approval of the Board, shall have the authority to appoint and remove such employees staff persons as are necessary to the performance of the duties assigned to him and to incur necessary expenses within the limitations of the budget.

C. The Control Officer shall maintain appropriate records and submit reports as required by the Board, the appropriate state agency agencies, and the appropriate federal agencies.

D. The Control Officer may engage, at the Authority's BCAA's expense, within the limitation of the budget, qualified individuals or firms to make independent studies and reports as to the nature, extent, quantity or degree of any air contaminants which that are or may be discharged from any source within the Authority's jurisdiction Benton County.

E. For the purpose of investigating conditions specific to the control, recovery or release of air contaminants into the atmosphere, the Control Officer or his and duly authorized representatives of the BCAA shall have the power to enter, at reasonable times, upon any private or public property, excepting non-multiple unit private dwellings housing two (2) families or less. No person shall refuse entry or access to the Control Officer or his duly authorized representatives of the BCAA who request entry for the purpose of inspection and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such inspection (RCW 70.94.200).

F. If the Control Officer or an authorized employee a duly authorized representative of the Authority BCAA during the course of an inspection desires to obtain a sample of air contaminant, fuel, process material or other material that affects or may affect the emission of air contaminants, the Control Officer or a duly authorized representative he shall:

1. Notify the owner or lessee operator of the time and place of obtaining a sample so the owner or lessee operator has the opportunity to take a similar sample at the same time and place; and

2. Shall give a receipt to the owner or lessee operator for the sample obtained.

G. The Control Officer shall be empowered by the Board to sign official complaints, or issue citations, or initiate court suits, or use other legal means to enforce the provisions of this Regulation 1.

Section 2.03 Section 2.05 Confidential Information

A. The owner, operator, or agent of the owner or operator submitting any information to the BCAA is responsible for clearly identifying information that is considered proprietary and confidential prior to submittal to the BCAA. Information submitted to the BCAA that has not been identified as confidential at the time of submittal may not be classified as confidential at a later date.

B. Confidential information submitted to the BCAA by an owner, operator, or agent of the owner or operator, shall be stamped or clearly marked in red ink at the time of submittal. Such information shall be handled as confidential, and shall be maintained by the BCAA, to the extent that release of such information may provide unfair economic advantage or compromise processes, products, or formulations to competitors as provided under RCW 70.94.205. Such information shall be released to the public only after:

1. Legal opinion by the BCAA's legal counsel; and

2. Notice to the source of the intent to either release or deny the release of information.

C. Records or other information certified as confidential shall be only for the confidential use of the BCAA as provided in RCW 70.94.205, provided that:

1. The records or other information is related to processes or production and unique to the owner or operator, except ambient air quality data or emission data; or

2. The records or other information is likely to affect adversely the competitive position the source if released to the public or to a competitor.

D. Emissions data furnished to or obtained by the BCAA shall be correlated with applicable emission limitations and other control measures and shall be available for public inspection during normal business hours at the office of the BCAA. Whenever any records or other information, other than ambient air quality data or emission data, furnished to or obtained by the Authority, pursuant to RCW 70.94, relate to processes or production unique to the owner or operator, or is likely to adversely affect the competitive position of such owner or operator if released to the public or to a competitor and the owner or operator of such processes or production so certifies, such records or information shall be only for the confidential use of the Washington State Department of Ecology (Ecology) or the Authority. (RCW 70.94.205)

Section 2.04 Section 2.06 Violations

A. At least thirty (30) days prior to the commencement of any formal enforcement action under RCW 70.94.430 or RCW 70.94.431 the Authority BCAA shall cause written notice to be served upon the alleged violator or violators. The notice shall:

1. specify Shall specify the provision of the RCW, the WAC, or of this Regulation federal, state, or local air pollution law or regulation alleged to be violated and the facts alleged to constitute a violation thereof; and may

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2. Shall offer to the alleged violator an opportunity to meet with the BCAA prior to the commencement of a formal enforcement action; and

3. May include an order directing that necessary corrective action be taken within a reasonable time. In lieu of an order, the Board or the Control Officer may require that the alleged violator or violators appear before the Hearings Board Board for a hearing. Every Notice of Violation shall o

ffer to the alleged violator an opportunity to meet with the Authority prior to the commencement of enforcement action. Each act of commission or omission which procures, aids, or abets in the violation shall be considered a violation and be subject to the same penalty.

C. In case of a continuing violation, whether or not knowingly committed, each day's continuance shall be a separate and distinct violation.

Section 2.05 Section 2.07 Orders Orders, Notices, Permits, and Determinations - Finalization, Appeals, Stays, and Judicial Review and Hearings

A. Any order, notice, permit, or determination order issued by the Board or by the Control Officer, which is not preceded by a hearing, shall become final upon receipt unless such order, notice, permit, or determination is appealed.

B. Any order may be appealed exclusively to the PCHB within thirty (30) days after receipt as provided in RCW 43.21B.310 by filing a notice of appeal. Any notice of appeal filed with the PCHB shall be filed simultaneously with the BCAA unless such order.

C. Any notice, permit, or determination may be appealed to the Board, Control Officer, or PCHB within thirty (30) days after receipt as provided in RCW 43.21B.310 by filing a notice of appeal. Any determination made by the Board as a result of an appeal to the Board may subsequently be appealed to the PCHB within thirty (30) days after receipt as provided in RCW 43.21B.310 by filing a notice of appeal. Any notice of appeal filed with the PCHB shall be filed simultaneously with the BCAA

D. A notice of appeal shall contain the following:

1. The name, mailing address, telephone number and telefacsimile number (if available) of the appealing party, and of the representative, if any;

2. Identification of the parties, by listing in the caption or otherwise. In every case, the agency whose decision is being appealed and the person to whom the decision is directed shall be named as parties;

3. A copy of the order, notice, permit, or determination being appealed, and if the order, notice, permit, or determination was preceded by an application, a copy of the application;

4. A short and plain statement showing the grounds upon which the appealing party considers such order, notice, permit, or determination to be unjust or unlawful;

5. A clear and concise statement of facts upon which an appealing party relies to sustain his or her grounds for appeal;

6. The relief sought, including the specific nature and extent;

7. A signature of the representative of the appealing party or the appealing party that constitutes certification that the signatory has read the notice of appeal; and

8. Any other information or requirements under RCW 43.21B.310 or Washington Administrative Code (WAC) 371-08-340.

~~—The Board or Control Officer, in its discretion, may stay the effectiveness of is appealed to the Hearings Board no later than thirty (30) days after the date the notice and order are served. All petitions of appeal from the notice and order are to be filed with the offices of the Pollution Control Hearings Board of Washington (RCW 43.21B).~~

Section 2.05 Appeals from the Board, Judicial Review

C. ~~Any order issued by the Board after a hearing shall become final unless no later than thirty days after the issuance of such order, a notice of appeal is filed with the Hearings Board as provided in RCW 43.21B.~~

E. a notice, order, permit, or determination during an appeal to the Board, Control Officer, or PCHB.

F. Upon failure to comply with any final notice, order, permit, or determination of the Board or Control Officer, the attorney for the BCAA, upon request of the Board or Control Officer, may bring an action in Benton County Superior Court to obtain such relief as necessary.

G. After the final decision and order of the PCHB has been received the BCAA and the appellant, any party aggrieved by the decision and order of the PCHB may appeal to Benton County Superior Court within thirty (30) days from the date of receipt of the final decision and order of the PCHB.

~~E. H.~~ Nothing in this Regulation 1 shall prevent the Board or Control Officer from making efforts to obtain voluntary compliance through warning, conference or any other appropriate means.

Section 2.07 Section 2.08 Falsification of Statement or Document, Unlawful Alteration of Documents, Display of Documents and Their Removal, or Mutilation Prohibited

A. No person shall willfully make a false or misleading statement to the Board or their Control Officer, or duly authorized representative representatives of the BCAA as to any matter within the jurisdiction of the Board.

B. No person shall reproduce or alter or cause to be reproduced or altered any order, permit, registration certificate, or other paper issued by the Agency BCAA if the purpose of such reproduction or alteration is to evade or violate any provision of this Regulation or any other law federal, state, or local air pollution law or regulation.

C. Any order, permit, or registration certificate required to be obtained by this Regulation 1 shall be available on the premises designated on the order, permit, or certificate, unless otherwise authorized by the Authority BCAA.

D. In the event the Authority BCAA requires a notice to be displayed, it shall be posted. No person shall mutilate, obstruct or remove any notice unless authorized to do so by the Board or Control Officer.

Section 2.07 Service of Notice

~~Service of any written notice required by this Regulation shall be made on the owner or lessee of equipment, or his agent as follows:~~

0. ~~Either by mailing the notice in a prepaid envelope directed to the owner or lessee of the equipment, or his agent, at the address listed on his application or order of registration~~

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certificate or at the address where the equipment is located, by United States Postal Service Certified Mail, return receipt requested, or,

~~0. By leaving the notice with owner or lessee of the equipment, or his agent, or if the owner or lessee is not an individual, then a member of the partnership or other concerned or with an officer or managing agent of the corporation.~~

~~Service of any written notice required by this Regulation shall be made to the Authority as follows:~~

~~0. Either by mailing the notice in a prepaid envelope directed to the Authority at its office, by United States Postal Service Certified Mail, return receipt requested, or~~

~~0. By leaving the notice at the Authority office with an employee of the Authority.~~

Section 2.09 Severability

If any phrase, clause, subsection or section of this Regulation 1 shall ~~is~~ be declared unconstitutional or invalid by any court of competent jurisdiction, it shall be conclusively presumed that the Board of Directors would have enacted the Regulation 1 without the phrase, clause, subsection or section so held unconstitutional or invalid and the remainder of the Regulation 1 shall not be affected as a result of said part being held unconstitutional or invalid (RCW 70.94.914).

Section 2.10 Penalties and Penalty Procedures

A. Criminal Penalties

1. Any person who knowingly violates any of the provisions of RCW 70.94 or any order, permit, regulation, ordinance, or resolution in force pursuant thereto, is guilty of a crime gross misdemeanor and upon conviction is subject to punishment by a fine of not more than ten thousand dollars (\$10,000.00), ~~or~~ by imprisonment in the county jail for not more than one (1) year, or by both fine and imprisonment as provided by RCW 70.94 for each separate violation.

2. Any person who negligently releases into the ambient air any substance listed by the Ecology as a hazardous air pollutant, other than in compliance with the terms of an applicable order, permit, or emission limit, and who at the time negligently places another person in imminent danger of death or substantial bodily harm is guilty of a crime gross misdemeanor and upon conviction is subject to punishment by a fine of not more than ten thousand dollars (\$10,000.00), ~~or~~ by imprisonment for not more than one (1) year, or by both as provided by RCW 70.94.

3. Any person who knowingly releases into the ambient air any substance listed by the Ecology as a hazardous air pollutant, other than in compliance with the terms of an applicable order, permit, or emission limit, and who knows at the time that ~~he or she thereby~~ the release places another person in imminent danger of death or substantial bodily harm, is guilty of a crime class C felony and upon conviction is subject to punishment by a fine of not less than fifty thousand dollars (\$50,000.00), ~~or~~ by imprisonment for not more than five (5) years, or by both as provided by RCW 70.94.

4. Any person who knowingly fails to disclose a potential conflict of interest under RCW 70.94.100 is guilty of a gross misdemeanor, and upon conviction thereof, ~~is subject to~~ shall be punished by a fine of not more than five thousand (\$5,000.00) dollars a fine as provided by RCW 70.94.

B. Other Penalties

1. ~~In addition to or as an alternate to any other penalty provided by law, any Any person person, who violates any of the provisions of RCW 70.94 or any regulation, ordinance, or resolution in force pursuant thereto, of the rules and regulations of the Ecology or this Authority in force under this chapter may incur a civil penalty in an amount not to exceed that provided by RCW 70.94 for each violation. Each such violation is a separate and distinct offense, and in case of a continuing violation, each day's continuance is a separate and distinct violation.~~

2. Any person, who fails to take action as specified by an any notice, order, permit, or determination issued pursuant to RCW 70.94 or this Regulation 1 is liable for a civil penalty in an amount not to exceed the penalty authorized by RCW 70.94 for each day of continued noncompliance.

3. Each act of commission or omission that procures, aids, or abets in the violation is a violation under the provisions of this section and subject to the same penalty.

4. In addition to other penalties provided by this section, the following additional penalties may be assessed:

a. Persons who falsifying emission data knowingly underreport emissions or other information used to set fees shall be charged a penalty of three (3) times the fee.

b. Registered sources that fail to pay registration fees after the ninety-first (91st) day after the due date

i. Shall be subject to a penalty of three (3) times the annual registration fee as per Section 10.05; and

ii. May be subject to the revocation of the registered source's order or permit.

c. Persons who fail to pay fees or charges as required by Regulation 1 may be subject to formal enforcement actions, including penalties.

C. Penalty Procedures

1. Any civil penalty provided in RCW 70.94.430, 70.94.431, or 70.94.435 shall be imposed in writing, by a Notice of Penalty (NOP), either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the BCAA, describing the violation with reasonable particularity.

2. Within thirty (30) days after the NOP is received, the person incurring the penalty may submit an Application for Relief from Penalty (ARP) to the BCAA for the remission or mitigation of the penalty. Upon receipt of the application, the BCAA may remit or mitigate the penalty upon whatever terms the BCAA in its discretion deems proper. The BCAA may ascertain the facts regarding all ARPs in a reasonable manner under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty

3. Any penalty imposed by the BCAA may be appealed to the PCHB as provided in RCW 43.21B.310, if the appeal is filed with the PCHB and served on the BCAA thirty (30) days after the date of receipt by the person penalized in the NOP or thirty (30) days after the date of receipt of the Notice of Disposition of the ARP.

4. A penalty shall become due and payable on the later of:

- a. Thirty (30) days after receipt of the notice imposing the penalty;
- b. Thirty (30) days after receipt of the Notice of Disposition of the ARP, if such an application is made; or
- c. Thirty (30) days after receipt of the notice of decision of the PCHB if the penalty is appealed.

5. If the amount of the civil penalty is not paid to the BCAA within thirty (30) days after it becomes due and payable, the BCAA may use any available method, including Benton County Superior Court, to recover the penalty. In all actions brought in the Benton County Superior Court for recovery of penalties hereunder, the procedure and rules of evidence shall be the same as in ordinary civil action.

6. To secure the penalty incurred under this section, this BCAA shall have a lien on any personal property operated or used in violation RCW 70.94 or of any order, rule, or regulation issued or adopted pursuant thereto, which shall be enforced as provided in RCW 60.36.050 and 60.10.023.

7. Penalties incurred but not paid shall accrue interest, beginning on the ninety-first (91st) day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the thirty-first (31st) day following final resolution of the appeal.

8. All penalties recovered under this section by the Authority BCAA are payable to the BCAA treasury of the Authority and credited to its funds.

~~Section 2.11 Restraining Order—Injunction—Other Court Order~~ **Other Enforcement Actions**

A. The Board or Control Officer, after notice to such person and an opportunity to comply, may petition the Benton County Superior Court for a restraining order, temporary injunction, permanent injunction, or another appropriate order, as provided in RCW 70.94.425. Notwithstanding the existence or use of any other remedy, whenever any person has engaged in, or is about to engage in, acts or practices which constitute, or will constitute, a violation of any provision of this regulation RCW 70.94 or of any order, rule, or regulation issued or adopted pursuant thereto, or any rule, regulation or order issued by the Board or Control Officer or his authorized agent, the Board, or their designee, after notice to such person and an opportunity to comply, may petition the County Superior Court for a restraining order or a temporary or permanent injunction or another appropriate order (RCW 70.94.425).

B. The Board or Control Officer may accept an assurance of discontinuance of any act or practice deemed in violation of RCW 70.94 or of any order, rule, or regulation issued or adopted pursuant thereto, from any person engaging in, or who has engaged in, such act or practice. Any such assurance shall specify a time limit during which such discontinuance is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of RCW 70.94 or of any order, rule, or regulation issued or adopted pursuant thereto, which make the alleged act or practice unlawful for the purpose of securing any injunction or other relief from Benton County Superior Court, as provided in RCW 70.94.435.

ARTICLE 3

Reserved

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ARTICLE 4

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**ARTICLE 5
Outdoor Burning**

~~ADOPTED: October 18, 2001~~ **DRAFT**

~~EFFECTIVE: November 18, 2001~~ **DRAFT**

Section 5.01 Reserved Definitions

A. Definitions of all terms in this article, unless otherwise defined below, are as defined in WAC 173-425-030.

B. A "burn day" is a day, as determined by the BCAA, during which outdoor burning may take place in areas where open burning is allowed. The length of the burn day shall be defined as the period from 9:00 AM until one hour before sunset. The BCAA shall make daily burn day decisions based on available meteorological information. The daily burn decision shall be provided daily through a burn day message line and/or through the local media.

C. A "person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

D. An "Urban Growth Area" or "UGA" means land, generally including and associated with an incorporated city, designated by a county for urban growth under RCW 36.70A.030.

~~Section 5.02 Authority Implementation~~ **Outdoor Burning Requirements**

A. General Requirements

1. All outdoor burning shall be subject to the following:

a. The following materials shall not be burned in any outdoor fire: Garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction/demolition debris, metal, or any substance (other than natural vegetation) that normally releases toxic emissions, dense smoke, or obnoxious odors when burned;

b. No outdoor fire may contain material (other than firewood) that has been hauled from inside the UGA to a location outside the UGA;

c. If material is transferred from multiple locations outside the UGA to a single location outside the UGA, a special burning permit shall be obtained before burning the material;

d. No outdoor fire may be ignited:

iii. When the Benton County Fire Marshall has declared a ban on burning due to fire safety; or

iv. During any stage of impaired air quality conditions, or during a forecast, alert, warning, or emergency air pollution episode declared under RCW 70.94.715.

e. Any person responsible for outdoor burning that is detrimental to the health, safety, or welfare of any person, that

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causes damage to property or business, or that causes a nuisance, shall immediately extinguish the fire;

f. The use of an outdoor container, such as a "burn barrel", for burning, unless regulated under WAC 173-400-070(1), shall be prohibited throughout in Benton County;

g. A person capable of extinguishing the fire shall attend it at all times, and the fire shall be extinguished before leaving it;

h. No fires are to be within fifty (50) feet of structures; and

i. Permission from a landowner, or owner's designated representative, shall be obtained before starting an outdoor fire.

2. The BCAA shall approve with conditions, or deny, any outdoor burning permits as needed to comply with state and local air pollution rules and regulations. All permits shall include conditions to satisfy the requirements in WAC 173-425-050, and may require other conditions, such as restricting the time period for burning, restricting permissible hours of burning, imposing requirements for good combustion practice, and restricting burning to specified weather conditions. The BCAA may also include conditions to comply with other state and local air pollution rules and regulations pertaining to outdoor burning.

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

1.3. No outdoor burning shall not be allowed on any construction or demolition sites site. However a special burning permit to demolish a structure may be issued for except for fire fighting instruction fires by fire protection fire training, which requires districts, a special burn permit.

4. Material, other than firewood, shall not be hauled or transferred from inside the UGA to an area outside the UGA for the purposes of burning.

B. There are no restrictions on burning tumbleweeds, which have been blown by the wind Inside Urban Growth Areas (UGA)

1. Residential and land clearing burning shall be prohibited inside all UGAs of Benton County, which include Kennewick, Richland, West Richland, Prosser, and Benton City.

2. A permit shall not be required to burn tumbleweeds that have been blown by the wind, if such burning can be conducted in accordance with the requirements of Section 5.02(A).

3. Fire fighting instruction fires to fight structural fires by fire protection districts inside UGAs shall require a written special burning permit.

C. Outdoor Burning Outside of Urban Growth Areas

1. Residential burning can may be conducted without obtaining a permit, if such burning can be conducted in accordance with the requirements of Section 5.02(A) and the following be conducted only on designated burn days and in accordance with the following rules:

a. Before burning, the person responsible for the fire shall contact the BCAA to determine if it is a burn day;

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

a. The fire must not include the following materials: garbage, dead animals, asphalt, petroleum products, paints, rub-

ber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction/demolition debris, metal or any substance (other than natural vegetation) that normally releases toxic emissions, dense smoke, or obnoxious odors when burned.

i.b. Residential burns shall contain only material that was Material to be burned in a residential fire must be generated at the residence where the burn occurs;

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

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

d.c. The pile must shall not be larger than four feet by four feet by three feet (4 ft x 4 ft x 3 ft);

e.d. Only one pile at a time may shall be burned, and each pile must shall be extinguished before lighting another; and

f.e. No outdoor fire is shall be permitted in or within five hundred (500) feet of forest slash.

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

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

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

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

3. The BCAA may issue a special burning permit to fire protection districts for fire fighting instruction fires, unless such permits are exempted under Section 5.03(C).

Section 5.03 Special Burn Burning Permits

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

B.A. An A request for special burning permit application for a special burning burn permit, which allows an operation or procedure otherwise not granted under this Article, must shall be submitted at least five (5) working days prior to the proposed activity before the proposed burning dates. Special burning permits shall be subject to a fee as described in Article 10 An application fee as described in Article 10 must be and paid payable at the time of application. Payment of the application fee shall not guarantee the applicant that the request a special burning permit will be approved.

A.B. A special burn permit is required for burning of large quantities of unprocessed or processed natural vegetation accumulated from land clearing or other activities or events. Such Any special burning burning permit issued by the BCAA permits will shall specify restrictions and condi-

tions on a ~~ease-by-ease~~ case-by-case basis. Special burning permits shall be subject to a fee as described in Article 10.

C. Special burning permits shall be valid for a period not to exceed one (1) year.

D. A special burning permit shall not be required by fire protection districts for fire fighting instruction fires for training to fight:

1. Structural fires by fire protection districts outside the UGAs provided that written notification shall be filed with the BCAA prior to conducting the training fire as provided in RCW 52.12.150; Fire training to fight structural fires inside UGAs requires a written special burn permit;

2. Aircraft crash rescue fires as provided in RCW 70.94.650(5); or

3. Forest fires as provided in RCW 70.94.650 (1)(b).

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

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

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

D. Hauling or transfer of materials

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

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

ARTICLE 6

Agricultural Burning

~~ADOPTED: October 18, 2001~~ DRAFT

~~EFFECTIVE: November 18, 2001~~ DRAFT

Section 6.01 ~~Reserved~~ Definitions

A. Definitions of all terms in this article, unless otherwise defined below, are as defined in WAC 173-430-030.

B. An "agricultural burn day" is a day, as determined by the BCAA, during which permitted agricultural burning may take place in areas where agricultural burning is allowed. The length of the burn day shall be defined as the period from 9:00 AM until one hour before sunset. The BCAA shall make daily burn day decisions based on available meteorological information. The daily burn decision shall be provided daily through a burn day message line and/or through the local media.

C. "Incidental agricultural burning" is the burning of vegetative debris that is non-essential to the propagation of a crop and is any of the following

1. Orchard prunings;
2. Vegetative debris along fence lines or irrigation or drainage ditches; or
3. Vegetative debris blown by the wind.

D. A "person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

Section 6.02 ~~Authority Implementation~~ Agricultural Burning Permit

A. ~~Agricultural Burning Permit Required~~

1. For the purpose of this section ~~agricultural burning does not include incidental agricultural burning as listed in RCW 70.94.745. All other agricultural burning, except for incidental agricultural burning, requires a written agricultural burning permit from the BCAA. Agricultural burning permit applications and agricultural burning permits for Benton County farmers are available from the BCAA and are~~ shall be subject to the a fee as fees described in Article 10 and payable at the time of application.

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

3. It is shall be the responsibility of those the person conducting agricultural burning to be informed of any additional fire safety rules as determined by the their local fire district or county Benton County Fire Marshall.

B. ~~Agricultural Burning Permit Not Required~~

1. Incidental agricultural burning, as defined in Section 6.01(C), shall be allowed without obtaining an agricultural burning permit from the BCAA and on days that are not agricultural burn days, except:

a. When the Benton County Fire Marshall has declared a ban on burning due to fire safety; or

b. During any stage of impaired air quality conditions, or during a forecast, alert, warning, or emergency air pollution episode declared under RCW 70.94.715.

ARTICLE 7

Solid Fuel Burning Device Standards

~~ADOPTED: April 18, 1996~~ DRAFT

~~EFFECTIVE: May 25, 1996~~ DRAFT

Section 7.01 ~~Reserved~~ Definitions

A. Definitions of all terms in this article, unless otherwise defined, are as defined in WAC 173-433-030.

B. A "person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

C. "Solid fuel burning device" means a device that burns wood, coal, or any other nongaseous or non-liquid fuels, and includes any device burning any solid fuel, except those prohibited by Section 7.02(C). This also includes devices used for aesthetic or space-heating purposes in a private residence or commercial establishment, which has a heat input less than one (1) million BTU/hr.

D. "Woodstove" (same as "wood heater") means an enclosed solid fuel burning device capable of and intended for residential space heating and domestic water heating that meets the criteria in WAC 173-433-030(11).

Section 7.02 Solid Fuel Burning Device, Prohibitions Authority Implementation

A. Within Benton County, a person shall not advertise to sell, offer to sell, sell, bargain, exchange, give away, or install:

1. Any uncertified solid fuel burning device that does not meet the requirements of WAC 173-433-100(3); any uncertified woodstove within the Authority's jurisdiction.

2. Any factory built fireplace that does not meet the 1990 EPA standards for woodstoves or equivalent standard established by the Washington State Building Code Council by rule; or

~~B-3. Any non-exempt solid fuel burning device.~~

B. The use of any solid fuel burning device shall be restricted as per the following:

1. During a first stage impaired air quality conditions, declared under RCW 70.94.715, residences and commercial establishments with an alternate heat source other than the solid fuel burning device, shall not operate the solid fuel burning device, except if the device is:

a. A non-affected pellet stove;

b. An EPA-certified woodstove as per WAC 173-433-030; or

c. A woodstove meeting the Oregon Department of Environmental Quality Phase 2 emissions standards

2. During second stage impaired air quality conditions, or during a forecast, alert, warning, or emergency air pollution episode, declared under RCW 70.94.715, residences and commercial establishments with an alternate heat source other than the solid fuel burning device, shall not operate any solid fuel burning device.

C. A person shall not cause or allow any of the following materials to be burned in a solid fuel burning device:

1. Garbage;

2. Treated wood, defined as wood of any species that has been chemically impregnated, painted, or similarly modified to prevent weathering and deterioration;

3. Plastic and plastic products;

4. Rubber products;

5. Animal carcasses;

6. Asphaltic products;

7. Waste petroleum products;

8. Paints and chemicals; or

9. Any substance which normally emits dense smoke or obnoxious odors other than paper to start the fire, properly seasoned fuel wood, or coal with sulfur content less than one percent (1.0%) by weight burned in a coal-only heater.

ARTICLE 8

Asbestos

ADOPTED: ~~October 18, 2001~~ DRAFT

EFFECTIVE: ~~November 18, 2001~~ DRAFT

Section 8.01 Definitions

A. Definitions of all terms in this article, unless otherwise defined below, are as defined in 40 CFR 61 Subpart M and 40 CFR Part 763 Subpart E.

B. "Demolition" means:

1. The wrecking or taking out of any load-supporting structural members of a facility or residential unit and any related handling operations; or

2. The intentional burning of any facility or residential unit.

C. "Emergency renovation operation" means a renovation operation that was not planned but results from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, is necessary to protect equipment from damage, or is necessary to avoid imposing an unreasonable financial burden. This term includes operations necessitated by non-routine failures of equipment.

D. "Facility" means any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function

E. "Owner or Operator" means any person who owns, leases, operates, controls, or supervises the facility or residential unit being demolished or renovated or any person who owns, leases, operates, controls, or supervises the demolition or renovation operation, or both.

F. "RACM" is regulated asbestos containing material as defined in 40 CFR 61 Subpart M

G. "Renovation" means:

1. Altering a facility

2. Altering one or more facility components in any way, including the stripping or removal of RACM from a facility component

3. Altering a residential unit

4. Altering one or more residential unit components in any way, including the stripping or removal of RACM from a residential unit component.

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

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

Section 8.02 CFR Adoption by Reference.

In addition to the provisions of Regulation 1, The BCAA adopts by reference This article adopts all provisions of the following Code of Federal Regulations (CFR) by reference and makes it a part of Regulation 1 of this Authority:;

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A. 40 CFR 40 Part 61 Subpart M "National Emission Standard for Asbestos"; and

B. 40 CFR 40 Part 763 Subpart E "Asbestos Containing Materials in Schools".

Section 8.03 Authority Implementation General Requirements

A. Definitions

A. The owner or operator of a demolition or renovation activity and before the commencement of the demolition or renovation shall thoroughly inspect the affected facility or residential unit where the demolition or renovation operation will occur for the presence of asbestos.

B. All Section ~~8.01~~ 8.02 requirements shall apply to demolition asbestos and renovation activities at a facility projects that or residential unit where the combined amount of RACM is:

1. are Greater than forty-eight (48) square feet; or
2. Greater than ten (10) linear feet, unless the surface area of the pipe is greater than forty-eight (48) feet.

Section 8.04 Notification Required

A. All demolition and renovation activities require written notification to the BCAA before stripping, removal, or otherwise handling or disturbing RACM as per Section 8.03. Such notification shall be subject to a fee as per Article 10 and payable at the time of application.

B. Notification Requirements

1. Demolition. The owner or operator shall submit a Notice of Intent to Remove Asbestos or to Demolish (NOI) form at least ten (10) working days before proceeding with the demolition, regardless of the presence of RACM.

2. Renovation. The owner or operator shall submit an NOI form at least ten (10) working days before proceeding with the renovation.

3. Demolition or Renovation Amendment. The owner or operator amending a previously submitted NOI, as per Section 8.02, shall submit an amended NOI form before proceeding with an activity that requires the amendment.

4. Emergency Renovation Operation. The owner or operator of an emergency renovation operation shall submit an NOI form and an Emergency Waiver Request form before proceeding with the renovation.

5. Alternate Removal Methods. The owner or operator proposing to use alternate removal methods to those in Section 8.02 shall submit an NOI form and supporting documentation for the alternate method at least ten (10) working days.

B. Additional Operators (Certified Asbestos Abatement Contractors) who perform residential asbestos projects are subject to the requirements of Section 8.03(A) only when RACM is involved.

Section 8.05 Requirements, Residential Units

A. Demolition or renovation activities at a residential unit involving stripping, removal, or otherwise handling or disturbing RACM as per Section 8.03 shall only be performed by:

1. The residential unit owner, if the owner occupies the residential unit; or
2. A certified asbestos abatement contractor.

B. A residential unit owner Resident owners performing demolition or renovation activities at a residential unit shall their own residential asbestos projects for ACM and/or RACM are subject to the following requirements:

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

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

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

- a.1. Watching an informational video,
- b.2. Agreement to read and understand informational pamphlets, provided by the Authority BCAA, concerning proper residential asbestos removal. Any questions pertaining to this material shall be addressed by the Authority BCAA.

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

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

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

Section 8.04 Section 8.06 Unexpected Discovery of Asbestos

In the event of an unexpected discovery of asbestos during a renovation or demolition project activity, the, which was originally thought to contain no asbestos, owner or operator shall stop work until the requirements of Section 8.02 have been met.

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

Section 8.05 Section 8.07 Emergency Safeguards for the Public in the Case of Suspected Asbestos Spills or Scattering of Suspected Asbestos Material

A. Until such time as it is determined otherwise, In all such cases of spills or scattering of suspected asbestos material, instances the suspected material shall be considered to be asbestos RACM, and treated with proper precautions until such time as it is determined not to contain asbestos.

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

1. Treat the area with proper precautions associated with RACM;
2. Regulate the area in which the spill or scattering occurred by preventing entry of unprotected and/or unautho-

~~rized persons Roping off contaminated areas, danger signs may be considered appropriate in open areas;~~

~~3. Posting signage indicating the potential danger;~~

~~2-4. Locking or barring doors in buildings, if applicable; and-~~

~~C-5. If the spill or scattering of the RACM may pose an imminent threat to human health, safety, or to the environment, the spill shall be reported to the Benton County Emergency Response Center ("911"), the Washington State Department of Ecology, and the BCAA. A call shall be placed to the appropriate emergency response center to provide them with the necessary information so that they may notify the BCAA and/or respective law enforcement agency on an emergency basis.~~

**ARTICLE 9
Source Registration**

ADOPTED: ~~October 18, 2001~~ DRAFT

EFFECTIVE: ~~November 18, 2001~~ DRAFT

Section 9.01 Source Registration Required

The BCAA regulates the sources of air contaminants in Benton County under the authority of RCW 70.94.151. Any source under Section 9.04, whether publicly or privately owned, shall register with the BCAA unless exempted under Section 9.06 of this Article.

Section 9.02 Source Registration Program Purpose and Components ~~General Requirements for Registration~~

~~The classes of air contaminant sources listed in Section 9.02 below shall be registered with the Authority.~~

A. Program purpose. The registration program is a program to develop and maintain a current and accurate record of air contaminant sources. Information collected through the registration program is used to evaluate the effectiveness of air pollution control strategies and to verify source compliance with applicable air pollution requirements.

B. Program components. The components of the registration program consist of:

1. Initial registration and annual or other periodic reports from stationary source owners providing information on location, size, height of contaminant outlets, processes employed, nature and quantity of the air contaminant emissions, and other information that is relevant to air pollution and available or reasonably capable of being assembled. For purposes of this chapter, information relevant to air pollution may include air pollution requirements established by rule, regulatory order, or ordinance pursuant to chapter RCW 70.94.

2. On-site inspections necessary to verify compliance with registration requirements.

3. Data storage and retrieval systems necessary for support of the registration program.

4. Emission inventory reports and emission reduction credits computed from information provided by source owners pursuant to registration requirements.

5. Staff review, including engineering analysis for accuracy and currentness of information provided by source owners pursuant to registration program requirements.

6. Clerical and other office support in direct furtherance of the registration program.

7. Administrative support provided in directly carrying out the registration program.

Section 9.03 ~~Registration~~ Registered Source General Requirements Issuance

A. General. Any person operating or responsible for the operation of an air contaminant source in Benton County for which registration and reporting are required shall register the source emission unit with the BCAA. The owner or operator shall make reports containing information as may be required by the BCAA concerning location, size and height of contaminant outlets, processes employed, nature and quantity of the air contaminant emission and such other information as is relevant to air pollution and available or reasonably capable of being assembled.

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

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

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

E. Report of closure. A report of closure shall be filed with the BCAA within ninety (90) days after operations producing emissions permanently cease at any applicable source under this section.

F. Report of change of ownership. A new owner or operator shall report to the BCAA within ninety (90) days of any change of ownership or change in operator.

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

Section 9.04 ~~Registered Sources~~ Source Registration Source List

~~The Authority regulates the classes of air contaminant sources under the authority of RCW 70.94.151. Air contaminant sources whether publicly or privately owned shall register with the Authority unless exempted under Section 9.04~~

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of this Article. The following sources are required shall to register with the BCAA:

A. Any source classification listed below:

1. Abrasive blasting operation (WAC 173-460), except portable blasting operations operating at a construction site, or at a site for less than thirty (30) days in any running twelve (12) month period and operations that are inside a building and any associated air pollution control equipment that exhausts inside of the building;
2. Adhesive manufacturing operations;
3. Agricultural chemical operations or soil amendment operations - including manufacturing, mixing, packaging, concentrators, and/or other activities;
4. Agricultural drying and dehydrating operations;
5. Asphalt and asphalt products production operations;
6. Brick and clay manufacturing operations - including tiles and ceramics;
7. Cattle feedlots with operational facilities which have an inventory of one thousand or more cattle in operation between June 1 and October 1, where vegetation forage growth is not sustained over the majority of the lot during the normal growing season;
8. Chemical manufacturing operations;
9. Coffee roasting operations;
10. Composting operations - including commercial, industrial and municipal, but exempting residential composting activities;
11. Concrete product manufacturing operations;
12. Concrete manufacturing operations, ready mix and premix;
13. Crematoria - including human and animal crematoria;
14. Dry cleaning operations using solvents emitting VOCs or toxic air pollutants;
15. Flexible polyurethane foam, polyester resin, and styrene production operations;
16. Flexible vinyl and urethane coating and printing operations;
17. Gasoline dispensing facilities, bulk gasoline loading terminals, or bulk gasoline plants;
18. Grain handling facilities - including seed, animal feed, legume, and flour processing operations;
19. Hay cubing and pelletizer operations;
20. Hazardous waste treatment and disposal facilities;
21. Ink manufacturers;
22. Insulation and insulation fiber manufacturing;
23. Landfills, active and inactive - including covers, gas collections systems or flares;
24. Materials handling and transfer facilities that generate particulate matter - including pneumatic conveying, cyclones, baghouses, and industrial housekeeping vacuuming systems that exhaust to the atmosphere;
25. Metal casting facilities and foundries, ferrous and nonferrous;
26. Metal plating and anodizing operations;
27. Metallic and nonmetallic mineral processing plants - including rock crushing, sand, and gravel mixing operations;
28. Metallurgical and mineralogical processing operations;

29. Mills - including lumber, plywood, shake, shingle, woodchip, veneer operations, dry kilns, pulpwood insulating board, or any combination thereof;

30. Mills - including grain, seed, feed, flour production, and related activities;

31. Mills - including cabinet works, casket works, furniture, wood by-products, and other wood product manufacturing operations;

32. Natural gas transmission and distribution;

33. Paper manufacturing operations, except kraft and sulfite pulp mills;

34. Petroleum refineries;

35. Pharmaceutical production operations;

36. Plastics and fiberglass fabrication - including gelcoat, polyester resin, or vinyl ester coating operations;

37. Refuse systems - including landfills with gas collection systems and/or flares, hazardous waste treatment, storage, and disposal facilities, and wastewater treatment plants other than private and publicly owned treatment works;

38. Rendering facilities;

39. Semi-conductor manufacturing;

40. Soil and ground water remediation projects;

41. Surface coating operations - including automotive, metal, cans, pressure sensitive tape, labels, coils, wood, plastic, rubber, glass, paper and other substrates;

42. Surface coating manufacturers;

43. Synthetic fiber production operations;

44. Synthetic organic chemical manufacturing;

45. Tire recapping operations;

46. Wastewater treatment plants - including private and publicly owned treatment works with a rated capacity of more than 1 million gallons per day;

B. Any source that owns or operates any of the following equipment:

1. Boilers, all gas fired boilers above ten (10) million BTU/hr input;

2. Boilers, all solid and liquid fuel burning boilers with the exception of those utilized for residential heating;

3. Chemical evaporators or concentrators;

4. Flares utilized to combust any gaseous material;

5. Fuel burning equipment - including, but not limited to boilers, building and process heating units (external combustion) with per unit heat inputs of equal to or greater than any of the following:

a. 500,000 BTU/hr using coal or other solid fuels with a sulfur content of 0.5% or less;

b. 500,000 BTU/hr using waste or used oil meeting specifications in RCW 70.94.610;

c. 1,000,000 BTU/hr using kerosene, fuel oil, or any other liquid fuel, except used or waste oil;

d. 4,000,000 BTU/hr using gaseous fuels;

e. 400,000 BTU/hr using wood, wood waste, or paper.

6. Graphic art systems - including lithographic and screen printing operations;

7. Incinerators and combustion units

a. Commercial and industrial solid waste incineration units, defined as per WAC 173-400-050(4);

b. Small municipal waste combustion units, defined as per WAC 173-400-050(5)

c. Wood waste incinerators;

d. Any other solid, liquid, or gaseous waste incinerators:

8. Stationary internal combustion engines rated at 500 horsepower or greater - including standby and backup operations

9. Organic vapor collection systems within commercial or industrial facilities;

10. Ovens/furnaces, kilns and curing, burnout - including, but not limited to, ovens/furnaces that heat clean automotive parts, paint hooks, electric motors, etc.;

11. Degreasing and solvent cleaners, not subject to 40 CFR 63 Subpart T - including vapor, cold, open top, and conveyor cleaners;

12. Sterilizing operations - including ethylene oxide (EtO) and hydrogen peroxide;

13. Storage tanks for organic liquids within commercial or industrial facilities with capacities of twenty thousand (20,000) gallons or greater;

14. Utilities consisting of a combination of electric and natural gas.

C. Any source that has a potential to emit any pollutant equal to or greater than the following:

1. 5.0 tons/yr of carbon monoxide (CO);

2. 2.0 tons/yr of nitrogen oxides (NO_x);

3. 2.0 tons/yr of sulfur dioxide (SO₂);

4. 1.25 tons/yr of particulate matter (PM or TSP);

5. 0.75 tons/yr of fine particulate matter (PM₁₀);

6. 2.0 tons/yr of volatile organic compounds (VOC);

7. 0.005 tons/yr of lead.

D. Any source subject to a federally-enforceable emission limit under a Synthetic Minor Order.

E. Any source that is required to report periodically to demonstrate non-applicability to EPA requirements under Sections 111 or 112 of Federal Clean Air Act.

F. Any category of stationary source subject to a new source performance standard (NSPS) under 40 CFR Part 60, other than Subpart AAA (Standards of Performance for New Residential Wood Heaters).

G. Any source subject to a National Emission Standard for Hazardous Air Pollutants (NESHAP) under 40 CFR Part 61, other than Subpart M (National Emission Standard for Asbestos).

H. Any source subject to a National Emission Standard for Hazardous Air Pollutants for Source Categories (Maximum Achievable Control Technology (MACT) standard) under 40 CFR Part 63.

I. Any source, stationary source or emission unit with an emission rate defined as "significant" under WAC 173-400-112 or 173-400-113, as applicable.

K-J. Any new or existing source that has a potential to emit of toxic air pollutants as defined in WAC 173-460-020, which exceeds any small quantity emission rates defined in under WAC 173-460-080 (2)(e).

L-K. Any other source deemed determined to be registrable by the Control Officer or BCAA Board BCAA to be registered.

Section 9.05 Registered Source Classification

A. Gasoline Facilities.

1. Gasoline dispensing facilities (gas stations) using Stage I or Stage II vapor recovery systems, as defined in WAC 173-491-020(9)

2. Bulk gasoline plants, as defined in WAC 173-491-020(2)

3. Gasoline loading terminals, as defined in WAC 173-491-02(10)

B. Class 1. Facilities and sources whose actual annual emissions are less than the following shall be classified as Class 1 sources:

1. 20 tons/yr of carbon monoxide (CO);

2. 8 tons/yr of nitrogen oxides (NO_x);

3. 8 tons/yr of sulfur dioxide (SO₂);

4. 5 tons/yr of total suspended particulate (TSP);

5. 3 tons/yr of fine particulate matter (PM₁₀);

6. 8 tons/yr of volatile organic compounds (VOC)

7. 240 pounds/yr of lead

8. 1,200 pounds/yr of fluorides

9. 2,800 pounds/yr of sulfuric acid mist

10. 2 tons/yr of hydrogen sulfide (H₂S)

11. 2 tons/yr of total reduced sulfur, including H₂S

C. Class 1 Toxic Source. Toxic air pollutants are those listed in WAC 173-460-150 and 173-460-160. Facilities and sources whose actual emissions are less than the following shall be classified as Class 1 Toxic Sources:

1. One (1.0) ton/yr of a single toxic air pollutant; or

2. Two and one-half (2.5) tons/yr of a combination of toxic air pollutants shall be classified as Class 1 Toxic Sources.

D. Class 2. Sources whose actual annual emissions are greater than that listed in Section 9.03(B), but less than one hundred (100) tons/yr of CO, NO_x, SO₂, TSP, PM₁₀, VOCs, or lead, shall be classified as Class 2 Sources.

E. Class 2 Toxic Source. Toxic air pollutants are those listed in WAC 173-460-150 and 173-460-160. Sources whose actual emissions are greater than that listed in Section 9.03(C), but less than ten (10) tons/yr of any single toxic air pollutant or less than twenty-five (25) tons/yr of a combination of toxic air pollutants, shall be classified as Class 2 Toxic Sources:

F. Synthetic Minor Source. Sources that have requested and received a federally enforceable emissions limit to limit the total potential-to-emit of the facility to less than one hundred (100) tons/yr of any criteria pollutant, ten (10) tons/yr of any single hazardous air pollutant, or twenty-five (25) tons/yr of any combination of hazardous air pollutants are synthetic minor sources.

Section 9.06 Sources Exempt from Registration Registered Source Exemptions

Unless listed in Section 9.04, the following sources shall be exempt from registering with the BCAA:

A. Any source that has a potential to emit any pollutant less than the following:

1. 5.0 tons/yr of carbon monoxide;

2. 2.0 tons/yr of nitrogen oxides;

3. 2.0 tons/yr of sulfur dioxide;

4. 1.25 tons/yr of particulate matter;

5. 0.75 tons/yr of fine particulate matter (PM₁₀);
 6. 2.0 tons/yr of volatile organic compounds; or
 7. 0.005 tons/yr of lead.

B. Any grain warehouse or grain elevator that meets the requirements of Sources that meet the requirements of an exempt source as defined by RCW 70.94.151(3) or WAC 173-400-102(5) will be exempt from BCAA source registration.

C. Any source that is a major source as defined under Section 112 of the Federal Clean Air Act, RCW 70.94.030(17), or WAC 173-401-200.

~~C.D. Other Any other source sources deemed determined to be non-registrable by the Board or Control Officer or BCAA Board will be exempt from BCAA source registration.~~

ARTICLE 10 Fees and Charges

ADOPTED: ~~October 18, 2001~~ DRAFT

EFFECTIVE: ~~November 18, 2001~~ DRAFT

Section 10.01 Fees and Charges Required

A. Unless otherwise provided, any fee assessed by the BCAA shall be paid within thirty (30) days of assessment. Failure to pay a fee may result in the commencement of a formal enforcement action. A fee or service charge shall be paid to the Authority for issuance of permits and for providing services as hereinafter provided.

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

Section 10.02 Fees Otherwise Provided

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

Section 10.03 Fee Waiver, Indigency Indigence

Except for fees required under Section 10.09, the The Control Officer shall waive payment of all or a portion of any fee or service charge required by this Article to be paid upon a showing deemed sufficient by the Control Officer that the permit or service requested is necessary and payment of the fee would cause hardship upon the applicant. An applicant may apply for a fee waiver by filing a Fee Waiver, Indigency due to Indigence Request Form supplied by the Authority BCAA.

Section 10.04 General Administrative Fees

A. Administrative fees shall be due and payable at the time service is rendered, unless otherwise specified by BCAA.

A.1. A fee of fifteen cents (\$0.15) per page shall be charged for photocopies.

B.2. A fee of twenty dollars (\$20.00) per hour will shall be charged for research time for requests covering more than one-hour of staff time.

~~C.3. A fee of ten dollars (\$10.00) will shall be charged per copy of audio or video materials.~~

~~D.4. The actual cost of postage or shipping shall be charged for all material requested to be mailed.~~

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

Section 10.05 ~~Class 1 and Class 2~~ Registered Source Fees

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

B. All air contaminant sources required by Section 9.02 04 or 9.05 to be registered shall be divided into the following three categories and are subject to the applicable fee: following fees:

1. Class 1 and Class 1 Toxic sources shall pay an annual registration fee of:

a. A base fee of two hundred dollars (\$200.00);

b. Ten dollars (\$10.00) per ton of criteria pollutant emitted;

c. One hundred dollars (\$100.00) per ton of toxic air pollutant emitted; and

d. Fifteen (\$15.00) dollars per emission point. equal to a base fee of two hundred dollars (\$200.00) plus ten dollars (\$10.00) per ton of pollutant emitted plus fifteen dollars (\$15) per emission point.

~~1. Class 1 toxics sources shall pay an annual registration fee equal to a base fee of two hundred dollars (\$200.00) plus one hundred dollars (\$100.00) per ton of pollutant emitted plus fifteen dollars (\$15) per emission point.~~

~~3.2. Class 2, Class 2 Toxic, and Synthetic Minor sources shall pay an annual registration fee of:~~

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

~~b. Ten dollars (\$10.00) per ton of criteria pollutant emitted;~~

~~c. One hundred dollars (\$100.00) per ton of toxic air pollutant emitted; and~~

~~d. Fifteen (\$15.00) dollars per emission point.~~

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

~~0. Class 3 sources are those sources that meet the requirements for permitting under the air operating program as described in WAC 173-401. Class 3 sources are subject to the fee schedule outlined in Section 10.08 of this Regulation.~~

~~C.3. All g Gasoline facilities required by Section 9.02 to be registered shall register annually in accordance with WAC~~

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173-491-030 and pay the following an annual registration fees fee of:

1.a. Gasoline Loading Terminals: one thousand dollars (\$1,000.00) plus ten dollars (\$10.00) per ton of pollutant emitted;

2.b. Bulk Gasoline Plants: four hundred dollars (\$400.00) plus ten dollars (\$10.00) per ton of pollutant emitted; and

3.c. Gasoline Dispensing Facilities:

a.i. Throughput of ((With))less than five hundred thousand (500,000) gallons of annual throughput the fee/yr, the fee shall be one hundred fifty dollars (\$150.00);

b.ii. With Throughput of greater than five hundred thousand (500,000) gallons/yr, but less than 1.5 million gallons of annual throughput/yr, the fee shall be four hundred fifty dollars (\$450.00); and

e.iii. Throughput With greater than 1.5 million gallons of annual throughput/yr, the fee shall be \$900.00.

d. Once classified, a gasoline dispensing facility shall remain in a higher throughput classification for a period of two (2) years consecutive years before reassignment to a lower classification.

D.C. Fee Payment and Penalties

1. Fee Payment. The annual registration fee shall be due and payable on Each registered source shall pay a fee in the amount reflected. Such fee shall be due on or before February 28 of each year, unless otherwise specified in writing to the source by the BCAA.

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

a. Ten percent (10%) of the source's total assessed annual registration fee for payment received after the due date for fee payment but up to the first thirty thirtieth (30th) days day past the due date for fee payment;

b. Fifteen percent (15%) percent of the source's total assessed annual registration fee for payment received between the thirty-first (31st) day and the sixtieth (60th) day past the due date for fee payment; and

c. Twenty-five percent (25%) percent of the source's total assessed annual registration fee for payment received between the sixty-first day (61st) and the ninetieth (90th) day past the due date for fee payment.

d. Failure to pay all or part of an annual registration fee after the ninety-first (91st) day past the due date may result in the commencement of a formal enforcement action.

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

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

5. Facility Closure. Sources that permanently cease operations will be required to pay only a pro rata portion of the registration fee for the fiscal year in which they cease

operations. The portion of the fee to be paid will be calculated by dividing the number of calendar days that have passed in the relevant calendar year at the time the source ceases operations by the total of 365 calendar days, and multiplying the fraction thus derived by the fee that the source would have paid for the relevant calendar year, had it not ceased operations.

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

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

A. NOC or NIO Application Filing Fee. An application filing fee shall be paid due and payable at the time of filing the NOC or NIO application. The filing fee is non-refundable.

1. Permanent stationary source. The filing fee shall be one hundred fifty dollars (\$150.00)

2. Temporary or portable source. The filing fee shall be four hundred dollars (\$400.00).

3. Relocation of a temporary or portable facility or source. The filing fee shall be two hundred dollars (\$200.00) and will shall be charged each time the facility or source relocates within the boundaries of Benton County.

B. NOC or NIO Engineering Examination and Inspection Fee. In addition to the filing fee, an An examination and inspection fee shall be charged according to Table 10-1. The engineering and inspection fee shall be due and payable at the time of filing the NOC or NIO, unless otherwise specified to the applicant by the BCAA.

C. Additional Fees. Additional fees may be charged according to Table 10-2. The additional fees shall be due and payable at the time of filing the NOC or NIO, unless otherwise specified to the applicant by the BCAA.

D. Fee amounts in Table 10-1 and 10-2 which are listed as "Actual" are based upon the Authority's BCAA's actual cost to complete a review or task and shall be determined using the actual or direct hours expended completing the specific review or task and the corresponding hourly rate of each Authority BCAA staff person directly involved. The following provisions shall apply:

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

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

3. Current BCAA staff person salary and overhead employee cost rates shall be used when calculating actual cost-based fees; and,

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

E. If an NOC or NIO applicability determination fee is received by the BCAA and an NOC or NIO is determined not

to be required, the Engineering Examination and Inspection Fee shall be waived.

F. Any NOC or NIO application received by the BCAA without the accompanying fee shall be rejected and returned to sender. Such action shall not constitute a determination of completeness or incompleteness as per WAC 173-400-110.

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

Section 10.07 State Environmental Policy Act (SEPA) Fees

A. Where review of an Environmental Impact Statement (EIS), Environmental Checklist, or an addendum to, or adoption of, an existing environmental document pursuant to WAC 197-11 is required, in association with an NOC or a NIO, the applicant shall pay a review fee of the greater of:

1. One-hundred dollars (\$100.00), due and payable at the time of submittal; or
2. Actual costs to complete the review or task and shall be determined using the actual or direct hours expended completing the specific review and the corresponding hourly rate of each BCAA staff person directly involved. Actual costs shall be billed by the BCAA to the owner, operator, or applicant after a threshold determination has been made and/or a

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

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

C.B. Other Additional fees may be charged according to Table 10-2. The additional fees shall be due and payable at the time of filing, unless otherwise specified to the applicant by the BCAA, fees as listed in Table 10-2 may also apply.

Section 10.08 Asbestos Fees

A. Any fee required under Table 10-3 for asbestos projects shall be due and payable at the time of filing, unless otherwise specified to the applicant by the BCAA. Any owner or operator of a renovation or demolition activity required by CFR 40 Part 61 Subpart M or Article 8 to notify the Authority prior to starting the renovation or demolition, or required by federal regulation to be approved or inspected by the Authority, shall give the required advance notice and pay a processing fee to the Authority as determined in Table 10-3.

B. Failure to pay all or part of the fee may result in the commencement of a formal enforcement action.

Table 10-1: NOC or NIO Notice of Construction Fees Engineering Examination and Inspection Fees

CATEGORY	FEE	CATEGORY	FEE
Fuel Burning Equipment with or without Air Pollution Equipment (million BTU/hr)		Gasoline Dispensing Facilities	
5 or less	\$200	Stage I	\$300
Greater than 5 to 10	\$250	Stage II	\$300
Greater than 10 to 30	\$350	Stage I and II Combined	\$500
Greater than 30 to 50	\$450	Toxics review for gasoline facility	\$1,500
Greater than 50 to 100	\$650	Spray Painting (per booth)	\$300
Greater than 100 to 250	\$1,400	Dry Cleaner (per machine)	\$300
Greater than 250 to 500	\$2,500	Coffee Roaster	\$500
Greater than 500	\$3,500	Asphalt Plant, Cement Plant, or Rock Crushing Plant (Concrete Plant Non-Temporary)	\$1,000
Fuel change or new fuel	1/2 new installation fee	Relocation of Portable Unit	500
Process Equipment, Air Pollution Control Device, and/or Uncontrolled Process Discharge (ft³/min)		Soil Thermal Desorption Unit	
50 or less	\$300	Initial	\$2,000
Greater than 50 to 5,000	\$400	Relocation of Unit	\$700
Greater than 5,000 to 20,000	\$500	Odor Source	\$350
Greater than 20,000 to 50,000	\$600		
Greater than 50,000 to 100,000	\$700		
Greater than 100,000 to 250,000	\$1,000		
Greater than 250,000 to 500,000	\$2,000		
Greater than 500,000	\$4,000		

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CATEGORY	FEE	CATEGORY	FEE
Refuse Burning Equip (tons/day)		Composting Facility	Actual
5 or less	\$1,000	Landfill Gas System	Actual
Greater than 5 to 12	\$2,000	Soil and Groundwater Remediation	Actual
Greater than 12 to 250	\$6,000	All other sources not listed	
Greater than 250	\$12,000 greater or \$500 or Actual	
Other Incinerators (pounds/hr)			
100 or less	\$150		
Greater than 100 to 200	\$300		
Greater than 200 to 500	\$600		
Greater than 500 to 1000	\$1,200		
Greater than 1000	\$1,500		
Storage Tanks (gal)			
10,000 or less	\$300		
Greater than 10,000 to 40,000	\$500		
Greater than 40,000	\$1,000		

Table 10-2: Additional Notice of Construction Fees (Continued)

CATEGORY	FEES	CATEGORY	FEES
Public Noticing	Actual	Variance Request	Actual
Publishing of Public Notices	Actual	Alternative Opacity Limits Review	Actual
Public Hearings	Actual	Inspection of Source that began Construction/Operation Began without Approval/Permit	
Air Toxics Screening (as per WAC 173-460)	 greater of \$500 or 3-times regular fee	Actual
Review for of source supplied ASIL	\$300	Synthetic Minor Determination	Actual
Review of Source source supplied risk analysis demo .	\$1000	Major Source, Major Modification, or PSD Thresholds	
BCAA conducted screening analysis Complete screening pro- cedure	Actual	Actual
NOC/NIQ Application Assistance	Actual	Emission Units subject to NSPS or NESHAP (except resi- dential woodstoves, heaters, asbestos renovation or demoli- tion and PCE dry cleaning)	Actual
NOC/NIQ Applicability Determination	Actual	Construction or Reconstruction of a Major Source of Haz- ardous Air Pollutants	Actual
NOC-CEM or Alternate Monitoring Device Installed	Actual	Each CEM or Alternate Monitoring Device	Actual
SEPA Threshold Determination (lead agency)	Actual	Each Source Test Required in NOC	Actual
Environmental Impact Statement Review	Actual	Opacity/Gain Loading Correlation	Actual
NOC Order of Approval Modification		Bubble Application	Actual
..... lesser lesser of 1/2 NOC/NIQ fee or \$350		Netting Analysis	Actual
RACT/BACT/MACT/BART/LAER			
Determination	Actual		
Emission Offset Analysis	Actual		
Emission Reduction Credit (ERC)			
Application	Actual		

Table 10-3: Asbestos Fees

Asbestos Projects at Residential Units	
Activity	Fee
Demolition	\$10.00
Renovation: Any amount in lin. ft or ft ²	\$10.00
Demolition or Renovation Amendment	\$25.00
Emergency Renovation Operation	\$50.00
Alternate Removal Methods	Two (2) times renovation fee

Asbestos Projects at Facilities		
Activity		Fee
Demolition		\$10.00
Renovation:	10 to 259 lin. ft or 48 to 159 ft ²	\$125.00
	260 to 999 lin. ft or 160 to 4,999 ft ²	\$250.00
	1,000 to 9,999 lin. ft or 5,000 to 49,999 ft ²	\$500.00
	Over 10,000 lin. ft or Over 50,000 ft ²	\$1,500.00
Annual Renovation		\$1,500.00
Demolition or Renovation Amendment		\$50.00
Emergency Renovation Operation		Two (2) times renovation fee
Alternate Removal Methods		Two (2) times renovation fee

Section 10.09 Title 5 Class 3 Registered Source (Air Operating Permit) Fee Air Operating Permit Fees

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

A. Permanent annual fee determination and certification

1. Fee Determination

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

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

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

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

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

(C) Acting on an application for a permit, permit revision, or renewal, including the costs of developing an applicable requirement as part of the processing of a permit, permit revision, or renewal, preparing a draft permit and fact

sheet, and preparing a final permit, but excluding the costs of developing BACT, LAER, BART, or RACT requirements for criteria and toxic air pollutants;

(D) Notifying and soliciting, reviewing and responding to comment from the public and contiguous states and tribes, conducting public hearings regarding the issuance of a draft permit and other costs of providing information to the public regarding operating permits and the permit issuance process;

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

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

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

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

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

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

(K) Training for permit administration and enforcement;

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

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

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

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

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

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

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

c. Workload Analysis.

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

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

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

e. Allocation Methodology.

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

(A) the number of sources under its jurisdiction;

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

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

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

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

2. Fee Collection - Ecology and BCAA.

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

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

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

b. Dedicated Account.

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

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

3. Accountability

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

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

(A) each annual workload analysis;

(B) each annual budget; and

(C) each annual fee schedule

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

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

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

(B) annual budget on or before May 31.

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

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

b. Tracking of Revenues, Time and Expenditures.

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

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

(A) application review and permit issuance;

(B) permit modification;

(C) permit maintenance;

(D) compliance and enforcement;

(E) business assistance;

(F) regulation and guidance development;

(G) management and training;

(H) technical support.

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

iv. The information obtained from tracking revenues, time, and expenditures shall not provide a basis for challenge to the amount of an individual source's fee.

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

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

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

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

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

v. Finding of Inadequate Administration or Need for Further Evaluation. If, in the process of conducting a fiscal audit, annual routine audit, or annual random individual per-

mit review, the auditor or Ecology finds that the BCAA is inadequately administering the operating permit program or finds that further evaluation is immediately warranted, an extensive performance audit shall be conducted, as provided in Section 10.08 (A)(3)(c)(iv).

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

4. Administrative Dispute Resolution.

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

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

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

5. Fee Payment and Penalties

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

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

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

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

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

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

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

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

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

6. Development and Oversight Remittance by Local Authorities to Ecology

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

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

Section 10.10 Special-Burning Permit Fees

A. An application fee of fifty dollars (\$50.00) is due and payable at the time of submittal of a request for special burning permit shall pay an application fee of fifty dollars (\$50.00). The application fee is non-refundable.

B. An additional fee for inspection and oversight costs shall be charged for each submittal of a request for special burning permit.

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

C. The additional fee shall be due and payable within thirty (30) days of issuance of the special burning permit. The fees for a burn permit are Special burning permit fees shall be due within thirty (30) days of the start of burning-issuance of the special burning permit.

D. A late fee of twenty-five dollars (\$25.00) will be added to the fees for burn permits charged for special burning permit fees that have not been paid within thirty (30) days of the start of burning issuance of the special burning permit. Failure to pay said fee within sixty (60) days of the issuance of the special burning permit may result in issuance of a citation and penalty the commencement of a formal enforcement action.

Section 10.11 Agricultural Burning Permit Fees

A. An application fee for an agricultural burning permit shall be due and payable at the time of submittal of the application. Refunds may be issued by the BCAA for acres not burned under each permit.

~~A.B.~~ Upon approval of any agricultural burning permit application, the BCAA will shall charge a fee not to exceed two dollars and fifty cents (\$2.50) per acre for each acre permitted to be burned. A portion of this fee is divided into a local and a state portion. Up to one dollar twenty five cents (\$1.25) per acre of each fee will shall go directly to Ecology to be divided among administration, oversight costs, and the research fund. The remainder of the fee shall will go to the BCAA for local administration and implementation of the program.

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

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

D. The minimum permit fee shall be no less than twenty-five dollars (\$25.00).

ACRONYMS AND ABBREVIATIONS

ACM	..	Asbestos Containing Material
<u>ARP</u>	..	<u>Application for Relief from Penalty</u>
BACT	..	Best Available Control Technology
BART	..	Best Available Retrofit Technology
BCAA	..	Benton Clean Air Authority
Board	..	Benton Clean Air Authority Board of Directors
BTU	..	British Thermal Unit (unit of measure)
CEM	..	Continuous Emission Monitoring
CFR	..	U.S. Code of Federal Regulations

Ecology	...	Washington State Department of Ecology
ERC	...	Emission Recovery Credit
LAER	...	Lowest Achievable Emission Rate
MACT	...	Maximum Achievable Control Technology
NESHAP	...	National Emission Standards for Hazardous Air Pollutants
NOC	...	Notice of Construction
NIO	...	Notice of Intent to Install and Operate a Temporary Source
NOI	...	Notice of Intent to Demolish or Remove Asbestos
<u>NOP</u>	...	<u>Notice of Penalty</u>
NSPS	...	New Source Performance Standard
<u>PCHB</u>	...	<u>Washington State Pollution Control Hearings Board</u>
PSD	...	Prevention of Significant Deterioration
RACM	...	Regulated Asbestos Containing Material
RACT	...	Reasonably Available Control Technology
RCW	...	Revised Code of Washington (law)
SEPA	...	State Environmental Policy Act (law)
<u>USC</u>	...	<u>United States Code</u>
WAC	...	Washington Administrative Code (regulation)

penalty schedule, and 390-37-175 Lobbyist employer report (L-3) penalty schedule.

Hearing Location(s): Public Disclosure Commission, 711 Capitol Way, Room 206, Olympia, WA 98504, on January 25, 2005, at 9:00 a.m.

Date of Intended Adoption: January 25, 2005.

Submit Written Comments to: Doug Ellis, Director of Public Outreach, 711 Capitol Way, Room 206, Olympia, WA 98504, e-mail dellis@pdc.wa.gov, fax (206) 753-1112, by January 21, 2005.

Assistance for Persons with Disabilities: Contact Ruthann Bryant by phone (360) 586-0544.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To clarify that those persons who, after one nonfiling occasion, again fail to file required reports will automatically be scheduled before the full commission for enforcement action.

Reasons Supporting Proposal: To provide clarification to elected officials, candidates, lobbyists and lobbyists employers on commission action for repeat nonfilers.

Statutory Authority for Adoption: RCW 42.17.370.

Statute Being Implemented: RCW 42.17.040, 42.17.240, 42.17.170, and 42.17.180.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The rule amendments are needed to provide clarity and guidance to elected officials, candidates, lobbyists and lobbyist's employers.

Name of Proponent: Public Disclosure Commission (PDC), governmental.

Name of Agency Personnel Responsible for Drafting: Doug Ellis, 711 Capitol Way, Room 206, Olympia, WA 98504, (360) 664-2735; Implementation: Susan Harris, 711 Capitol Way, Room 206, Olympia, WA 98504, (360) 753-1981; and Enforcement: Phil Stutzman, 711 Capitol Way, Room 206, Olympia, WA 98504, (360) 664-8853.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The implementation of this rule amendment has minimal impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. The PDC is not an agency listed in subsection (5)(a)(i) of section 201. Further, the PDC does not voluntarily make section 201 applicable to this rule adoption pursuant to subsection (5)(a)(i) of section 201, and, to date, the Joint Administrative Rules Review Committee has not made section 201 applicable to this rule adoption.

December 3, 2004
Vicki Rippie
Executive Director

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

**WSR 05-01-028
PROPOSED RULES
PUBLIC DISCLOSURE COMMISSION**

[Filed December 3, 2004, 2:22 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-18-042.

Title of Rule and Other Identifying Information: WAC 390-37-160 Statement of financial affairs (F-1) penalty schedule, 390-37-165 Candidate registration statement (C-1)/candidate statement of financial affairs (F-1) penalty schedule, 390-37-170 Lobbyist monthly expense report (L-2)

AMENDATORY SECTION (Amending WSR 03-22-065, filed 11/4/03)

WAC 390-37-160 Statement of financial affairs (F-1) penalty schedule.

Status	1st Occasion	2nd Occasion	3rd Occasion	4th Occasion
Failed to file report by date of enforcement hearing.	\$150	\$300	\$500	Full commission consideration

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Status	1st Occasion	2nd Occasion	3rd Occasion	4th Occasion
Filed report after hearing notice but before enforcement hearing. Did not pay settlement amount.	\$100	\$200	\$400	Full commission consideration
Filed report after hearing notice but before enforcement hearing. Provided written explanation or appeared at the hearing to explain mitigating circumstances. Did not pay settlement amount.	\$0 - \$100	\$100 - \$200	\$200 - \$400	Full commission consideration

Provisos:

(1) The presiding officer has authority to suspend all or a portion of relevant penalty under the conditions to be determined by that officer.

(2) If on the 3rd occasion, a filer has outstanding penalties or judgments, the matter will be taken to the full commission for consideration.

(3) The presiding officer may direct a matter to the full commission if the officer believes five hundred dollars would be an insufficient penalty or the matter warrants consideration by the full commission.

(4) If previously imposed penalties remain unpaid and exceed the amount this penalty schedule would otherwise prescribe for the current violation, the presiding officer may

impose a penalty not to exceed the amount of the outstanding penalty, up to five hundred dollars.

(5) "Occasion" means established violation. At the 4th occasion, among other factors, the commission may consider if any prior violations and penalties were stipulated to by the respondent, in determining the amount of the penalty.

(6) Cases will automatically be scheduled before the full Commission for an enforcement action when the person:

(a) was found in violation during a previous reporting period.

(b) the violation remains in effect following any appeals, and

(c) the person has not filed the disclosure forms that were the subject of the prior violation at the time the current hearing notice is being sent.

AMENDATORY SECTION (Amending WSR 03-22-065, filed 11/4/03)

WAC 390-37-165 Candidate registration statement (C-1)/candidate statement of financial affairs (F-1) penalty schedule.

Status	1st Occasion	2nd Occasion	3rd Occasion	4th Occasion
Failed to file F-1 and/or C-1 by date of enforcement hearing.	\$150 per report	\$300 per report, up to \$500	Full commission consideration	Full commission consideration
Filed reports after hearing notice but before enforcement hearing. Did not pay settlement amount.	\$100 per report	\$200 per report	\$400	Full commission consideration
Filed report after hearing notice but before enforcement hearing. Provided written explanation or appeared at the hearing to explain mitigating circumstances. Did not pay settlement amount.	\$0 - \$100 per report	\$100 - \$200 per report	\$200 - \$400	Full commission consideration

Provisos:

(1) The presiding officer has authority to suspend all or a portion of relevant penalty under the conditions to be determined by that officer.

(2) If on the 3rd occasion, a filer has outstanding penalties or judgments, the matter will be taken to the full commission for consideration.

(3) The presiding officer may direct a matter to the full commission if the officer believes five hundred dollars would be an insufficient penalty or the matter warrants consideration by the full commission.

(a) was found in violation during a previous reporting

(4) If previously imposed penalties remain unpaid and exceed the amount this penalty schedule would otherwise prescribe for the current violation, the presiding officer may impose a penalty not to exceed the amount of the outstanding penalty, up to five hundred dollars.

(5) "Occasion" means established violation. At the 4th occasion, among other factors, the commission may consider if any prior violations and penalties were stipulated to by the respondent, in determining the amount of the penalty.

(6) Cases will automatically be scheduled before the full Commission for an enforcement action when the person:
period.

(b) the violation remains in effect following any appeals, and
(c) the person has not filed the disclosure forms that were the subject of the prior violation at the time the current hearing notice is being sent.

AMENDATORY SECTION (Amending WSR 03-22-065, filed 11/4/03)

WAC 390-37-170 Lobbyist monthly expense report (L-2) penalty schedule.

Status	1st Occasion	2nd Occasion	3rd Occasion	4th Occasion
Failed to file report by date of enforcement hearing.	\$150	\$300	\$500	Full commission consideration
Filed report after hearing notice but before enforcement hearing. Did not pay settlement amount.	\$100	\$200	\$400	Full commission consideration
Filed report after hearing notice but before enforcement hearing. Provided written explanation or appeared at the hearing to explain mitigating circumstances. Did not pay settlement amount.	\$0 - \$100	\$100 - \$200	\$200 - \$400	Full commission consideration

Provisos:

(1) The presiding officer has authority to suspend all or a portion of relevant penalty under the conditions to be determined by that officer. Except in rare circumstances, the non-suspended portion of the penalty will not be less than the original settlement offer.

(2) If on the 3rd occasion, a filer has outstanding penalties or judgments, the matter will be taken to the full commission for consideration.

(3) The presiding officer may direct a matter to the full commission if the officer believes five hundred dollars would be an insufficient penalty or the matter warrants consideration by the full commission.

(4) If previously imposed penalties remain unpaid and exceed the amount this penalty schedule would otherwise prescribe for the current violation, the presiding officer may

impose a penalty not to exceed the amount of the outstanding penalty, up to five hundred dollars.

(5) "Occasion" means established violation. At the 4th occasion, among other factors, the commission may consider if any prior violations and penalties were stipulated to by the respondent, in determining the amount of the penalty.

(6) Cases will automatically be scheduled before the full Commission for an enforcement action when the person:

(a) was found in violation during a previous reporting period,

(b) the violation remains in effect following any appeals, and

(c) the person has not filed the disclosure forms that were the subject of the prior violation at the time the current hearing notice is being sent.

AMENDATORY SECTION (Amending WSR 03-22-065, filed 11/4/03)

WAC 390-37-175 Lobbyist employer report (L-3) penalty schedule.

Status	1st Occasion	2nd Occasion	3rd Occasion	4th Occasion
Failed to file report by date of enforcement hearing.	\$150	\$300	\$500	Full commission consideration
Filed report after hearing notice but before enforcement hearing. Did not pay settlement amount.	\$100	\$200	\$400	Full commission consideration
Filed report after hearing notice but before enforcement hearing. Provided written explanation or appeared at the hearing to explain mitigating circumstances. Did not pay settlement amount.	\$0 - \$100	\$100 - \$200	\$200 - \$400	Full commission consideration

Provisos:

(1) The presiding officer has authority to suspend all or a portion of relevant penalty under the conditions to be determined by that officer.

(2) If on the 3rd occasion, a filer has outstanding penalties or judgments, the matter will be taken to the full commission for consideration.

(3) The presiding officer may direct a matter to the full commission if the officer believes five hundred dollars would

be an insufficient penalty or the matter warrants consideration by the full commission.

(4) If previously imposed penalties remain unpaid and exceed the amount this penalty schedule would otherwise prescribe for the current violation, the presiding officer may impose a penalty not to exceed the amount of the outstanding penalty, up to five hundred dollars.

(5) "Occasion" means established violation. At the 4th occasion, among other factors, the commission may consider

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if any prior violations and penalties were stipulated to by the respondent, in determining the amount of the penalty.

(6) Cases will automatically be scheduled before the full Commission for an enforcement action when the person:

(a) was found in violation during a previous reporting period,

(b) the violation remains in effect following any appeals, and

(c) the person has not filed the disclosure forms that were the subject of the prior violation at the time the current hearing notice is being sent.

WSR 05-01-035

WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF LABOR AND INDUSTRIES

[Filed December 6, 2004, 9:46 a.m.]

In accordance with RCW 34.05.335(1), the Department of Labor and Industries withdraws WAC 296-155-300, which was filed under WSR 04-14-083 on July 6, 2004.

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

Gail Hughes, Program Manager
WISHA Services Division

WSR 05-01-053

WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF LABOR AND INDUSTRIES

[Filed December 7, 2004, 3:54 p.m.]

In accordance with RCW 34.05.335(1), the Department of Labor and Industries withdraws the following sections: WAC 296-155-481, 296-155-482, 296-155-487, 296-155-488, 296-155-489, 296-155-490, and 296-155-496. These sections were filed under WSR 04-14-027 on June 29, 2004.

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

Gail Hughes, Program Manager
WISHA Services Division

WSR 05-01-073

PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Division of Employment and Assistance Programs)

[Filed December 9, 2004, 4:01 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-17-103.

Title of Rule and Other Identifying Information: WAC 388-450-0200 Will the medical expenses of an elderly or dis-

abled person in my assistance unit be used as a income deduction for Basic Food?

Hearing Location(s): Blake Office Park East (behind Goodyear Courtesy Tire), Rose Room, 4500 10th Avenue S.E., Lacey, WA, on January 25, 2005, at 10:00 a.m.

Date of Intended Adoption: Not earlier than January 26, 2005.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., January 25, 2005.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant by January 21, 2005, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Rule amended to be consistent with federal Food and Nutrition Service's revised policy memo regarding how persons with Medicare-approved prescription drug discount cards will have their excess medical cost deduction calculated for the Basic Food program. Also, updated program language to be consistent with the requirements of HB 2663 (chapter 175, Laws of 2004) regarding respectful language. Some additional changes are incorporated per comments received.

Reasons Supporting Proposal: This rule is currently in place as an emergency filing, this CR-102 filing is the next necessary step toward permanent adoption to ensure federal compliance and that DSHS clients receive the benefits for which they are entitled.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510.

Statute Being Implemented: RCW 74.04.050, 74.04.-055, 74.04.057, 74.04.510.

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

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Rebecca Henrie, 1009 College S.E., Lacey, WA 98504, (360) 725-4615.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses, it only affects DSHS clients by outlining the rules clients must meet in order to be eligible for the department's cash assistance or food benefit programs.

A cost-benefit analysis is not required under RCW 34.05.328. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in-part, "[t]his section does not apply to...rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents."

December 8, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

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AMENDATORY SECTION (Amending WSR 04-02-025, filed 12/30/03, effective 2/1/04)

WAC 388-450-0200 ~~Will the medical expenses of ((an elderly or disabled person)) elderly persons or individuals with disabilities in my assistance unit be used as an income deduction for basic food?~~ (1) If your basic food assistance unit (AU) includes an elderly ~~((or disabled))~~ person or individual with a disability as defined in WAC 388-400-0040, your AU may be eligible for an income deduction for ~~((the elderly or disabled-))~~ that person's out-of-pocket medical expenses, and certain expenses allowable for Medicare prescription drug card holders. We allow the deduction for medical expenses over thirty-five dollars each month.

(2) You can use ~~((a))~~ an out-of-pocket medical expense toward this deduction if the expense covers services, supplies, medication, or other medically needed items prescribed by a state-licensed practitioner or other state-certified, qualified, health professional. Examples of expenses you can use for this deduction include those for:

(a) Medical, psychiatric, naturopathic physician, dental, or chiropractic care;

(b) Prescribed alternative therapy such as massage or acupuncture;

(c) Prescription drugs;

(d) Over the counter drugs;

(e) Eye glasses;

(f) Medical supplies other than special diets;

(g) Medical equipment or medically needed changes to your home;

(h) Shipping and handling charges for an allowable medical item. This includes shipping and handling charges for items purchased through mail order or the internet;

(i) Long distance calls to a medical provider;

(j) Hospital and outpatient treatment including:

(i) Nursing care; or

(ii) Nursing home care including payments made for a person who was an assistance unit member at the time of placement.

(k) Health insurance premiums paid by the ~~((client))~~ person including:

(i) Medicare premiums; and

(ii) Insurance deductibles and co-payments.

(l) Out-of-pocket expenses used to meet a spenddown as defined in WAC 388-519-0010. We do not allow your entire spenddown obligation as a deduction. We allow the expense as a deduction as it is estimated to occur or as the expense becomes due;

(m) Dentures, hearing aids, and prosthetics;

(n) Cost to obtain and care for a seeing eye, hearing, or other specially trained service animal. This includes the cost of food and veterinarian bills. We do not allow the expense of food for a service animal as a deduction if you receive ongoing additional requirements under WAC 388-473-0040 to pay for this need;

(o) Reasonable costs of transportation and lodging to obtain medical treatment or services; and

(p) Attendant care necessary due to age, infirmity, or illness. If your AU provides most of the attendant's meals, we allow an additional deduction equal to a one-person allotment.

(3) There are two types of deductions for out-of-pocket expenses:

(a) One-time expenses are expenses that cannot be estimated to occur on a regular basis. You can choose to have us:

(i) Allow the one-time expense as a deduction when it is billed or due;

(ii) Average the expense through the remainder of your certification period; or

(iii) If your AU has a twenty-four-month certification period, you can choose to use the expense as a one-time deduction, average the expense for the first twelve months of your certification period, or average it for the remainder of our certification period.

(b) Recurring expenses are expenses that happen on a regular basis. We estimate your monthly expenses for the certification period.

(4) If the elderly person or individual with a disability in your AU has a Medicare prescription drug card:

(a) Allow any out-of-pocket expenses that meet the criteria in subsections (2) and (3) above:

(b) Add a standard twenty-three dollars to these expenses; and

(c) Allow an additional fifty dollar monthly deduction to account for the 2004 and 2005 prescription subsidies:

(i) For twenty-four consecutive months if the client applied before January 2005; or

(ii) For the average number of months resulting from dividing the total subsidy amount by fifty dollars if the client applies in January 2005 or later.

(d) Allow the deductions in (b) and (c) of this subsection even if the AU has no out-of-pocket expenses.

(5) AU members with a Medicare prescription drug card have the option of using their verified pre-card out-of-pocket expenses when this amount is greater than using the standards in subsection (4).

(6) We do not allow a medical expense as an income deduction if:

(a) The expense was paid before you applied for benefits or in a previous certification period;

(b) The expense was paid or will be paid by someone else;

(c) The expense was paid or will be paid by the department or another agency;

(d) The expense is covered by medical insurance;

(e) We previously allowed the expense, and you did not pay it. We do not allow the expense again even if it is part of a repayment agreement;

(f) You included the expense in a repayment agreement after failing to meet a previous agreement for the same expense; or

(g) You claim the expense after you have been denied for presumptive SSI; and you are not considered disabled by any other criteria~~((or~~

~~((h) The provider considers the expense overdue)).~~

PROPOSED

WSR 05-01-094
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed December 13, 2004, 3:36 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-20-033.

Title of Rule and Other Identifying Information: WAC 308-13-150 Landscape architect fees, this rule is needed to reduce fees and still ensure that fiscal year 2005 revenues do not exceed expenditure levels, which are consistent with overall general fund appropriation.

Hearing Location(s): Department of Licensing, 405 Black Lake Boulevard, Room 209, Olympia, WA 98502, on January 28, 2005, at 10:00 a.m.

Date of Intended Adoption: January 28, 2005.

Submit Written Comments to: Joan Robinson, P.O. Box 9045, Olympia, WA, e-mail jorobinson@dol.wa.gov, fax (360) 664-1495, by January 14, 2005.

Assistance for Persons with Disabilities: Contact Joan Robinson by January 14, 2005, TTY (360) 664-8885 or (360) 664-1387.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amend WAC 308-13-150 for a reduction in licensing and renewal fees.

Amending the rule with a fee decrease will ensure there is a sufficient level of revenue to defray program administration costs as required under RCW 43.24.086.

Statutory Authority for Adoption: RCW 18.96.080 Applications—Contents—Fees.

Statute Being Implemented: RCW 43.24.086 Fee policy for professions, occupations and businesses; requires fees to be at a sufficient level to defray the costs of administering the program.

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

Name of Proponent: Board of Registration for Landscape Architects, Department of Licensing, governmental.

Name of Agency Personnel Responsible for Drafting: Joan Robinson, Olympia, Washington, (360) 664-1387; Implementation and Enforcement: Rick Notestine, Olympia, Washington, (360) 664-1386.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This decrease in fees is to individual applicants not business enterprises.

A cost-benefit analysis is not required under RCW 34.05.328. This section of regulations is not a "Significant Legislative Rule" as defined by RCW 34.05.328 (5)(C)(iii) and is exempt under the provisions of RCW 34.05.328 (5)(b)(vi).

December 13, 2004
Rick Notestine
Administrator

AMENDATORY SECTION (Amending WSR 04-17-026, filed 8/9/04, effective 9/9/04)

WAC 308-13-150 Landscape architect fees and charges. The following fees will be collected from the candidates:

Table with 2 columns: Title of Fee, Fee. Includes Application fee, Reexamination administration fee, Renewal (2 years), Late renewal penalty, Duplicate license, Initial registration (2 years), Reciprocity application fee, Replacement wall certificate.

The following charges assessed by the Council of Landscape Architectural Registration Boards (CLARB), collected from candidates for the costs of the examinations shall be paid to CLARB.

Table with 2 columns: Examination and Sections, Charges. Includes Entire examination, Section C: Planning and site design, Section E: Grading, drainage and storm water management.

The following sections of the examination will only be administered by CLARB:

- Section A: Legal and administrative aspects of practice
Section B: Analytical aspects of practice
Section D: Structural considerations and materials and methods of construction

WSR 05-01-095
PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed December 14, 2004, 8:52 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-13-051.

Title of Rule and Other Identifying Information: Water works operator certification, chapter 246-292 WAC, this rule establishes protection of public health by setting minimum requirements and standards for public water system operation and certification of operators in responsible charge of public water systems.

PROPOSED

Hearing Location(s): Department of Health, Office of Drinking Water, 7171 Cleanwater Lane, Building 3 Conference Room, Tumwater, WA 98504-7822, on January 25, 2005, at 10:00 a.m.

Date of Intended Adoption: February 11, 2005.

Submit Written Comments to: Theresa Phillips, P.O. Box 47822, Olympia, WA 98504-7822, fax (360) 236-2253, by January 25, 2005. Comment on line at <http://www3.doh.wa.gov/policyreview/>.

Assistance for Persons with Disabilities: Contact Theresa Phillips by December 29, 2004, TTY (800) 833-6388 or (360) 236-4028.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed rules is to provide better public health protection to consumers of public water systems. The revision improves a certified operator's ability to comply with minimum requirements for certification, and ensures continuing education requirements are relevant to the operation of a water system. The revision establishes a definition for gross negligence and revises the grandparenting requirement for consistency. The revision also enables the department to take immediate enforcement action against certified operators for acts of gross negligence. The proposed rule revision involves amendments to WAC 246-292-010 Definitions, 246-292-085 Grandparenting, 246-292-090 Renewal of certificates, and 246-292-100 Revocation and suspension, and creates a new WAC 246-292-031 Certified operator duties.

Reasons Supporting Proposal: This proposed rule is consistent with the intent of the statute by setting standards for the operation of public water systems. These changes will increase public health protection to consumers of public water systems by ensuring certified operators are better able to comply with the regulations. The changes also clarify the department's authority to take necessary enforcement action against certified operators to protect public health.

Statutory Authority for Adoption: Chapter 70.119 RCW.

Statute Being Implemented: Chapter 70.119 RCW.

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

Name of Proponent: Washington State Department of Health, Division of Environmental Health, Office of Drinking Water, governmental.

Name of Agency Personnel Responsible for Drafting: Sean Orr, 7171 Cleanwater Lane, Building 3, P.O. Box 47822, Olympia, WA 98504-7822, (360) 236-3153; Implementation and Enforcement: Richard Sarver, 7171 Cleanwater Lane, Building 3, P.O. Box 47822, Olympia, WA 98504-7822, (360) 236-3093.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under RCW 19.85.030 an agency shall prepare a small business economic impact statement whenever a regulation imposes more than minor costs. The current proposed rule does not impose more than minor costs on small businesses.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Theresa Phillips, 7171 Cleanwater Lane, Building 3, P.O. Box 47822, Olympia, WA 98504-

7822, phone (360) 236-3147, fax (360) 236-2253, e-mail Theresa.Phillips@doh.wa.gov.

December 14, 2004

Mary C. Selecky

Secretary

AMENDATORY SECTION (Amending WSR 01-02-070, filed 12/29/00, effective 1/29/01)

WAC 246-292-010 Definitions. Abbreviations and acronyms:

BAT - backflow assembly tester;

BTO - basic treatment operator;

CCS - cross connection control specialist;

GW - ground water under the direct influence of surface water;

NTNC - nontransient noncommunity;

OIT - operator-in-training;

SMA - satellite management agency;

TNC - transient noncommunity;

WAC - Washington Administrative Code;

WDM - water distribution manager;

WDS - water distribution specialist;

WTPO - water treatment plant operator;

"Available" means based on system size, complexity, and source water quality, a certified operator must be on-site or able to be contacted as needed to initiate the appropriate action in a timely manner.

"Certificate" means a certificate of competency issued by the department stating that the operator has met the requirements for the specified operator classification of the certification program.

"Certified operator" means a person who has met the applicable requirements of this chapter and holds a valid certificate.

"Complex filtration technology" means conventional, direct, in-line or diatomaceous earth filtration.

"Community water system" means any Group A water system providing service to fifteen or more service connections used by year-round residents for one hundred eighty or more days within a calendar year, regardless of the number of people, or regularly serving twenty-five year-round (i.e., more than one hundred eighty days per year) residents. Examples of a community water system might include a municipality, subdivision, mobile home park, apartment complex, college with dormitories, nursing home, or prison.

"Continuing education unit (CEU)" means a nationally recognized unit of measurement similar to college credits. One CEU is awarded for every ten contact hours of participation in an organized continuing education experience under responsible sponsorship, capable direction and qualified instruction. Forty-five relevant CEUs equals forty-five relevant college quarter credits or thirty relevant college semester credits as determined by the department.

"Contract operator" means a person in charge of the daily operational activities of three or more public water systems.

"Cross connection control program" means the administrative and technical procedures the owner implements to

protect the public water system from contamination via cross-connections as required in WAC 246-290-490.

"Department" means the Washington state department of health, through the secretary of health or the secretary's designee.

"Distribution system" means all piping components of a public water system that serves to convey water from transmission mains linked to source, storage and treatment facilities to the consumer excluding individual services.

"Grandparenting" means the exemption for the existing operator in responsible charge from meeting the initial education, experience and examination requirements for the class of certification the system has been assigned.

"Gross negligence" means an act or omission performed or not performed in reckless disregard of a legal duty, or without even slight care. In considering whether an act or omission constitutes gross negligence, the department shall consider all relevant factors including, but not limited to:

(1) The standard of care commonly exercised by operators;

(2) Whether the legal duty was known or should have been known to the alleged violator; and

(3) The degree to which the alleged violation endangered public health.

"Ground water under the direct influence of surface water (GWI)" means any water beneath the surface of the ground with:

Significant occurrence of insects or other macroorganisms, algae, or large-diameter pathogens such as *Giardia lamblia*; or

Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH closely correlating to climatological or surface water condition.

"Group A water system" means a public water system providing service such that it meets the definition of a public water system provided in the 1996 amendments to the federal Safe Drinking Water Act (Public Law 104-182, Section 101, subsection b). Group A water systems are further defined as community and noncommunity water systems (see other definitions).

"Group B water system" means a public water system with less than fifteen residential connections and serving:

An average of less than twenty-five people per day for sixty or more days within a calendar year; or

Any number of people for less than sixty days within a calendar year.

"Nationally recognized association of certification authorities" means an organization that:

- Serves as an information center for certification activities;

- Recommends minimum standards and guidelines for classification of potable water treatment plants, water distribution systems, wastewater facilities and certification of operators;

- Facilitates reciprocity between state programs; and

- Assists authorities in establishing new and updating existing certification programs.

"Noncommunity water system" means a Group A water system that is not a community water system. Noncommu-

nity water systems are further defined as nontransient noncommunity (NTNC) and transient noncommunity (TNC).

"Nontransient noncommunity water system (NTNC)" means a Group A water system that provides service to twenty-five or more of the same nonresidential people for one hundred eighty or more days within a calendar year. Examples of a NTNC water system include a school or day care center, or a business, factory, motel or restaurant with twenty-five or more employees on-site.

"Owner" means any agency, subdivision of the state, municipal corporation, firm, company, mutual or cooperative association, institution, partnership, or person or any other entity that holds as property, a public water system.

"Operating experience" means the routine on-site performance of duties in a water purification plant or distribution system. Those duties affect plant or system performance and/or water quality.

"Operating shift" means that period of time during which operator decisions are made and actions are taken that will directly impact water quality and/or quantity of drinking water.

"Professional growth reporting period" means a designated time period of not less than three years, in which a certified operator shall demonstrate professional growth.

"Public water system" means any system providing water for human consumption through pipes or other constructed conveyances, excluding a system serving only one single-family residence and a system with four or fewer connections all of which serve residences on the same farm. The term includes:

- Collection, treatment, storage, and/or distribution facilities under control of the owner and used primarily in connection with such systems; and

- Collection or pretreatment storage facilities not under control of the owner, but primarily in connection with such system.

"Purification plant" means that portion of a public water system that treats or improves the physical, chemical or bacteriological quality of the system's water to bring the water into compliance with state board of health standards. Unit processes installed to perform water filtration, ion exchange, electro dialysis, reverse osmosis, or iron and manganese removal shall be included within the scope of the term purification plant. Unit processes installed to allow in-line fluoridation, in-line chlorination, or chemical addition to inhibit corrosion are not included within the scope of the term purification plant.

"Relevant water system training" means training directly related to the operations (~~(, maintenance or management)~~) of a water system; and (~~(which)~~) has an influence on water quality, water supply, or public health (~~(, or environmental)~~) protection.

"Responsible charge" means the operator(s) designated by the owner to be the certified operator(s) who makes the decisions regarding the daily operational activities of a public water system, water treatment facility and/or distribution system that will directly impact water quality and/or quantity of drinking water including, but not limited to, decisions concerning process control and system integrity.

"Satellite management agency (SMA)" means a person or entity that is approved by the department to own or operate public water systems on a regional or county-wide basis without the necessity for a physical connection between such systems.

"Service connection" means a connection to a public water system designed to provide water to a single family residence, or other residential or nonresidential population.

"Significant noncomplier" means a system that is violating or has violated department rules, and the violation may create, or has created an imminent or a significant risk to human health. Such violations include, but are not limited to, repeated violations of monitoring requirements, failure to address an exceedance of permissible levels of regulated contaminants, or failure to comply with treatment technique standards or requirements.

"Transient noncommunity (TNC)" means a Group A water system that serves:

- Twenty-five or more different people each day for sixty or more days within a calendar year; or
- Twenty-five or more of the same people each day for sixty or more days, but less than one hundred eighty days within the calendar year.

"Validated exam" means an exam that is independently reviewed by subject matter experts to ensure that the exam is based on a job analysis and related to the classification of the system or facility.

NEW SECTION

WAC 246-292-031 Certified operator duties. (1) The certified operator shall operate the public water system with due care and diligence for protecting public health and shall abide by applicable state and federal drinking water laws and regulations.

(2) The certified operator shall operate the water system consistent with experience and training appropriate to their level of certification.

(3) The certified operator shall perform his or her duties in accordance with this section. Failure to do so may threaten public health and safety which could result in the suspension or revocation of his or her certification.

AMENDATORY SECTION (Amending WSR 01-02-070, filed 12/29/00, effective 1/29/01)

WAC 246-292-085 Grandparenting. ~~((1) This section expires two years after its effective date.~~

~~((2) The department will allow one existing operator in responsible charge of a public water system to be grandparented for the minimum classification of the water system, if the water system:~~

~~((a) Is a Group A system serving less than 100 services that has not been identified as a SNC and is not a GWI or surface water source system.~~

~~((b) Is not in violation of any bilateral compliance agreement, or state or federal order; and~~

~~((c) Has not had a notice of imposition of penalty issued in the last five years under current ownership.~~

~~((3) The owner shall apply for the grandparent certification by completing a department application identifying the~~

~~operator to be grandparented. The operator identified by the owner must have been in responsible charge of the water system prior to the effective date of this section. Subsequent operators are not eligible for grandparenting.~~

~~((4) The operator identified by the owner shall complete and submit an application and application fee in accordance with WAC 246-292-160, Table 2.~~

~~((5) No operator may be grandparented for more than two water systems:~~

~~((6)) Operators who received a grandparented certification prior to December 31, 2000, for the minimum classification of a water system remain subject to the following:~~

~~((1) A grandparent operator certification is site specific and nontransferrable((-);~~

~~((7)) ((2) A grandparented operator shall meet all certification renewal requirements under the provisions of WAC 246-292-090; ((and must complete the first professional growth reporting period by December 31, 2003.~~

~~((8)) ((3) If a grandparented operator ((failing)) fails to renew ((their)) his or her certification under ((provisions of)) WAC 246-292-090 ((may reapply)), the grandparent certification is no longer valid. To become recertified, the operator must apply for certification and ((shall) meet all the requirements ((for) of a new applicant((-); and~~

~~((9)) ((4) If plant or distribution system classification changes to a higher level, the grandparent certification is no longer valid; and the owner and operator shall comply with chapter 246-292 WAC.~~

AMENDATORY SECTION (Amending WSR 01-02-070, filed 12/29/00, effective 1/29/01)

WAC 246-292-090 Renewal of certificates. (1) The operator must renew his or her certificate ~~((shall be renewed))~~ by January 1st of each year.

(2) The department shall renew ~~((the))~~ an operator's certification ~~((upon payment of))~~ when the operator:

(a) Pays the applicable renewal fee; and ~~((demonstration))~~

(b) Demonstrates completion of required professional growth in accordance with subsections (3) and (4) of this section. The ~~((applicant shall))~~ operator must provide evidence of professional growth acceptable to the department within the designated professional growth reporting period as described in the department guideline titled, Water Works Certification Program Guideline.

(3) To demonstrate professional growth, a holder of WDM, WTPO, WDS, BTO or CCS certification shall accomplish one of the following activities during each professional growth reporting period:

(a) Accumulate a minimum of three continuing education units (CEU), or college credits for training that is directly relevant to the operations ~~((,-maintenance, or management))~~ of a water system ~~((;-); and ((which))~~ has an influence on water quality, water supply, or public health ~~((or environmental))~~ protection;

(b) Advance by examination in the Washington water works operator certification program within the classifications WDM and WTPO to a level 2, 3, or 4; or

(c) Achieve certification by examination in a different classification as shown below:

- (i) WDM to WTPO, BTO or CCS;
- (ii) WTPO to WDM, or CCS;
- (iii) WDS to WDM, WTPO, BTO or CCS;
- (iv) BTO to WDM, WTPO, WDS or CCS; or
- (v) CCS to WDM, WTPO, BTO, or WDS.

(4) To demonstrate professional growth, a ~~((holder of a))~~ certified BAT ~~((certification shall))~~ must satisfactorily complete the department's backflow assembly tester professional growth examination during each professional growth reporting period.

(5) If an operator fails to renew his or her certificate, the department shall notify ~~((an))~~ the operator ~~((failing to renew the operator certificate))~~ by December 31st, that the certificate is temporarily valid for two months beginning January 1st.

(6) ~~((A certificate not renewed during the two month period))~~ If an operator fails to renew the certificate within the two-month period, the certificate is invalid. The department shall notify the ~~((holder))~~ operator in writing of an invalid certificate ~~((with notice in writing)).~~

(7) An operator ~~((failing))~~ who fails to renew ~~((their))~~ his or her certification ~~((under provisions of this section))~~ may reapply for certification ~~((and shall)), but must~~ meet the requirements for a new applicant.

AMENDATORY SECTION (Amending WSR 01-02-070, filed 12/29/00, effective 1/29/01)

WAC 246-292-100 Revocation and suspension. (1)

The department may suspend an operator's certificate for up to a ~~((specified time))~~ year or revoke an operator's certificate for up to five years if the operator:

(a) Obtains a certificate by fraud or deceit;

(b) ~~((Demonstrates))~~ Performs an act of gross negligence in the operation of a purification plant or a distribution system; or

(c) Intentionally violates the requirements of this chapter or ~~((any))~~ department statutes, rules or orders.

(2) Except in a case of fraud, deceit, or gross negligence, the department may not revoke or suspend a certificate under subsection (1)(c) of this section until the department ~~((shall provide written notice of violation and reasonable))~~ notifies the operator in writing of the violation and provides an opportunity for ~~((correction prior))~~ the operator to ~~((taking action on revocation or suspension of a certificate.~~

(3) ~~The department shall not initiate action to revoke a certificate until the department has conducted a hearing to consider the appropriateness of revocation))~~ correct the violation.

~~((4))~~ (3) A revocation or suspension action brought under this section shall be conducted in accordance with RCW 43.70.115, chapter 34.05 RCW, and chapter 246-10 WAC.

~~((5))~~ (4) A person whose certificate is revoked ~~((is))~~ may not ~~((eligible to))~~ apply for certification ~~((for one year from the effective date of the final order of revocation))~~ until the period of revocation has ended.

~~((6))~~ (5) After the revocation period has ended, a person whose certificate was revoked ~~((and who desires to))~~ may reapply for ~~((a certificate shall apply))~~ certification as a new operator ~~((in accordance with))~~ under WAC 246-292-070.

~~((7))~~ (6) An operator whose certificate is suspended shall continue to meet all renewal requirements in accordance with WAC 246-292-090 in order to maintain certification after the suspension period has lapsed.

WSR 05-01-140

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 04-09—Filed December 17, 2004, 8:39 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-11-038.

Title of Rule and Other Identifying Information: The rule making will establish a state water management program for the Columbia River. It includes proposing chapter 173-565 WAC, Columbia River mainstem water management program, and amending chapter 173-531A WAC, the Water resources program for the John Day-McNary Pools Reach of the Columbia River and chapter 173-563 WAC, the Instream resources protection program for the main stem Columbia River in Washington state.

Hearing Location(s): Vancouver, Water Resources Ed Center, 4600 S.E. Columbia Way, on February 7, at 7:00 p.m.; Pasco, TRAC, Sports Hall of Fame Room, 6600 Burden Boulevard, on February 8, at 7:00 p.m.; Moses Lake, Fire Department Multi-Purpose Room, 701 East Third Avenue, on February 9, at 12:00 noon; Grand Coulee, Grand Gallery Theater, 204 Main Street, on February 9, at 7:00 p.m.; Wenatchee, Chelan Co. PUD Auditorium, 327 North Wenatchee Avenue, on February 10, at 7:00 p.m.; Lacey, Department of Ecology Auditorium, 300 Desmond Drive, on February 15, at 7:00 p.m.; and at Colville, Community Colleges of Spokane, Colville Center, 985 South Elm Street, East Entrance, Dominion Room, on February 17, at 7:00 p.m.

Comment period ends March 4, 2005.

Date of Intended Adoption: May 20, 2005.

Submit Written Comments to: Gerry O'Keefe, P.O. Box 47600, Olympia, WA 98503, e-mail goke461@ecy.wa.gov, fax (360) 407-6989, postmarked by March 5, 2005.

Assistance for Persons with Disabilities: Contact Water Resources Program receptionist by January 28, TTY (711) or 1-800-833-6388 or (360) 407-6600.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The rule making will establish a state water management program for the Columbia River. It includes proposing chapter 173-565 WAC, Columbia River Mainstem water management program, and amending chapter 173-531A WAC, the Water resources program for the John Day-McNary Pools Reach of the Columbia River and chapter 173-563 WAC, the Instream resources protection program for the main stem Columbia River in Washington state.

Reasons Supporting Proposal: There are currently a large number of pending applications in Washington for new

water rights from the Columbia River, and the demand for water is expected to grow over time as population and economic activity increase. At the same time, the endangered status of fish populations living in the river requires careful consideration of the effects [of] off-stream water use. The department has twice been petitioned to initiate rule making for the Columbia River: First to close the river and its tributaries in Washington to further appropriation; and, subsequently, to require the department to process existing water right applications. In light of these conflicting petitions and recognizing that rule making is necessary to reestablish a stable footing for implementation of state policy, there is a compelling need for a rule governing a state water management program for the river. The proposed rule is intended to protect a healthy ecosystem while allowing for additional development to occur.

Statutory Authority for Adoption: Chapters 90.03, 90.22, 90.54, 43.21A, and 43.27A RCW, and proposed policy bill: Management of water resources for the mainstem of the Columbia River.

Statute Being Implemented: Chapters 90.03, 90.22, 90.54, 43.21A, and 43.27A RCW, and proposed policy bill: Management of water resources for the mainstem of the Columbia River.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The proposed rule is part of a package proposed by Governor Locke designed to institute a new mainstem water resources management program for the Columbia River. The rule language, as proposed, assumes the enactment of executive request legislation by the 2005 session of the legislature. It also assumes that funding is provided to implement the new program.

Given the importance of the issues under discussion, the department will not adopt the proposed rule prior to receiving direction from the next governor and the legislature regarding the state's policies guiding a management regime for the Columbia River.

Name of Proponent: Linda Hoffman, Director, Department of Ecology, governmental.

Name of Agency Personnel Responsible for Drafting: Keith Phillips/Gerry O'Keefe, Ecology Headquarters, Lacey, (360) 407-6610/(360)407-6640; Implementation and Enforcement: Joe Stohr, Ecology Headquarters, Lacey, (360) 407-6602.

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

Small Business Economic Impact Statement

I. Executive Summary: The Department of Ecology (ecology) is proposing a new chapter 173-565 WAC and amendments to chapters 173-531A and 173-563 WAC. The purpose of Mainstem Columbia River Water Management Program (chapter 173-565 WAC) is to implement a state water management program for the Mainstem Columbia River to facilitate water allocation decisions by the state. The purpose of the program is to:

- Provide a framework for authorizing new and reliable uses of water from the Columbia mainstem in support of population growth and economic development; and
- Reduce the risks to fish by dedicating water to instream uses and releasing such water into the river at times and in ways that maximize the benefits to fish.

This small business economic impact statement (SBEIS) is provided consistent with the requirements of chapter 19.85 RCW, the Regulatory Fairness Act. If the rule has its intended effect, ecology expects that this proposal will result in benefits to most affected businesses. However, under chapter 19.85 RCW ecology must review business costs associated with this proposal, regardless of the gain to businesses, to determine whether costs are disproportionately higher for small businesses in comparison to large businesses.

Conclusion: If this proposal imposes a net cost on a few businesses, then the impact is likely to be disproportionately greater for small businesses than for large businesses when measured on a cost per employee basis.

Under chapter 19.85 RCW ecology must reduce costs using methods listed [in RCW] 19.85.030(3).

- Conclusion: The proposal itself could be interpreted as a cost reducing method under RCW 19.85.030 (3)(f).
- Further cost reductions are reviewed in section IX of this SBEIS.

Note: The Department of Ecology will be accepting comments on this SBEIS during the formal public review portion of the rule-making process. Further information about how to provide input regarding this document and the rule proposal itself are available at <http://www.ecy.wa.gov/programs/wr/cr/crihome.html>.

Due to size limitations relating to the filing of documents with the Code Reviser, the SBEIS does not contain the appendices that further explain ecology's analysis. Additionally, it does not contain the raw data used in this analysis, or all of ecology's analysis of this data. However, this information is being placed in the rule-making file, and is available upon request.

II. Intent of the Rule Proposal: The rule proposal is intended to provide a more timely and affordable way to secure water from the Columbia River for water right applicants. It is also intended to reduce the risks to salmon and other aquatic species associated with new water withdrawals. Under current administrative requirements it is unlikely that businesses will obtain water from the mainstem of the Columbia River. If the rule proposal has its intended effect, businesses seeking water rights will experience gains.¹

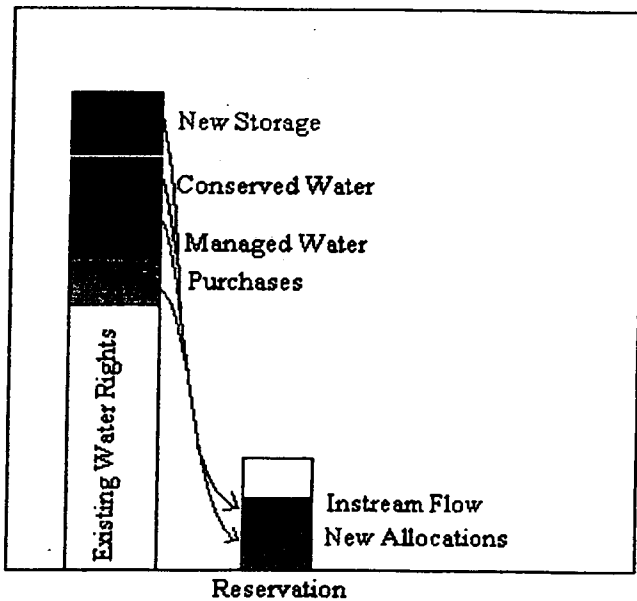
Through conservation, storage, water management, and acquisition, ecology will acquire 728,000 acre feet of water, 486,000 of which would be provided as mitigation for out-of-stream uses over the twenty year life of the rule proposal. This allocation of water to environmental, agricultural, municipal, and industrial uses can be expected to both save resources and shift resources from one set of uses to another.

III. Method and Baseline Background: 3.a Method: An SBEIS is required if costs are imposed on businesses. In this case it is clear that the existing set of rules makes the cost of obtaining water high through costs associated with potential litigation and delayed action by the state. As a result of facilitating timely water rights decisions and reducing the

risk of litigation once decisions have been made, the rule proposal should reduce costs for most businesses.

It may be, however, that some businesses experience net cost increases. This analysis adopts a conservative approach and the possibility of increased costs is evaluated.

It is assumed that the maximum cost imposed by the rule would be the mitigation payment options that are provided to applicants for the various classes of water rights. The assumption is based upon the economic principal that individuals will seek to minimize the costs associated with a particular action. Therefore, individuals will choose the mitigation payment option if the costs associated with the other options are thought to be higher than the amount of the payment. As a result, the mitigation payment option establishes an upper bound on the costs to businesses associated with the proposed rule. For this reason, the cost of the mitigation payment option is the cost evaluated by the SBEIS.



Columbia River Water Rights

3.b Baseline: The baseline for this SBEIS is grounded in ecology's experience administering water rights decisions for the Columbia River. Based upon this experience ecology has concluded that businesses are highly unlikely to be able to obtain water rights without significant costs due to lengthy delays, litigation, and the uncertainty associated with court-based outcomes.²

The expectation of a gain, for businesses that need water, in Section IV below is based on the fact that ecology will be able to implement the rule proposal.

IV. The Expected Impact of the Rule Proposal: Reducing the costs derived from legal uncertainty can add value for a business. Experience from the last ten Columbia River Mainstem water right applications, which were processed by ecology, indicates that the existing rules impose business costs due to long waiting periods and expensive litigation. If the proposal provides a more timely and affordable way to get water it will generate benefits for businesses receiving water. Given this reality, ecology has concluded

that the proposal itself is a cost reducing method as defined by RCW 19.85.030 (3)(f).

V. Potential Gains and Costs: Changes to the law [executive request legislation: *Management of water resources for the mainstem of the Columbia River*] establish the basis for the management program being proposed in the draft rule. However, no allocation under the proposed management program could occur without the rule proposal. Thus both gains and costs discussed and evaluated in this SBEIS accrue to the rule proposal.

The rule proposal is likely to generate net benefits for business applicants.

Agriculture, municipal, and industrial users are expected to experience direct gains through receiving new water allocations. Businesses dependent on fisheries may experience some gains through fish population impacts as a result of water added to the river by the proposed program.

VI. Businesses which Gain: In so far as the state is successful in obtaining water for allocation, the benefit to businesses is expected to outweigh the cost to businesses because there will be a greater probability that businesses that apply for a water right will receive one in a timely manner. The following types of businesses are expected to gain from the program.

- a. Businesses providing water through conservation.
- b. Businesses with currently interruptible rights.
- c. Businesses with permits issued in 2003.
- d. Businesses obtaining new water rights.
- e. Businesses involved with fisheries, although the potential gain is uncertain.

4.a Businesses Providing Water Through Conservation: Conservation through the reduction of conveyance losses, changes to irrigation measures, or changes to municipal water systems, are designed to increase the efficiency of these systems. The payment made by the state for the water yielded from these investments may benefit those providing the water.

Under the rule proposal, the new or additional water conservation undertaken by existing water right holders is voluntary. Given this, no conservation will take place unless it is cost effective. Thus, in order for conservation transfers to occur, there must be a benefit to an existing water right holder. Given that participants are willing sellers, this conservation purchase program would generate gains to those who conserve the water.

4.b Businesses With Interruptible Rights—Drought Permits: Part III of the proposed rule is expected to benefit mainstem Columbia River interruptible water right holders who want to obtain a drought permit. Water right holders would be expected to evaluate costs and net values before deciding to apply for a drought permit. In order to make a decision, businesses must consider the cost and gain from receiving the drought permit versus other options available to them. Applying for the drought permit includes metering (consistent with existing state law and chapter 173-173 WAC) and the following options:

Option 1	<ul style="list-style-type: none"> Installing BMPs. Adjusting existing interruptible water rights on the Columbia River mainstem based on efficiency gains or recalibration. Submitting all their existing water rights for review and recalibration.
Option 2	Paying \$10 per acre foot for mitigation.
Option 3	Providing a mitigation proposal.

Businesses also have options, with associated dollar values, that are not provided by the proposed rule, which they will consider in addition to the cost of applying for a drought permit:

- The cost of acquiring a private contract for drought year water.
- The cost of constructing private storage.
- The change in the value of net product or crop value attributable to the change in the supply of drought year water.

As a result, the drought year permit options provided by the rule will only be selected if (1) the net value of the product will cover the cost and (2) there are no less expensive options available.

All options require the user to measure and report water use as required under proposed executive request legislation: Management of water resources for the mainstem of the Columbia River and WAC 173-173. These provisions require businesses to report water use on request. The proposed rule requires reporting to occur on an ongoing basis, and therefore may involve a small cost such as copying the records and sending them to ecology.

4.b.1 Best Management Practices (BMPs): The BMP option is only available to those who have an existing interruptible water right. The cost of the variety of options available within BMPs is in the matrix in Appendix 2. According to many sources, a significant number of businesses already have BMPs in place. These businesses will have at or near zero BMP-related costs necessary to receive a drought permit. The cost of choosing Option 1 will be minimal for these businesses. Given the costs associated with installing BMPs,³ it is unlikely that a business would choose Option 1 over Option 2 if they do not currently meet the BMP standards.

The following considers the relevant costs associated with BMPs for agricultural and municipal/industrial water users.

Irrigation: Based on informal discussions with Columbia River irrigators ecology anticipates that most irrigators have BMPs in place already. Over 97% of the three hundred thirty-four interruptible water right holders have irrigation as either their indicated use or as a component to their use (see Appendix 3). As a result of the proposed rule agricultural water users may have the option of converting their acreage to perennial plants that might have been precluded by an interruptible water supply. Alternatively, they may gain the net value of an annual crop during a dry year.

Gathering data for submitting the existing water rights for review is time consuming. Some may hire a professional to assist with the application in order to reduce the potential

reduction of the existing water right. This service would involve some costs to an applicant.

Water saved through BMPs must be returned to the river system. The value of the long term flexibility provided by the water foregone is also a potential cost of obtaining the drought water. Again, it is unlikely that companies will choose to implement Option 1 if the cost is over \$10 per acre foot per year because Option 2 is available.⁴

Businesses that need to install BMPs face costs that vary widely based on the systems chosen. For example, sprinkler or drip irrigation system costs may range from \$195 to \$979 per acre. Some of the BMPs are new requirements and some are not (see Matrix in Appendix 2). If the annual cost is higher than the cost of mitigation, then the irrigator is likely to shift to mitigation.

Irrigators will also factor in any productivity increases that can be expected as a result of compliance with the BMP standards. The productivity of acreage may increase with BMPs. Given a lack of available data regarding the potential productivity gain, it is not estimated.

Municipal and Industrial: Most developers installing residential water systems on over one hundred acres will have more than fifteen residences attached to the system.⁵ As currently proposed, the Department of Health efficiency requirements are more stringent than the BMPs proposed by ecology in this rule. Thus developers of landscapes such as parks or golf courses are more likely to experience costs associated with best management practices. New systems would not have conveyance losses but older systems can be expected to have conveyance losses over 5%.⁶ Depending on the age of the system, repairs can be as expensive as new installation.

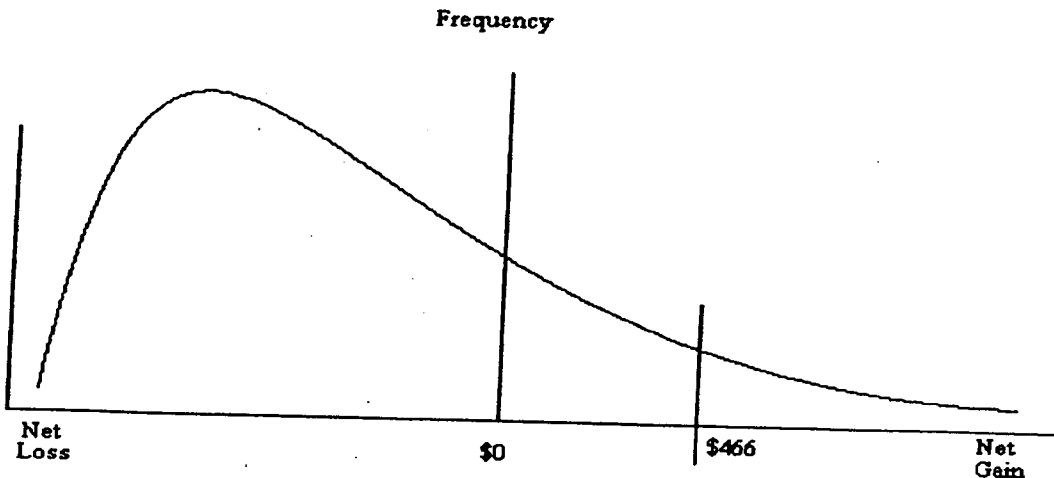
4.b.2 Mitigation Fee Option: Alternatively, a business can pay \$10 per acre foot for mitigation of water use, based on the amount of water used in the prior year.

Some businesses may choose not to have a drought permit if they have not installed BMPs, can't afford the \$10 per acre foot of water per year, or find the mitigation planning too expensive. Often for agricultural interruptible water right holders the BMPs will be less expensive than the other options available to them. The irrigator's present value of paying \$10 per acre foot for mitigation over a twenty-six year period when 2.5 acre feet per acre per year are needed for one acre of crop is \$466 if the irrigator pays 6% on business loans.

In conclusion, for a business to justify the expense of installing BMPs the economic value of the water used would have to be quite high. Businesses with low values for the water are likely to choose another option or retain their interruptible water right.

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4.b.3 Mitigation Proposals: Businesses currently have the option of providing mitigation in order to comply with Endangered Species Act (ESA) issues. Developing the mitigation proposals has in the past often required professional and engineering services in addition to the cost of water and/or capital and labor expenses. Mitigation can be any project or acquisition that offsets the fishery impact of the withdrawn water. These are not new costs, and therefore are not included in this analysis, since companies have been required to propose mitigation in the baseline operating environment.

In conclusion, for a business to justify the expense of a mitigation proposal the economic value of the water used would have to be high and the cost of the mitigation proposal would have to be lower than the cost per acre foot per year calculated by ecology. Businesses with either low values for the water or high costs for a mitigation proposal are likely to choose another option or retain their interruptible water right.

4.b.4 Choice of \$10 per Acre Foot per Year as Cost Basis: Given the discussion above, the maximum cost incurred will be \$10 per acre foot per year for the drought permit. This cost is used to calculate the ratios required by chapter 19.85 RCW.

4.c Businesses with 2003 Permits—Obtaining Mitigation Water: Part IV of the proposed rule should reduce the uncertainty regarding obtaining mitigation for water right records of decision and permits that were issued in 2003. If sufficient water is obtained through conservation, then the rule proposal may also benefit these water right holders in so far as they still require mitigation. The mitigation proposal option includes replacing existing mitigation proposals with \$10 per acre foot payments in exchange for access to mitigation water provided by the proposed state program. The amount of the mitigation payments will be set by the state after taking public input on the rule proposal. These businesses will have cost and gain considerations including:

- The cost of acquiring mitigation water in the private market;
- The cost of constructing private storage for use in April through August; and,
- The value of net product or crop value attributable to the change in the supply of water.

Thus the mitigation fee option in the rule proposal will only be selected if the net value of the product will cover the costs imposed under the rule and if there are no less expensive options available to the permit holder.

4.d Businesses Obtaining New Water: Assuming that sufficient water is obtained through implementation of the state's water acquisition program, then Part V of the proposed rule will benefit Columbia River mainstem water rights applicants. Parties benefitting from the rule proposal include existing municipal, industrial, and agricultural applicants. If the rule does not result in adequate net benefits to an applicant for a new water right, then they would be unlikely to use it.

Requirements associated with the new water rights include the following elements of a mitigation plan:

Existing Requirements: ⁷	New Either - Or Requirements
• Metering	o Providing mitigation
• Achieving reasonable efficiency	o Paying up to \$40 per acre foot for mitigation

The amount of the mitigation payments will be set by the state after taking public input on the rule proposal.

Rather than paying for mitigation a business can choose to submit a mitigation proposal. Developing the mitigation proposals has in the past often required professional services in addition to the cost of water and/or capital and labor expenses. Businesses will not choose the mitigation proposal option if it costs more than the annual cost of mitigation payments established in the rule proposal.

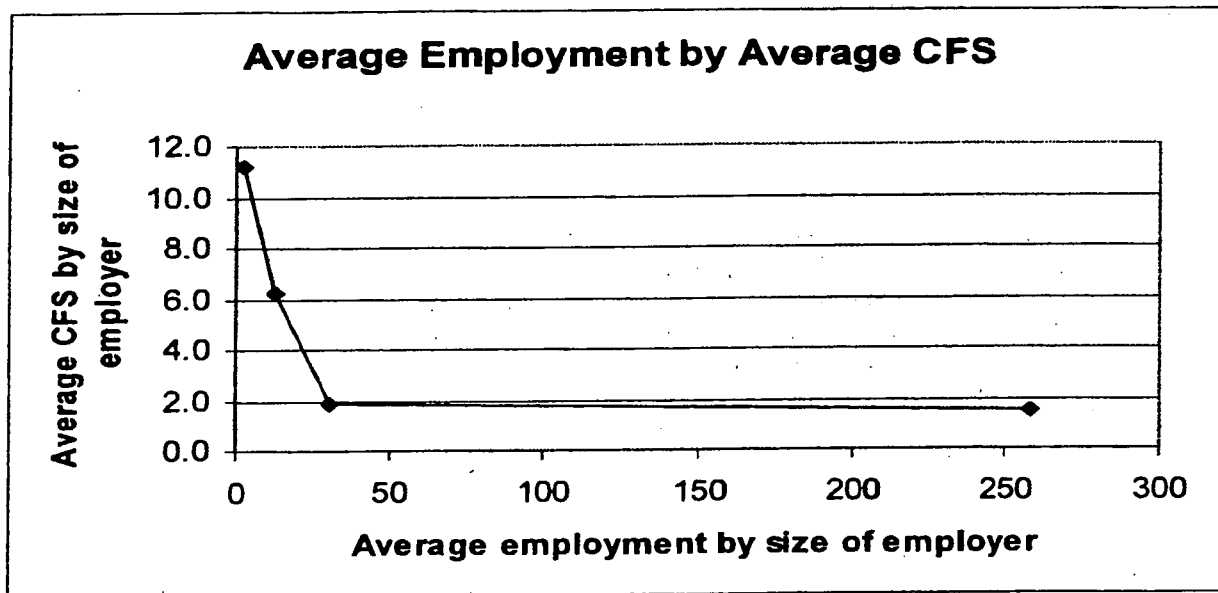
The remaining cost and value considerations are similar to those listed in the section for businesses with interruptible rights.

4.e Businesses Involved With Fisheries: In addition, the rule proposal may benefit the fisheries sector. If fish populations are compromised in the months of July and August in low flow years,⁸ then the additional instream flow may tend to help those populations on which the fisheries sector depends. In moderate flow years there may also be a benefit to these businesses from the 1/3 of the water allocated to instream flow. While it is not possible to quantify these benefits, the resulting potential reduction in risk to salmon populations in the mainstem of the Columbia River is nonetheless a benefit of the proposed rule.

VII. Businesses Which May Experience Costs: Businesses may experience a net reduction in costs. However, the potential for the costs of exercising the new rights under the rule must still be evaluated.

VIII. Disproportionate Impact: The cost of exercising the right to receive water under the proposed rule is likely to have a disproportionate impact on small businesses. A disproportionate impact is determined here by dividing the cost for small and large businesses by the average number of employees they each have and comparing these ratios. The ratio is calculated for the largest 10% of employers and the businesses with fifty or fewer employees.

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$$\text{Ratio} = \frac{\text{Cost for the average business}}{\text{Average number of employees}}$$

Each entity has choices, which affect the level of the costs. For example a new applicant can chose (a) not to apply, (b) to provide mitigation, or (c) to make payments to the state for mitigation. Ecology assumes each business will make the best possible choice given its unique situation. Applicants vary widely by sector. Based on employment security data, the cubic feet per second per employee is a declining function of employment for businesses applying for water.

Some of the applicants with the largest water right applications have very few employees thus the water loss per employee is very high amongst the small businesses. On the other hand, many of the largest businesses have small applications, thus the water loss per employee is over two orders of magnitude less. On average a business within the largest 10% of businesses would have a cost of \$3 per employee and a business with fifty or fewer employees would have a cost of \$289 per employee. This is based on an assumption that the amount of the mitigation payments are set by the state at \$10 per acre foot.⁹ The actual economic value of the water may

be higher or lower based on the range of values that water produces as a result of application.

Employment Range	Average Employment	Average CFS in Application	CFS per Employee
5 or less	2	11.2	5.28
6 to 24	12	6.2	0.50
25 to 50	31	1.8	0.06
51 or more	259	1.6	0.01

From this analysis we conclude that, if any net costs are imposed by the rule, then they would fall disproportionately upon smaller businesses.

However, it is reasonable to assume that applicants receiving drought permits, mitigation water, or new water rights under the proposed rule would choose not to apply for a new water right unless there is a reasonable expectation of benefits resulting from this action. While costs might fall disproportionately upon small businesses, businesses are not expected to experience net cost increases as a result of the proposed rule.

IX. What has Ecology Done to Reduce the Cost of the Rule for Small Business? The reason for the rule proposal

is to reduce the cost of obtaining a right to water. If the program is successful, it will produce gains for affected businesses by reducing delays associated with agency decision-making, litigation, and acquisition and approval of mitigation.

Ecology does expect that although the costs may be disproportionate, that the net gain will be appreciable. Since it is unlikely that a disproportionate *net cost* impact on small businesses will occur, ecology could not reduce these costs without reducing the gain. However, the rule proposal includes a number of features that have been included to increase flexibility and reduce costs for small businesses under the following criteria:

(a) Reducing, modifying, or eliminating substantive regulatory requirements;

- Small businesses may propose and implement mitigation plans that work for them.
- Small business irrigators with existing interruptible rights will have fewer best management practices to comply with and will not be required to use expensive variable speed pumps.

(b) Simplifying, reducing, or eliminating record keeping and reporting requirements;

- The metering requirements in this rule follow existing rule chapter 173-173 WAC, which allows people to use photographs and electrical bills to document their water usage.

(c) Reducing the frequency of inspections;

- It is not feasible to meet this criterion. In order to assure that existing water right holders are not harmed by this program, and to ensure proper administration of the proposed program, additional attention to compliance activities will be necessary.

(d) Delaying compliance timetables;

- In the proposed rule, applicants are given additional time to make decisions and to respond to the new options based on the language of the rule.

(e) Reducing or modifying fine schedules for noncompliance; or

- It is not feasible to meet this criterion. In order to assure that existing water right holders are not harmed by this program, and in order to ensure equity among water right holders, similar compliance and enforcement efforts will be necessary for existing and new water users.

(f) Any other mitigation techniques.

- The rule proposal is designed to reduce the cost of obtaining water for businesses with existing interruptible rights, 2003 permits, or existing applications for a water right.

X. Ecology will Involve Small Businesses in the Development of the Rule: Interested parties, including small businesses will be able to participate in the rule development process in several ways. An e-mail listserv has been created for the Columbia River initiative. This listserv is used to send out rule development updates to interested parties. In addition, a website offers updates about rule activities. The website also contains contact information so that small business

owners can contact ecology staff with specific questions or concerns.

When proposing the rule language, notice will go out to all interested parties, on several ecology e-mail listservs and mailing lists. The department will send mailings to all current water right applicants for water from the Columbia River mainstem and post 1980 mainstem Columbia River water right holders. Public hearings will be held in several locations (web address for hearing locations) around the state to provide the public with opportunities to submit formal comments. Comments can be submitted electronically through the website as well as by mail.

Once a rule is adopted, notice will be sent out once again to all automated listservs and mailing lists. As required by chapter 34.05 RCW, notice must be sent out to all affected businesses.

¹ Economics of the Columbia River initiative: <http://www.ecy.wa.gov/programs/wr/cri/crieconrev.html#uwecon>.

² An evaluation of probable benefits and costs, for the proposed rule to establish the Columbia River water resources management program, chapter 173-565 WAC, Section (2) History and baseline.

³ See appendixes 2 and 4.

⁴ Based on Columbia Basin project water from economics of the Columbia River initiative: <http://www.ecy.wa.gov/programs/wr/cri/crieconrev.html#uwecon>.

⁵ Cities may pass on the costs of zone meters.

⁶ Dave Reich, Ecology, August 2, 2004.

⁷ The requirements are not new costs. Metering is required in chapter 173-173 WAC. Reasonable efficiency is required in *Ecology v. Grimes*, 121 Wn.2d 459, 852 P.2d 1044, "[10] Waters—Water Rights—Appropriation—Beneficial Use—Reasonable Use—Waste—What Constitutes. For purposes of appropriated water rights, the amount of water that constitutes a "reasonable use" is limited by the doctrine of waste. Water usage must be reasonably efficient and economical in light of other present and future demands upon the source of supply." Downloaded November 5, 2004, from <http://www.ecy.wa.gov/programs/wr/caselaw/grimes.htm>.

⁸ National Academe [Academy] of Science Report: <http://www.ecy.wa.gov/programs/wr/cri/crisnr.html>.

⁹ Average CFS application data for small and large companies was converted into an approximate average annual acre footage of waste which was valued at \$10/AF/Yr based on the mitigation fee, which is a maximum cost of the water for the business.

A copy of the statement may be obtained by contacting Cathy Carruthers, Department of Ecology, Rules Unit, P.O. Box 47600, Lacey, WA 98502-7600, phone (360) 407-6564, fax (360) 407-6989, e-mail caca461@ecy.wa.gov.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Shidong Zhang, PhD, Department of Ecology, Rules Unit, P.O. Box 47600, Lacey, WA 98504-7600, phone (360) 407-6774, fax (360) 407-6989, e-mail szha461@ecy.wa.gov. A draft environmental impact statement related to this rule making is also available for public comment. A copy can be downloaded at the following website: <http://www.ecy.wa.gov/biblio/wr.html> or you can request a copy by calling Jean Witt at (360) 407-7472.

December 16, 2004

Linda Hoffman

Director

Chapter 173-565 WAC

COLUMBIA RIVER MAINSTEM WATER MANAGEMENT PROGRAM

PART I

COLUMBIA RIVER MAINSTEM WATER MANAGEMENT PROGRAM

NEW SECTION

WAC 173-565-100 What is the Columbia River mainstem water management program? The Columbia River mainstem water management program (program) is a combination of actions taken by the state of Washington to manage the water resources of the mainstem of the Columbia River consistent with chapter RCW (*Policy Bill: Management of water resources for the mainstem of the Columbia*) and other applicable water resource laws. These actions include the adoption of this chapter, and an ongoing investment of state resources to facilitate the timely and effective implementation of this chapter.

NEW SECTION

WAC 173-565-110 What are the goals and objectives of the Columbia River mainstem water management program? (1) As established in RCW (*Policy Bill: Management of water resources for the mainstem of the Columbia Section 2(1)*), the goals of the Columbia River mainstem water management program are to:

(a) Meet the water supply needs of growing communities and the local economies on which they depend by providing a timely and affordable supply of water from the Columbia River mainstem that will allow for new and reliable uses of water from the Columbia River mainstem; and

(b) Manage water to protect and enhance the quality of the natural environment, including stream flows necessary for the preservation of environmental values, by securing and dedicating water to improve stream flows in the Columbia River mainstem.

(2) As established in RCW (*Policy Bill: Management of water resources for the mainstem of the Columbia Section 2(2)*), the objectives of the Columbia River mainstem water management program are to:

(a) Improve the reliability of water rights issued by the department of ecology between 1980 and 2003 that are subject to minimum instream flows or other mitigation conditions to protect stream flows;

(b) Improve stream flows during the primary period of fish out migration on the Columbia River mainstem; and

(c) Mitigate for the stream flow impacts of future water right permits as provided by the program.

NEW SECTION

WAC 173-565-120 What does this chapter do? This chapter establishes the implementation requirements for the regulatory portion of the Columbia River mainstem water management program (program).

(1) As required by RCW (*Policy Bill: Management of water resources for the mainstem of the Columbia Sections 3 and 7*), to implement the program, the department must:

(a) Acquire water prior to, and in mitigation for, decisions to authorize new uses of water from the Columbia River mainstem and secure acquired water in a Columbia River mainstem account (mainstem account) under the state trust water right program;

(b) Allocate two-thirds of the water secured and deposited in the mainstem account as mitigation water for new water uses to be made available to qualified users through a state mitigation program; and allocate one-third of the water to be permanently retained in the mainstem account to improve stream flows for the benefit of fish;

(c) Authorize new uses of water from the Columbia River mainstem consistent with the requirements of RCW (*Policy Bill: Management of water resources for the mainstem of the Columbia*) and other applicable requirements.

(2) To implement the statutory requirements, this chapter:

(a) Establishes the management guidelines for the mainstem account under the state trust water rights program, chapter 90.42 RCW. The mainstem account is a mechanism to manage water to mitigate for potential impacts from new uses of water from the Columbia River mainstem and to permanently dedicate water for instream uses;

(b) Establishes an administrator for the mainstem account;

(c) Sets priorities for allocation of water from the mainstem account;

(d) Establishes requirements and procedures for issuance of drought permits to complement existing interruptible rights on the Columbia River mainstem that are subject to the minimum instream flows set in WAC 173-563-040;

(e) Establishes requirements and procedures to secure a reliable supply of water for holders of water rights on the Columbia River mainstem issued in 2003 and for applications for new water rights to Columbia River mainstem surface waters that have been pending since 1991; and

(f) Establishes requirements and procedures for issuance of new surface and ground water rights from the Columbia River mainstem for applications currently on file with the department of ecology (department), and for any future water right applications affecting the Columbia River mainstem.

NEW SECTION

WAC 173-565-140 Under what authority is this chapter adopted? This chapter is adopted under the authority of chapters 90.03, 90.22, 90.54, 43.21A, 43.27A, and chapter RCW (*Policy Bill: Management of water resources for the mainstem of the Columbia*), and in relation to chapter 173-500 WAC.

NEW SECTION

WAC 173-565-150 How are existing water rights and processes protected? (1) Nothing in this chapter will be construed to lessen, enlarge, or modify existing rights acquired

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by appropriation or other means, including state authorized rights and federal reserved rights. Nothing in this chapter shall impair existing water rights.

(2) Nothing in this chapter affects the policies and procedures for water rights placed in trust on a short-term basis. Such rights will not be deposited into the mainstem account and will be managed separately within the state trust water rights program.

(3) This chapter will not be used to hinder or otherwise limit the existing water right change and transfer processes established under state law.

NEW SECTION

WAC 173-565-160 How will the department achieve compliance with this chapter? To ensure compliance with this chapter, the department may take such actions as appropriate within the compliance sequence established by RCW 90.03.605.

NEW SECTION

WAC 173-565-170 What happens if part of this rule is successfully challenged? Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons or circumstances shall not be affected.

PART II

THE COLUMBIA RIVER MAINSTEM WATER MANAGEMENT ACCOUNT

NEW SECTION

WAC 173-565-200 What is the Columbia River mainstem water management account and how is it established? As required by RCW (Policy Bill: *Management of water resources for the mainstem of the Columbia Section 3(1)(b)*), the Columbia River mainstem water management account (mainstem account) is hereby established by the department within the state trust water rights program. The mainstem account provides a mechanism for holding, dedicating and obligating mitigation water for new out-of-stream water uses from the Columbia River mainstem and for holding and dedicating water permanently in trust to improve mainstem stream flows for the benefit of fish.

NEW SECTION

WAC 173-565-210 How will the department manage the mainstem account? Water acquisition and allocation.

(1) As required by RCW (Policy Bill: *Management of water resources for the mainstem of the Columbia Section 3(1)(a)*), the department will acquire water to be deposited into the mainstem account.

(2) As required by RCW (Policy Bill: *Management of water resources for the mainstem of the Columbia Section 3(2)*), water is eligible for deposit to the mainstem account only when it can be deposited in accordance with applicable state laws for water right changes, amendments,

and transfers, or through government to government agreements, contracts, assignments, and other instruments that ensure a highly reliable and long-term supply of water, in sufficient quantity, is dedicated to the account. The department may secure water from Canada and other governments to be deposited in the mainstem account.

(3) As required by RCW (Policy Bill: *Management of water resources for the mainstem of the Columbia Section 3(3)*), as water is deposited into the mainstem account, the department will dedicate two-thirds of the deposited water to be available for mitigation for new out-of-stream consumptive uses and will dedicate one-third of the deposited water to be held permanently in trust solely for instream uses to benefit fish.

Mainstem account in balance

(4) The department will not obligate water from the mainstem account to mitigate for new uses of water where such obligation would exceed the amount of water available in the portion of the mainstem account dedicated to new out-of-stream consumptive uses.

Water for new out-of-stream uses

(5) This subsection applies to all new uses of water authorized under this chapter except where a mitigation proposal is approved under WAC 173-565-340 (5)(c) or 173-565-540 (3)(a). Except where a mitigation proposal is approved under WAC 173-565-340 (5)(c) or 173-565-540 (3)(a), no new out-of-stream consumptive uses occurring between April 1 and August 31 will be approved under this chapter unless:

(a) An amount of water sufficient to offset the consumptive portion of such out-of-stream use is available in the portion of the mainstem account dedicated to mitigation for out-of-stream uses; and

(b) The source of such mitigation water is coincident with or upstream from the proposed out-of-stream use.

(6) Water in the portion of the mainstem account dedicated to mitigation for out-of-stream consumptive uses will be obligated only for mitigation of out-of-stream consumptive uses that are:

(a) Approved under this chapter; and

(b) Occur between April 1 and August 31.

Water for instream uses

(7) This subsection is applicable to all new uses of water authorized under this chapter, including uses where a mitigation proposal is approved under WAC 173-565-340 (5)(c) or 173-565-540 (3)(b). Including uses where a mitigation proposal is approved under WAC 173-565-340 (5)(c) or WAC 173-565-540 (3)(b), no new out-of-stream water uses will be approved under this chapter unless:

(a) An amount of water that is greater than or equal to fifty percent of the consumptive portion of the out-of-stream uses, during the period of April 1 through August 31, is held in trust in the portion of the mainstem account dedicated to instream uses; and

(b) The source of such water is coincident with or upstream from the proposed out-of-stream use.

(8) Water in the portion of the mainstem account permanently dedicated to instream uses will be obligated only for instream uses and, as required by RCW (Policy Bill: *Management of water resources for the mainstem of the*

Columbia Section 3(4)), will be managed in collaboration with the department of fish and wildlife, in consultation with natural resource managers in tribal governments and federal agencies to maximize the benefits of such water to fish.

No upstream transfer of water

(9) Water in the mainstem account may be obligated only for out-of-stream or instream uses that are coincident with or downstream from the original source of water deposited into the mainstem account.

Processing water right applications

(10) All applications for new water rights from the Columbia River mainstem will be processed in accordance with RCW 90.03.250 through 90.03.330 and other provisions of law, as applicable.

New consumptive uses of water in the tributaries

(11) The department will maintain a reserve of a sufficient quantity of water in the mainstem account to offset the estimated future consumptive uses that the department might approve within the Washington portion of tributary basins to the Columbia River after the effective date of this chapter. The source of this water may be any of the sources of water deposited in the account, as described in WAC 173-565-220.

(12) The department will estimate future consumptive uses in tributary basins, and thereby define the amount of water needed for the tributary reserve, by considering:

- (a) The expected growth and development in the tributary watershed, on a ten-year rolling forecast basis;
- (b) Any regulations related to minimum instream flows, reservations for out-of-stream consumptive uses, basin or stream closures, or other requirements related to use of water in tributaries;
- (c) Existing watershed management plans and the views of watershed groups; and
- (d) Other information appropriate to predicting future water use within a tributary.

(13) When new consumptive water uses are approved by the department in the tributaries, the department will obligate water from the portion of the mainstem account reserved for tributary consumptive uses.

(14) As provided in RCW (*Policy Bill: Management of water resources for the mainstem of the Columbia River, Section 3(5)*), the amount of water in the tributary reserve of the mainstem account shall not govern, be used to regulate, or be a determinative factor in the department's water management decisions for rivers that are tributary to the Columbia River mainstem. The purpose of this policy is to ensure that decisions in the tributaries related to watershed plans, water rights and water management projects are made based on the conditions and needs existing within the affected tributary.

Mainstem account administration

(15) The director will appoint a mainstem account administrator who will be responsible for managing the account. The mainstem account administrator must be an employee of the department.

(16) The duties of the mainstem account administrator will include, but not be limited to:

- (a) Securing water to be deposited into the mainstem account in accordance with WAC 173-565-210 (1) and (2);

- (b) Dedicating water in the mainstem account for out-of-stream and instream uses in accordance with WAC 173-565-210 (3) and (4);

- (c) Consulting with permit decision makers and certifying the availability of water in the mainstem account in accordance with WAC 173-565-330, 173-565-430, and 173-565-530;

- (d) Obligating water from the mainstem account for out-of-stream and instream uses in accordance with WAC 173-565-210 (5) through (9);

- (e) Accepting and depositing payments for mitigation water from the mainstem account into the Columbia River investment account established in RCW (*Policy Bill: Management of water resources for the mainstem of the Columbia Section 7*);

- (f) Reporting on the status of the mainstem account, the investment account, and the program in accordance with RCW (*Policy Bill: Management of water resources for the mainstem of the Columbia Section 9*) and WAC 173-565-215(1); and

- (g) Other duties as assigned by the director.

(17) The mainstem account administrator shall not be responsible for processing water right applications or for administering compliance activities. Department permit decision makers must consult the mainstem account administrator about the availability of water in the mainstem account prior to approving new water rights from the Columbia River mainstem.

(18) The mainstem account administrator will maintain a current record of:

- (a) The total quantity of water deposited into the mainstem account;
- (b) For new out-of-stream uses:
 - (i) The amount of water currently available in the mainstem account to mitigate for new out-of-stream consumptive uses;
 - (ii) The sources of such water;
 - (iii) The amount of water in the mainstem account that has been obligated to mitigate out-of-stream consumptive uses; and
 - (iv) The location of each obligation;
- (c) For instream uses:
 - (i) The total amount of water currently available in the mainstem account for dedicated instream uses;
 - (ii) The sources of such water; and
 - (iii) The amount of water in the mainstem account that has been obligated to supplement the mitigation for out-of-stream uses;
- (d) The amount of water reserved to offset tributary needs.

NEW SECTION

WAC 173-565-215 How will the program be monitored and evaluated? (1) As required by RCW (*Policy Bill: Management of water resources for the mainstem of the Columbia Section 9*), the department will submit to the Washington state legislature and to the governor, a biennial report on the status of the mainstem account, the investment

account, and the program. At a minimum, the report will include:

(a) A summary of the status of the mainstem account including a summary of all the records required under WAC 173-565-210(17) and a statement of compliance with the mitigation requirements established in RCW (*Policy Bill: Management of water resources for the mainstem of the Columbia Section 3(3)*), and a summary of the anticipated future conditions of water supplies in the mainstem account and how those water supplies correspond to current and anticipated future water needs;

(b) A summary of the numbers, types and quantities of authorized new uses of water under the program, and a summary of reports of water use under the program;

(c) A summary of compliance monitoring and enforcement activities on the Columbia River mainstem, including an estimate of compliance with state water use measurement and reporting requirements on the Columbia River mainstem, the stream flow conditions in the Columbia River mainstem and in the primary tributaries to the Columbia River;

(d) A summary of the number and amount of payments collected under the program, and a description of the status of funding for the program and any current or anticipated additional funding requirements; and

(e) A discussion of any known or potential regional and international changes in water supplies, management or obligations that could affect the long-term effectiveness of the program.

(2) Once every two years, the department will convene a meeting to formally consult with affected tribal governments on the status and effects of, and on needed improvements and potential changes to, the program. The department will summarize the results of the consultation in the report required in subsection (1) of this section.

(3) The department will conduct formal review of the program and this chapter every ten years pursuant to the procedures required by RCW (*Policy Bill: Management of water resources for the mainstem of the Columbia Section 10*).

NEW SECTION

WAC 173-565-220 What are potential sources of water for the mainstem account? Potential sources of water for the mainstem account include, but are not limited to:

(1) Implementation of water conservation measures that result in consumptive savings that can be credited to, and accounted for in, the Columbia River mainstem;

(2) The development of new or expanded multipurpose storage of water;

(3) Changes in management of existing storage projects and conveyance systems;

(4) Acquisition of existing water rights, in part or whole, through purchase or donation;

(5) Water contributed to the Columbia River as a result of water management actions taken within Columbia River tributaries; and

(6) Conserved water from consumptive savings returned to the state by water right holders who choose to implement best management practices under Part III of this chapter.

NEW SECTION

WAC 173-565-230 What are the priorities for obligation of water in the portion of the mainstem account dedicated to mitigation for new out-of-stream consumptive uses? (1) The department will obligate water from the out-of-stream portion of the mainstem account for the consumptive portion of new out-of-stream uses in the following priority order:

(a) First, issuance of drought permits to complement existing interruptible rights that are subject to the minimum instream flows set in WAC 173-563-040 (see Part III);

(b) Second, assuring a reliable supply of water for permits issued in 2003 and for preemption applications for new surface water rights to the Columbia River mainstem that have been pending since 1991 (see Part IV); and

(c) Third, processing new water rights for applications currently on file with the department, and for future water right applications (see Part V).

(2) In accordance with RCW (*Policy Bill: Management of water resources for the mainstem of the Columbia Section 6(3)*), the department may process applications on file for which mitigation water is secured ahead of previously filed applications for which mitigation water is not secured.

PART III INTERRUPTIBLE WATER RIGHTS AND DROUGHT PERMITS

NEW SECTION

WAC 173-565-300 Who is covered under Part III? Part III applies to water right holders with water rights issued after 1980 that are subject to regulation and interruption when minimum instream flows are not met on the Columbia River mainstem as determined in WAC 173-563-050. These rights are commonly referred to as "interruptible" water rights.

NEW SECTION

WAC 173-565-310 What is the purpose of Part III? Part III describes the criteria, requirements, and procedures related to application for, granting, and use of drought permits under the Columbia River mainstem water management program (program).

NEW SECTION

WAC 173-565-320 What are the benefits of Part III? Part III provides for issuance of drought permits. Drought permits allow water right holders to use water during times when their current water rights would otherwise be interrupted. Drought permits issued under this chapter will not be subject to interruption in response to minimum instream flows set under chapter 173-563 WAC that are not being met.

NEW SECTION

WAC 173-565-330 When may the department issue drought permits under Part III? (1) Except in cases where

an applicant elects to prepare a mitigation proposal under WAC 173-565-340 (5)(c), the department may issue a drought permit under Part III only when the mainstem account administrator certifies that the portion of the mainstem account dedicated to provide for mitigation for new out-of-stream consumptive uses holds an unobligated amount of water sufficient to fully offset the consumptive use to be authorized by the drought permit to avoid any reduction in stream flows, and the source of such mitigation water is coincident with or upstream from the proposed drought permit.

(2) Including in cases where an applicant elects to prepare a mitigation proposal under WAC 173-565-540 (3)(b), the department may issue permits under Part III only after the mainstem account administrator certifies that the portion of the mainstem account dedicated to provide water for instream uses holds an unobligated amount of water that is fifty percent or greater than the consumptive use to be authorized by the permit.

NEW SECTION

WAC 173-565-340 What is required to obtain a drought permit? To obtain a drought permit, a water right holder must:

(1) Hold a water right that was issued after 1980 and that is subject to regulation and interruption when minimum instream flows are not met on the mainstem of the Columbia River as determined in WAC 173-563-050.

(2) For all water rights on the Columbia River mainstem in which the applicant holds a controlling interest on lands adjoining or contiguous to the land irrigated by the interruptible water right or rights, and on lands served by a connected water distribution system that also provides the source water for the interruptible water right or rights, demonstrate that he or she is measuring and reporting water use in accordance with chapter 173-173 WAC.

(3) Submit to the department a complete drought water right permit application, in the form required by the department, on or before December 31, 2008, including records to document the quantity of water used under the water right.

(4) Maintain the application by notifying the department of any change in ownership of the water right, or change in mailing address, within thirty days of such change.

(5) Select one of three options below and indicate to the department which option is chosen:

(a) **Option 1, best management practices (BMPs):** The water right holder must implement best management practices (BMPs) for all of their existing water rights, in accordance with the requirements described in "*Best Management Practices for Securing a Drought Permit*" as published and periodically revised by the department, and, except as noted in WAC 173-565-354(2), must transfer any water saved through implementation of BMPs to the state. In addition, the water right holder must submit to the department for review and recalibration under WAC 173-565-352 all of the water rights on the Columbia River mainstem in which he or she holds a controlling interest on lands adjoining or contiguous to the land irrigated by the interruptible water right or rights, and on lands served by a connected

water distribution system that also provides the source water for the interruptible water right or rights.

(b) **Option 2, mitigation payments:** The water right holder must enter into an agreement with the department to make annual mitigation payments to the department under WAC 173-565-360 and 173-565-364. In exchange for payment, the department will obligate water from the mainstem account to mitigate for the consumptive portion of water used under the drought permit.

(c) **Option 3, mitigation proposal:** The water right holder must develop and submit to the department for review and approval a mitigation proposal that provides water to fully offset the consumptive portion of water authorized for use under the drought permit so that stream flows are not diminished by use under the new permit.

(6) Submit any additional information required to complete the application within the time frame specified within a written request from the department listing the information needed and the reasons for requesting that information. If the information is not available to the applicant, the applicant may respond to the department to explain why they will be unable to provide the information. The water right holder may request the department extend the specified time period if additional time is needed to compile this information. An application will not be considered complete until all information requested by the department is submitted.

(7) Sign the application. Signature must be by the owner of the interruptible water right or by an authorized representative of the owner.

NEW SECTION

WAC 173-565-342 How will the department notify water right holders of the opportunity to apply for drought permits? (1) Within six months of the effective date of this chapter, and once each year thereafter until December 31, 2008, the department will notify holders of interruptible water rights of their opportunity to apply for a drought permit. Notification will be made by public notice and by mail.

(2) Notices mailed under subsection (1) of this section will describe the drought permit program including:

- (a) Eligibility requirements;
- (b) BMPs, mitigation payments and mitigation proposal options;
- (c) Directions for obtaining a copy of the drought permit application form;
- (d) Availability of technical assistance; and
- (e) Department contact information for the drought permit program.

NEW SECTION

WAC 173-565-344 What help is available to water right holders who may wish to apply for a drought permit? The holder of an interruptible water right who may wish to apply for a drought permit may request a technical assistance meeting with their local conservation district or with the department. Staff providing technical assistance may help the water right holder evaluate a decision whether or not to apply for a drought permit, evaluate the effects of the different options for receiving a permit, and assist in completing

the necessary application forms at the direction of the water right holder.

NEW SECTION

WAC 173-565-350 If the best management practices (BMPs) option is chosen, what is required to make an application? In addition to compliance with WAC 173-565-340, if the BMP option is chosen, the water right holder must:

(1) Submit to the department a completed and signed BMP checklist on a form provided by the department. Where the form provides different options for BMPs, the checklist must indicate which BMP is being selected;

(2) Submit to the department documentation of all water rights on the Columbia River mainstem for which the applicant holds a controlling interest on lands adjoining or contiguous to the land irrigated by the interruptible water right or rights, and on lands served by a connected water distribution system that also provides the source water for the interruptible water right or rights;

(3) For all water rights identified by subsection (2) of this section, submit to the department documentation of water use each year for the past five years through metering data, documentation of crops and acres irrigated, or other appropriate measure of water use as approved by the department. If a water right identified by subsection (2) of this section, or any portion thereof, has not been put to use in the last five years, the water right holder may submit information about the reasons for lack of use, and may describe future plans that might require use of the water right or portion thereof.

NEW SECTION

WAC 173-565-352 If the best management practices (BMPs) option is chosen, how will water rights be recalibrated? (1) If the BMPs option is chosen, water right holders must submit to the department for review and recalibration all of their existing water rights, for the mainstem of the Columbia River for which they have a controlling interest on lands adjoining or contiguous to the land irrigated by the interruptible water right or rights, and on lands served by a connected water distribution system that also provides the source water for the interruptible water right or rights. This includes all surface water rights from the Columbia River mainstem and all ground water rights within one mile of the Columbia River mainstem.

(2) The department will review all water rights submitted by the water right holder under subsection (1) of this section. As required by application of current state laws and established procedures for water right changes, transfers, and amendments, the department will evaluate each water right based on the legal extent and validity of the right.

(3) The department will provide a draft copy of its evaluation of existing water rights to the water right holder for a sixty-day period for review and comment. During this time, the water right holder can provide any additional information that might further inform the department's review.

(4) After the sixty-day period, and after review of any comments or additional information provided by the water right holder, the department may issue a drought permit to the water right holder in accordance with the requirements of

Part III of this chapter and other applicable requirements of this chapter. Together with any drought permit issued, the department will issue any superseding water right documents that result from the review and recalibration of water rights described in WAC 173-565-352 (1) through (3).

NEW SECTION

WAC 173-565-354 If the best management practices (BMPs) option is chosen, what conditions will be placed upon the drought permit? If the BMPs option is chosen, drought permit conditions will require the water right holder to:

(1) Implement and maintain the BMPs within the time frame and conditions as specified in the drought permit. The water right holder must certify implementation of the BMPs within five years of the date of the drought permit on a certification form provided by the department, and must request a field visit from either their local conservation district or the department to inspect the installed BMPs and to sign the certification form;

(2) Transfer to the state any water saved as a result of implementing the BMPs. Transfers must be made upon submittal of the BMP certification form and are subject to current laws governing water conservation and water right transfers. This subsection does not apply to water rights for municipal water supply; and

(3) Measure and report water use in accordance with chapter 173-173 WAC.

NEW SECTION

WAC 173-565-360 If the mitigation payment option is chosen, what is required to make an application? If the mitigation payment option is chosen, the water right holder must comply with WAC 173-565-340, including the selection of the mitigation payment option under WAC 173-565-340 (5)(b).

NEW SECTION

WAC 173-565-362 If the mitigation payment option is chosen, what conditions will be placed upon the drought permit? If the mitigation payment option is chosen, drought permit conditions will require the water holder to:

(1) By January 31st of each year, submit to the department an annual mitigation payment in the amount of ten dollars per acre foot for the volume of water authorized by the drought permit. This payment must be made every year, regardless of whether the drought permit was exercised. The amount of this payment will be adjusted annually by the implicit price deflator. The department will provide annual notice by November 1st of each year of the rate to be applied for that year in the following January's payment; and

(2) Measure and report any water use under the drought permit in accordance with chapter 173-173 WAC.

NEW SECTION

WAC 173-565-364 How are mitigation payments made? Mitigation payments must be made by check or

money order payable to the department of ecology, and sent to the following address:

Department of Ecology
Columbia River Mainstem Water Management Program
P.O. Box 47600
Olympia, WA 98504-7600

NEW SECTION

WAC 173-565-370 If the mitigation proposal option is chosen, what is required to make an application? (1) In addition to compliance with WAC 173-565-340, if the mitigation proposal option is chosen, the water right holder must submit a detailed mitigation proposal to the department for review and approval. The mitigation proposal must describe how the water right holder will gain permanent access to mitigation water, and how use of mitigation water will ensure that consumptive uses under the new permit will be fully offset so that stream flows are not diminished by use under the new permit. At a minimum, mitigation proposals must include:

- (a) The proposed source of mitigation water;
 - (b) Identification of the water rights associated with the proposed source of mitigation water;
 - (c) An engineering analysis demonstrating that consumptive uses under the new permit will be fully offset by the mitigation water so that stream flows are not diminished.
- (2) As part of their review of a mitigation proposal, the department will request a review of the mitigation proposal from the department of fish and wildlife, and from natural resource managers in affected tribal governments and federal agencies.

NEW SECTION

WAC 173-565-372 If the mitigation proposal option is chosen, what conditions will be placed on the drought permit? If the mitigation proposal option is chosen, permit conditions will require the water right holder to:

- (1) Implement measures appropriate to the proposed water use to ensure a reasonable efficiency of water use considering up-to-date conservation practices and water delivery system technologies;
- (2) Implement his or her mitigation proposal according to the approved terms and conditions; and
- (3) Measure and report any water use under the drought permit in accordance with chapter 173-173 WAC.

NEW SECTION

WAC 173-565-380 What are the procedures for appealing the department's decisions about drought permit applications? The department's decisions about drought permit applications may be appealed to the pollution control hearings board as specified in chapter 43.21C RCW.

PART IV PROVIDING RELIABILITY FOR COLUMBIA RIVER MAINSTEM SURFACE WATER PERMITS ISSUED IN 2003 AND PREMORATORIUM APPLICATIONS FOR NEW MAINSTEM SURFACE WATER RIGHTS PENDING SINCE 1991

NEW SECTION

WAC 173-565-400 Who is covered by Part IV? Part IV applies to the following water right application numbers: S4-29956, S4-30052, S4-30465, S4-30584, S4-31083, S4-30976P, and S4-31106P. These are commonly referred to as 2003 permits and premoratorium applications.

NEW SECTION

WAC 173-565-410 What is the purpose of Part IV? Part IV describes the requirements and procedures that allow persons described in WAC 173-565-400 to request and secure use of mitigation water from the Columbia River mainstem water management account.

NEW SECTION

WAC 173-565-420 What are the benefits of Part IV? Part IV provides persons identified by WAC 173-565-400 access to a reliable and affordable source of mitigation water from the mainstem account.

NEW SECTION

WAC 173-565-430 When may the department provide access to water from the account under Part IV? The department may provide access to water from the account for 2003 permits only after the mainstem account administrator certifies that the portion of the mainstem account dedicated to provide for mitigation for new out-of-stream consumptive uses holds an unobligated amount of water sufficient to fully offset the amount of water requested, and the source of such mitigation water is coincident with or upstream from the 2003 permit or premoratorium application water use.

NEW SECTION

WAC 173-565-440 What is required to obtain mitigation water for 2003 permits and premoratorium applications? To obtain mitigation water, the persons described in WAC 173-565-400 must:

- (1) Submit a letter of request for mitigation water from the mainstem account to the department;
- (2) For permits issued in 2003, demonstrate current compliance with the applicable terms of the permit; and
- (3) Enter into formal agreement with the department to obligate mitigation water from the mainstem account for the 2003 permit or premoratorium application. The agreement will require annual mitigation payments for the amount of water used by the right holder.

NEW SECTION

WAC 173-565-450 What is the amount of the mitigation payment for the 2003 permits and premonitorium applications, and how is payment made? (1) The amount of the mitigation payment is ten dollars per acre foot of mitigation water required to offset use in the preceding water year. The payment amount will be adjusted annually by the implicit price deflator. The department will provide annual notice by November 1st of each year of the rate to be applied for that year, in the following January's payment.

(2) Payments must be submitted to the department by January 31st of each year, and made by check or money order payable to the department of ecology and mailed to the following address:

Department of Ecology
Columbia River Mainstem Water Management Program
P.O. Box 47600
Olympia, WA 98504-7600

PART V**APPLICATIONS FOR NEW WATER RIGHTS FROM THE COLUMBIA RIVER**NEW SECTION

WAC 173-565-500 Who is covered under Part V? Part V applies to existing and new applications for new water rights on the Columbia River mainstem that are not covered by Part IV.

NEW SECTION

WAC 173-565-510 What is the purpose of Part V? Part V describes the criteria, requirements, and procedures that the department will apply when processing applications for new water rights described in WAC 173-565-500.

NEW SECTION

WAC 173-565-520 What are the benefits of Part V? (1) Applicants that meet the requirements of this chapter will be eligible to receive a new water right for use of water from the Columbia River mainstem.

(2) Applicants have the option of securing affordable and reliable mitigation water from the Columbia River mainstem water management account (mainstem account).

(3) New water right permits issued under this chapter will not be subject to interruption in response to minimum instream flows set under chapter 173-563 WAC that are not being met.

NEW SECTION

WAC 173-565-530 When may the department issue permits under Part V? (1) Except in cases where an applicant elects to prepare a mitigation proposal under WAC 173-565-540 (3)(b), the department may issue permits under Part V only after the mainstem account administrator certifies that the portion of the mainstem account dedicated to provide for mitigation for new out-of-stream consumptive uses holds an

unobligated amount of water sufficient to fully offset the consumptive use to be authorized by the permit to avoid any reduction in stream flows from April 1 to August 31, and the source of such mitigation water is coincident with or upstream from the proposed permit.

(2) Including in cases where an applicant elects to prepare a mitigation proposal under WAC 173-565-540 (3)(b), the department may issue permits under Part V only after the mainstem account administrator certifies that the portion of the mainstem account dedicated to provide water for instream uses holds an unobligated amount of water that is fifty percent or greater than the consumptive use to be authorized by the permit during the period of April 1 through August 31st.

NEW SECTION

WAC 173-565-540 What is required to obtain a new water right from the Columbia River mainstem? To obtain a new water right from the Columbia River mainstem, an applicant must:

(1) Have a complete water right application for the Columbia River mainstem on file with the department or submit a complete water right application for the Columbia River mainstem to the department;

(2) For all water rights on the Columbia River mainstem in which the applicant holds a controlling interest, demonstrate that she or he is measuring and reporting water use in accordance with chapter 173-173 WAC;

(3) Maintain the application by notifying the department of any change in ownership of the water right, or change in mailing address, within thirty days of such change;

(4) For uses that would consume water between April 1st and August 31st, select one of two options below and indicate to the department which option is chosen:

(a) **Option 1, mitigation proposal:** The applicant must develop and submit to the department for review and approval a mitigation proposal that provides water to fully offset the consumptive portion of water used between April 1st and August 31st of each year so that stream flows are not diminished by use under the new permit;

(b) **Option 2, mitigation payment:** The applicant must enter into an agreement with the department to make annual mitigation payments to the department under WAC 173-565-560 through 173-565-564. Subject to annual payments, the department will obligate water from the mainstem account to mitigate for the consumptive portion of water used during the April 1st through August 31st period;

(4) Submit any additional information required to complete the application within the time frame specified within a written request from the department listing the information needed and the reasons for requesting the information. If the information is not available to the applicant, the applicant may respond to the department to explain why they will be unable to provide the information. The applicant may request the department extend the specified time period if additional time is needed to compile this information. An application will not be considered complete until all information requested by the department is submitted;

(5) Sign the application. Signature must be by the owner of the application or by an authorized representative of the owner.

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 173-565-550 If the mitigation proposal option is chosen, what is required to make an application? (1) In addition to compliance with WAC 173-565-540, if the mitigation proposal option is chosen, the applicant must submit a mitigation proposal to the department for review and approval. The mitigation proposal must describe how the applicant will gain permanent access to the mitigation water, and how use of the mitigation proposal will ensure that between April 1st and August 31st of each year, consumptive uses under the new permit will be fully offset so that stream flows are not diminished by use under the new permit. At a minimum, mitigation proposals must include:

- (a) The proposed source of mitigation water;
- (b) Identification of the water rights associated with the proposed source of mitigation water;
- (c) An engineering analysis demonstrating that between April 1st and August 31st of each year consumptive uses under the new permit will be fully offset by the mitigation water so that stream flows are not diminished.

(2) As part of their review of a mitigation proposal, the department will request a review of the mitigation proposal from the department of fish and wildlife, and from natural resource managers in affected tribal governments and federal agencies.

NEW SECTION

WAC 173-565-552 If the mitigation proposal option is chosen, what conditions will be placed on the permit? If the mitigation proposal option is chosen, permit conditions will require the water right holder to:

- (1) Implement measures appropriate to the proposed water use to ensure a reasonable efficiency of water use considering up-to-date conservation practices and water delivery system technologies;
- (2) Implement his or her mitigation proposal according to the approved terms and conditions; and
- (3) Measure and report water use in accordance with chapter 173-173 WAC.

NEW SECTION

WAC 173-565-560 If the mitigation payment option is chosen, what is required to make an application? If the mitigation payment option is chosen, the applicant must comply with the requirements of WAC 173-565-540.

NEW SECTION

WAC 173-565-562 If the mitigation payment option is chosen, what conditions will be placed on the permit? If

the mitigation payment option is chosen, permit conditions will require the permittee to:

- (1) Implement measures appropriate to the proposed water use to ensure a reasonable efficiency of water use considering up-to-date conservation practices and water delivery system technologies;
- (2) By January 31st of each year, submit to the department an annual mitigation payment in an amount not to exceed forty dollars per acre foot for the volume of consumptive use between April 1st and August 31st. To meet the cost recovery requirements of RCW (*Policy Bill: Management of water resources for the mainstem of the Columbia Section 5(3)*), the department may reduce the amount of the annual payment to better reflect the actual cost of acquiring the mitigation water. The amount of this payment will be adjusted annually by the implicit price deflator. The department will provide notice by November 1st of each year of the rate to be applied for that year in the following January's payment; and
- (3) Measure and report water use in accordance with chapter 173-173 WAC.

NEW SECTION

WAC 173-565-564 How are mitigation payments made? Mitigation payments must be made by check or money order payable to the department of ecology, and sent to the following address:

Department of Ecology
Columbia River Mainstem Water Management Program
P.O. Box 47600
Olympia, WA 98504-7600

NEW SECTION

WAC 173-565-570 What are the procedures for appealing the department's decision on a new water right? The department's decision to approve, condition, or deny an application for a new water right from the Columbia River mainstem may be appealed to the pollution control hearings board in accordance with chapter 43.21C RCW.

PART VI WATER METERING AND REPORTING REQUIREMENTS

NEW SECTION

WAC 173-565-600 Is water measurement required for uses of water from the Columbia River? (1) Consistent with state law and chapter 173-173 WAC, all state water right holders are required to install and maintain devices to measure their use of water, and must report their diversions and withdrawals as required by the department.

(2) As part of the Columbia River mainstem water management program, the department will secure and commit the compliance resources necessary to achieve compliance for water use measurement and reporting for eighty percent of the annual volume of water authorized for diversion via state water permits, certificates and claims from the Columbia

River mainstem within four years of the effective date of this chapter.

PART VII DEFINITIONS

NEW SECTION

WAC 173-565-800 What special terms and definitions are used in this chapter? "Applicant" is any individual, government agency, company, or corporation applying for a water right under this chapter.

"Application" is a form provided by the department used to comply with the application requirements in Part III and Part V.

"Best management practices" are the irrigation practices described in *Best Management Practices for Securing a Drought Permit* as published and periodically revised by the department.

"Columbia River mainstem" includes all surface water between the border of the United States and Canada to the Bonneville Dam and, for purposes of this chapter, includes the surface waters of the Snake River from the Ice Harbor Dam to the confluence with the Columbia River, and all ground waters within one mile of the ordinary high-water line of the affected surface waters.

"Conservation measures" are measures that reduce water loss in transportation or distribution, or improve water use efficiency resulting in a reduction in water diversion or withdrawal. It does not generally include reduction in farmed acreage or changing to crops with reduced water needs.

"Conserved water" is water that is no longer diverted or withdrawn as a result of the implementation of conservation measures.

"Controlling interest" means a property interest that can be transferred to another person, the percentage interest so transferred being sufficient to effect a change in control of the landlord's rights and benefits. Ownership of property held in trust will not be deemed a controlling interest where no part of the trust has been established through expenditure or assignment of assets of the beneficiary of the trust and where the right is a part of the trust that cannot be transferred to another by the beneficiary of the trust under terms of the trust. Each trust of a separate donor origin will be treated as a separate entity and the administration of property under trust will not represent a controlling interest on the part of the trust officer.

"Department" refers to the Washington state department of ecology.

"Director" is the director of the Washington state department of ecology.

"Drought permit" is a permit to put water to beneficial use that is limited solely to periods when interruptible water rights are curtailed because minimum stream flows set under chapter 173-563 WAC are not being met.

"Interruptible water right" means a water right that was issued subsequent to 1980 that is subject to regulation or interruption when minimum instream flows set in WAC 173-563-050 are not met.

"Mainstem account" is the Columbia River mainstem water management mainstem account.

"Mainstem account administrator" is the person or persons designated by the director to manage the Columbia River mainstem water management mainstem account.

"Mitigation payment" is a payment made to the state in exchange for access to mitigation water to offset a new use of water from the mainstem of the Columbia River.

"Obligate" means dedicating a portion of the water deposited into the Columbia River mainstem water management account to mitigate for decisions to allocate water from the mainstem of the river by issuing permits for beneficial use out-of-stream.

"Person" is any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual or any other entity whatsoever.

"Premortatorium" means applications for water rights that have been on file with the department prior to the moratorium on the issuance of new water rights in 1991 (WAC 173-563-015 repealed).

"Program" means the Columbia River mainstem water management program.

"Recalibrate" means to reissue a water right permit or certificate based on an evaluation of the legal extent and validity of the beneficial uses of water under the permit or certificate.

"Storage" is the use of a natural or man-made formation that is able to hold water, typically from periods of high to moderate availability, for retrieval or release at some later time. Examples include: On and off stream reservoirs, and aquifer storage. Storage does not typically refer to water within natural water bodies, including aquifers, which are not recharged, increased, or retained by man-made intervention.

"Storage water" or **"stored water"** is water that has been purposely diverted, withdrawn, or captured for retrieval or release at a later time, and includes water in on and off stream reservoirs, and aquifer storage and recovery systems.

"Tributary" means all waters hydrologically associated with the Columbia River mainstem within Washington state above the Bonneville Dam, including all streams flowing into rivers, ground water hydraulically connected to streams, and hydraulically connected ground water more than one mile distant from the Columbia River. For the purposes of this chapter, tributaries include water resource inventory areas numbered twenty-nine through sixty-two as defined in WAC 173-500-040.

"Water right" means a right to make beneficial use of public waters, as established under state or federal law. Water rights include interruptible and noninterruptible rights.

"Water right holder" is any person that holds a water right.

AMENDATORY SECTION (Amending Order 97-15, filed 3/30/98, effective 4/30/98)

WAC 173-531A-060 Permit conditions. (1) All permits issued for waters reserved under WAC 173-531A-040 or 173-531A-050 after the effective date of this chapter and prior to July 27, 1997, shall be subject to the provisions of

chapter 173-563 WAC - instream resources protection program for the main stem Columbia River in Washington state.

(2) Any application for waters reserved under WAC 173-531A-040 or 173-531A-050 (~~which is considered for approval or denial after July 27, 1997~~) on which a decision is made by the department after July 27, 1997, and prior to July 11, 2005, (the effective date of chapter 173-565 WAC), will be evaluated for possible impacts on fish and existing water rights. The department will consult with appropriate local, state, and federal agencies and Indian tribes in making this evaluation. Any permit which is then approved for the use of such waters will be, if deemed necessary, subjected to instream flow protection or mitigation conditions determined on a case-by-case basis through the evaluation conducted with the agencies and tribes.

(3) Applications for water reserved under WAC 173-531A-040 or 173-531A-050 on which a decision is made by the department after July 11, 2005, will be subject to the requirements of chapter 173-565 WAC.

AMENDATORY SECTION (Amending Order DE 80-2, filed 6/24/80)

WAC 173-563-010 Background and purpose. The Columbia River is an international as well as an interstate river with its waters subject to laws of seven western states, the Province of British Columbia, Canada and the federal governments of the United States and Canada. The flows and levels of the river are in a state of continuous change through the operation of numerous federally owned or federally licensed dams located within the river. The waters of the Columbia River are operated to support extensive irrigation development, inland navigation, municipal and industrial uses, and hydroelectric power development. Among all these uses, the anadromous fisheries of the Columbia River, which are dependent on clean flowing water, require for their survival the establishment of minimum flows of water and special actions by all agencies sharing in the management of the Columbia River.

~~The ((provisions of this chapter apply, as a matter of state law, to water right permits issued pursuant to the state's water rights code. The provisions hereof shall provide the department of ecology the basic state policy relating to minimum flows and levels for the Columbia River, for submission to various federal, interstate and state agencies having jurisdiction over the river. Further, the))~~ department of ecology of the state of Washington recognizes that, under our federal constitutional system, regulatory powers over the river are shared powers between the United States and the state of Washington and that by various federal actions the state's powers may, and in some cases have been superseded through the mandates of the Supremacy Clause of the United States Constitution.

This chapter is adopted under state legislation, to promote the proper utilization of the water resources of the Columbia River and to protect and insure the viability of the instream resource values associated with the main stem of the Columbia River in the future through (1) the establishment of minimum flows on the main stem Columbia River in Washington state, and (2) the establishment of conservation and

efficiency fundamentals relating to out-of-stream and instream uses and values.

AMENDATORY SECTION (Amending Order 97-15, filed 3/30/98, effective 4/30/98)

WAC 173-563-020 Applicability. (1) This chapter applies to any application to divert public surface waters of the main stem Columbia River in Washington state (~~and~~), or to withdraw any ground water (~~the withdrawal of~~) which is determined by the department of ecology to have a significant and direct impact on the surface waters of the main stem Columbia River, for which a decision is made by the department prior to July 11, 2005, (the effective date of chapter 173-565 WAC).

For the purposes of this chapter, the extent of the "main stem" Columbia River shall be the Columbia River from the upstream extent of tidal influence (Bonneville Dam-River Mile 146.1) upstream to the United States-Canada border (River Mile 745) and including those areas inundated by impounded waters at full pool elevations.

(2) Chapter 173-500 WAC, the general rules of the department of ecology for the implementation of the comprehensive water resources program mandated by RCW 90.54-.040, applies to this chapter.

(3) Nothing in this chapter shall affect existing water rights, riparian, appropriative, or otherwise, existing on the effective date of this chapter, including existing rights relating to the operation of any navigation, hydroelectric, or water storage reservoir, or related facilities. This exemption includes rights embodied in all water right permits and certificates existing on the effective date of this chapter.

(4) The instream flows established and implemented by this chapter for instream and out-of-stream uses, and the average weekly flows applied by this chapter to out-of-stream uses do not apply to any application for water from the main stem Columbia River on which a decision is made by the department of ecology on or after July 27, 1997. Any water right application considered for approval or denial after that date and prior to July 11, 2005, (the effective date of chapter 173-565 WAC) will be evaluated for possible impacts on fish and existing water rights. The department will consult with appropriate local, state, and federal agencies and Indian tribes in making this evaluation. Any permit which is then approved for the use of such waters will be, if deemed necessary, subjected to instream flow protection or mitigation conditions determined on a case-by-case basis through the evaluation conducted with the agencies and tribes. Applications for which a decision will be made by the department after July 11, 2005, are subject to the requirements of chapter 173-565 WAC.

(5) Waters withdrawn by the United States pursuant to RCW 90.40.030 prior to the effective date of this rule relating to the second half of the Columbia basin project, and water right permits and certificates hereafter issued by the department of ecology pertaining to such withdrawn waters, are not subject to the provisions of this chapter.

(6) For the purposes of this chapter, average weekly flows shall be the average of the daily average flows reported in the Columbia River operational hydromet and manage-

PROPOSED

ment system (CROHMS) for a seven-day period beginning at 12:01 a.m. Monday and ending at midnight on Sunday. When the beginning of the seven-day period defined in this section does not correspond to the dates on which flows are established in WAC 173-563-040, the flow requirements for that week shall be the arithmetic average of the required flows listed in WAC 173-563-040 for each of the seven days, rounded to the nearest 1,000 cfs.

WSR 05-01-146

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

[Filed December 17, 2004, 2:50 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-22-019.

Title of Rule and Other Identifying Information: Chapter 468-38 WAC, Vehicle size and weight—Restricted highways—Equipment, the chapter focuses on regulating vehicles and vehicles transporting loads that fall outside the limits established in chapter 46.44 RCW.

Hearing Location(s): Transportation Building, Commission Board Room, 1D2, 310 Maple Park Avenue S.E., Olympia, WA 98502, on January 28, 2005, at 8:30 a.m.

Date of Intended Adoption: January 28, 2005.

Submit Written Comments to: Barry Diseth, P.O. Box 47367, Olympia, WA 98504-7367, e-mail disethb@wsdot.gov, fax (360) 705-6836, by January 21, 2005.

Assistance for Persons with Disabilities: Contact Angie Collins by January 21, 2005, TTY (360) 705-7796 or fax (360) 705-6808.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Over time the rules have taken on a patchwork condition that includes some inconsistencies, ambiguities, techno-jargon and holes where office policy has been used to fill in where the rule did not provide adequate direction.

Summary of Changes to chapter 468-38 WAC:

General: All sections included in the proposal have been written in a "question and answer" format to enhance communications with stakeholders. Each subsection is addressed below regarding any additional changes.

Chapter 468-38 WAC: The title has been modified to more accurately reflect the chapter subject matter. The title "Vehicle size and weight—Restricted highways—Equipment" should be replaced with "Vehicle size and weight—Highway restrictions—Equipment."

WAC 468-38-001 Purpose and scope, a new section stating the purpose and scope of the chapter.

WAC 468-38-005 Definitions, a new section providing definitions of technical terms associated with vehicle size and weight.

WAC 468-38-010 Three-vehicle combinations, to be repealed. The section is a restatement of RCW 46.44.036.

WAC 468-38-020 Temporary additional tonnage permits, to be repealed. The section was part restatement of RCW 46.44.095 with references to RCW 46.44.041 and

46.44.042. The remainder is incorporated in the revised WAC 468-38-080.

WAC 468-38-030 Temporary additional tonnage permits, adds clarifying information on the maximum of additional tonnage that can be purchased.

WAC 468-38-040 Special log tolerance transportation permits, to be repealed. The section is a restatement of RCW 46.44.047.

WAC 468-38-050 Special permits for extra-legal loads, clarifying language added regarding load configuration criteria that must be met to qualify for a special permit. Expanded the language regarding special permit purchasing options. Incorporated permittee liability information from WAC 468-38-060 and days and times when permits can be acquired from WAC 468-38-250.

WAC 468-38-060 Liability of permittee, to be repealed. Content was incorporated into WAC 468-38-050.

WAC 468-38-070 Maximums for special permits—Nondivisible, adds minor clarifying language to existing content on overwidth and overheight. Adds the use of manufacturers rating as additional criteria for tire loading limits under special permit. Clarifies use of overwidth trailers in combination. Expands use of overlength on truck and trailer combination. Adds extensive clarifying language to the use of an unladen truck and trailer. Places the long-standing office policy regarding front-hauls and back-hauls into rule.

WAC 468-38-071 Maximums for special permits—Divisible, adds clarifying language regarding type of permit and how it is to be measured when issued to a divisible load, particularly; use of draw bar and restrictions when the tractor has a dromedary box. Places the long-standing office policy to allow an exemption for front pilot/escort vehicles at department discretion on certain overheight permits. The section also incorporates from WAC 468-38-390 the ability to permit state vehicles during emergent situations.

WAC 468-38-075 Special permit exemptions for authorized vehicles/or loads, this subsection has been renamed and expanded to include long standing office policy on exemptions for height, width and weight within specified parameters. The section also adds to the list for exemptions a vehicle combination described in the proposed WAC 468-38-070.

WAC 468-38-080 Emergency load restrictions for heavy vehicles, renamed to more accurately reflect the content. Adds minor clarifying words that indicate a road may be restricted rather than just closed. Clarifies actual intent.

WAC 468-38-095 Emergency road restrictions due to weather or other conditions, this is a new subsection created to combine WAC 468-38-135, 468-38-310, 468-38-320 and 468-38-390 under their common theme. Minor clarifying language added with no change in intent.

WAC 468-38-100 Pilot/escort vehicle and operator requirements, the section incorporates WAC 468-38-110, which referenced when pilot/escort vehicles are needed, and changes how long-loads are measured when determining the need for a pilot/escort vehicle. The final authorization for assigning additional pilot/escort vehicles has been centralized to reduce confusion and simplify the contact point. Where overall length was criteria the focus has shifted to trailing units, eliminating the variable of different size trac-

tors. Added to the section is the measurement for overlength single unit vehicles. The section also now addresses the temporary reassignment of a pilot/escort vehicle's position relative to the load when certain road conditions dictate. Pilot/escort lighting has been expanded to include a light bar with appropriate colored lights and visibility.

WAC 468-38-110 Escort vehicle requirements, to be repealed. Content was incorporated into WAC 468-38-100.

WAC 468-38-120 Transport of extra-legal manufactured housing, adds lighting requirements to the front of the transported housing unit and clarifies where the lighting is to be located, both front and rear.

WAC 468-38-130 Lights—Stop and turn signals, to be repealed. Content was incorporated into WAC 468-38-155.

WAC 468-38-135 Transportation of radioactive or hazardous materials, to be repealed. Content was incorporated into WAC 468-38-095.

WAC 468-38-140 Flags, to be repealed. Content was incorporated into WAC 468-38-155.

WAC 468-38-155 Safety equipment for special permit moves, this new section creates a central location to consolidate the safety equipment content of WAC 468-38-130, 468-38-140, 468-38-160, 468-38-180, 468-38-190, and 468-38-200. There is minor clarifying language added regarding the placement of signs on oversize loads and towing vehicles.

WAC 468-38-160 Rear-view mirrors for overwidth loads, to be repealed. Content was incorporated into WAC 468-38-155.

WAC 468-38-175 Travel restrictions—Days, times and highway use, this new section creates a central location to consolidate travel restriction content of WAC 468-38-220, 468-38-230, 468-38-235, 468-38-240, 468-38-260 and 468-38-340. Adds the day after Thanksgiving as a restricted travel day. Adds that commuter traffic restrictions will be posted on the internet and recognizes existing office policy to include width as a restriction variable.

WAC 468-38-180 Brakes, to be repealed. Content was incorporated into WAC 468-38-155.

WAC 468-38-190 Signs, to be repealed. Content was incorporated into WAC 468-38-155.

WAC 468-38-200 Safety chains and devices, to be repealed. Content was incorporated into WAC 468-38-155.

WAC 468-38-220 Moves in convoy, to be repealed. Content was incorporated into WAC 468-38-175.

WAC 468-38-230 Days on which permit moves are prohibited, to be repealed. Content was incorporated into WAC 468-38-175.

WAC 468-38-235 Commuter traffic restrictions, to be repealed. Content was incorporated into WAC 468-38-175.

WAC 468-38-240 Cargo prohibition on reversible lane roads, to be repealed. Content was incorporated into WAC 468-38-175.

WAC 468-38-250 Days on which permits are issued, to be repealed. Content was incorporated into WAC 468-38-050.

WAC 468-38-260 Nighttime movements, to be repealed. Content was incorporated into WAC 468-38-175.

WAC 468-38-265 Tow trucks—Permitting for over-size/overweight, the section was revised and adopted with an

effective date of August 31, 2004. The section has not been included as part of the text accompanying the CR-102.

WAC 468-38-270 Construction equipment, the section is being dramatically expanded and will be a separate submission at a later date. The section has not been included as part of the text accompanying the CR-102.

WAC 468-38-280 Retractable axles, this section, formerly titled "Special equipment," has been revised. Weight carried on a retractable axle will be governed by the design load capacity of the axle. Additionally, manufacturer's load rating of the tires will also regulate weight carried on the axle.

WAC 468-38-290 Farm implements, adds clarifying language regarding eligibility for permits of self-propelled implements. Adds clarifying language and long-standing office policy regarding movement of implements on a transporting vehicle(s). Adds long-standing office policy on how to acquire a special permit for moving extra-legal farm implements. Amends permit coverage area from three to six contiguous counties, with ability to expand when justified. The premove notification is set at eight hours, with clarifying language to explain the purpose of the notification.

WAC 468-38-300 Drawbar—Towline, to be repealed. Content was incorporated into WAC 468-38-155.

WAC 468-38-310 Adverse weather, to be repealed. Content was incorporated into WAC 468-38-095.

WAC 468-38-320 Enforcement officer may restrict movements, to be repealed. Content was incorporated into WAC 468-38-095.

WAC 468-38-330 Consideration of traveling public, to be repealed. This section was a restatement of RCW 46.61.427.

WAC 468-38-340 Speed limits, to be repealed. Content was incorporated into WAC 468-38-175.

WAC 468-38-350 Lane of travel, to be repealed. This section was a restatement of RCW 46.61.100.

WAC 468-38-360 Building/house moves, minor clarifying information has been added regarding contact information and railroad crossing clearance.

WAC 468-38-390 Winter road restrictions, to be repealed. The content was incorporated into WAC 468-38-095.

WAC 468-38-405 Superload moves, clarifying language added regarding measurement. Explanation of necessary lead-time when requesting special permits. Modification regarding additional information to accompany standard application, from "at a minimum" requirement to "may be required." When necessary, a pretrip analysis of railroad crossings for clearance has been added. Clarifying information about potential cost sharing of a superload analysis has also been added. Also added is a reference to the potential need for added pilot/escort vehicles due to the size of the load.

WAC 468-38-410 Bridge restrictions, adds clarifying information regarding the difference between posted and restricted bridges. Adds where the posted and restricted bridge information can be found.

Reasons Supporting Proposal: Meeting the criteria provided by Governor's Executive Order 97-02 will address our concerns and make the rules more user friendly, for all users.

Statutory Authority for Adoption: RCW 46.44.090.

Statute Being Implemented: RCW 46.44.090.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The amended chapter will have a relative seamless implementation due to the coordinated review with industry and enforcement prior to filing the document. There is no fiscal impact to any state or federal agency and no known negative impact to industry.

Name of Proponent: Washington State Department of Transportation, Office of Commercial Vehicle Services, governmental.

Name of Agency Personnel Responsible for Drafting: Barry Diseth, 921 Lakeridge Way, Olympia, (360) 705-7805; Implementation: Tim Erickson, 921 Lakeridge Way, Olympia, (360) 705-7343; and Enforcement: Capt. Coral Estes, 210 11th Street, Olympia (GA Building), (360) 753-0350.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The amendment meets several of the criteria stated in RCW 34.05.310(4). In addition, the rule changes have been discussed and negotiated with identified stakeholders.

A cost-benefit analysis is not required under RCW 34.05.328. There are no known additional costs resulting from the implementation of the amended rule. The rule, as provided for in RCW 46.44.090, is used to implement the criteria necessary to address vehicles, and vehicles transporting loads, that do not fit the limits established in chapter 46.44 RCW. The rules are, for the most part, focused on safety to the motoring public and preservation of the infrastructure.

December 14, 2004

John F. Conrad

Assistant Secretary

Engineering and Regional Operations

Chapter 468-38 WAC

VEHICLE SIZE AND WEIGHT—((RESTRICTED)) HIGHWAY((S)) RESTRICTIONS—EQUIPMENT

NEW SECTION

WAC 468-38-001 Purpose and scope. What is the purpose and scope of this administrative code chapter for vehicle size and weight? (1) This chapter provides rules necessary for the implementation of certain sections of chapter 46.44 RCW, to include the issuance of special permits that allow vehicles, or combinations of vehicles, to move in a legal or extra-legal configuration on the public highways. The chapter also includes rules on safety and operations as they relate to the permitting of extra-legal configurations.

(2) The chapter avoids, where possible, the restating of revised code and therefore should be used in conjunction with the revised code.

(3) The chapter has been written in a "question and answer" format to enhance communication with users.

NEW SECTION

WAC 468-38-005 Definitions. What vehicle size and weight words and phrases are used commonly in addition to those codified in chapter 46.04 RCW?

A-dolly: A converter dolly that is towed from a single hitch at the center line of the tow vehicle and contains the lower half of the fifth wheel assembly that when connected by kingpin to a semi-trailer converts the combined configuration into a full trailer.

A-train double: A combination of vehicles composed of a tractor, a semi-trailer and either an A-dolly and a semi-trailer or a full trailer attached to the rear of the forward semi-trailer as if an A-dolly were used.

Axle: The common axis of rotation of one or more wheels, either power-driven or freely rotating, in one or more segments in the same transverse plan. (Expanded from the definition in chapter 46.04.060 RCW.)

Axle group: Any set of two or more parallel axles associated with a single vehicle or vehicle combination.

Axle group weight: The part of the gross vehicle weight transmitted to the highway by the defined axle group.

Axle spacing (spread): The longitudinal distance between the centers of the foremost and rearmost axles of an axle group measured from center to center of the defined axles.

B-train double: A combination of vehicles composed of a tractor, a semi-trailer and a second semi-trailer connected by kingpin to the lower half of a fifth wheel assembly mounted on the rear of the forward semi-trailer.

C-dolly: A converter dolly that is equipped with a single axle that is self-steering, towed from two hitches located in a horizontal transverse line on the towing unit, and is so designed that when the trailer converter dolly is coupled to a towing trailer, the trailer converter dolly cannot pivot horizontally with respect to the towing trailer.

Axle spacing report: A report stating the maximum amount of weight a vehicle, or vehicle combination, can carry, both legally and under permit, based on the number of axles, the axle spacings, and the number and sizes of tires on the vehicle, or vehicle combination.

Combination length: The total length of a combination of vehicles, i.e., truck-tractor—semi-trailer—trailer combination, measured from front extremity of the first vehicle to the rear extremity of the last vehicle, including the connecting space between vehicles and any overhanging load.

Combined trailer length: The total length of a combination of trailers measured from the front extremity of the first trailer to the rear extremity of the last trailer including the connecting space and any overhanging load.

Converter dolly: A vehicle unit that is designed, usually with the bottom half of a fifth wheel assembly, to convert a semi-trailer with kingpin into a full trailer.

C-train double: A combination of vehicles composed of a tractor, a semi-trailer, a C-dolly and a second semi-trailer.

Daylight hours: One-half hour before sunrise until one-half hour after sunset.

Extra-legal vehicle: A vehicle, laden or unladen, which exceeds legal dimensions and/or weights and operates on highways by permit.

Gross weight: The weight of a vehicle and/or combination of vehicles plus the weight of any load thereon.

Height: The total vertical dimension of a vehicle above the ground surface including any load or appurtenance.

Length: The total longitudinal dimension of a single vehicle, vehicle combination (see combination length), or individual trailer or semi-trailer. Trailer length is measured from the front of the cargo-carrying unit to its rear, exclusive of all overhangs from safety or energy efficiency devices (see also measurement exclusive devices). Length of a loaded trailer must include any overhangs of load when determining compliance with length limits or the need for a special permit.

Longer combination vehicle: A combination of truck tractor, semi-trailer, and trailer that exceeds legal length dimensions and operates on highways by permit for transporting reducible loads.

Maximum off track: The maximum difference in the path created by the center of the steering axle and the center of the rearmost axle of the vehicle or vehicle combination during the negotiation of a turn.

Multilane highway: A highway with two or more lanes of travel in the same direction.

Measurement exclusive devices: Certain devices that provide added safety, energy conservation, or are otherwise necessary, and are not designed to carry cargo.

National network: Those interstate and other federal-aid primary highways on which commercial vehicles of the dimensions authorized by the Surface Transportation Assistance Act of 1982 are allowed to operate.

Night: Night means one-half hour after sunset to one-half hour before sunrise.

Nondivisible load: A load that cannot be readily or reasonably dismantled and is reduced to a minimum practical size and weight. Portions of a load can be detached and reloaded on the same hauling unit when the separate pieces are necessary to the operation of the machine or equipment which is being hauled: Provided, That the arrangement does not exceed permit limits for the configuration without the reloaded pieces. The federal definition of nondivisible load to be used for vehicles operating on the interstate is as follows: Any load or vehicle exceeding applicable length or weight limits that, if separated into smaller loads or vehicles, would: Compromise the intended use of the vehicle, destroy the value of the load or vehicle, require more than eight work hours to dismantle using appropriate equipment.

Permit: A written or electronic authorization to:

- (a) Move or operate a vehicle, or combination of vehicles, on a highway;
- (b) With or without a load;
- (c) Of size and/or weight exceeding the limits prescribed for vehicles in regular operation.

Pilot/escort vehicle: A motor vehicle used for the express purpose as a warning and guide vehicle for extra-legal vehicles.

Pounds per inch of tire width: A measure of load restriction based on rated tire size. The pounds per inch of tire width are determined by dividing the weight carried on the axle group by the number of tires in the group and divid-

ing again by the manufacturer's rated tire width as indicated on the sidewall of the tire.

Rear overhang: The distance from the center of the last axle to the end of the load, or portion of the vehicle whichever is longer.

Regional permit: Permits issued for interstate movement of certain nondivisible overweight and/or oversize vehicles and/or loads on highways designated by the jurisdictions participating in the "*Western Regional Agreement for the Issuance of Permits for Overweight and/or Oversize Vehicles and/or Loads Involved in Interstate Travel.*"

Regular operation: The movement over highways of motor vehicles with dimensions and weights specified by state and federal codes.

Retractable axle: An axle that can be separately raised and lowered by the driver of the vehicle but may not have its weight bearing capacity regulated from within reach of the driver's compartment. Also known as "lift axle" and "booster axle," or more formally known as a "variable load suspension" (VLS) axle.

Rocky mountain double: A combination of vehicles including a truck-tractor pulling a long semi-trailer and a shorter trailer.

Single axle: An assembly of two or more wheels whose centers are in one transverse vertical plane and which are transmitting weight to the highway.

Single unit: A motor vehicle with no attached vehicles, i.e., truck, bus, truck-tractor.

Steering axle: The axle or axles on the front of a motor vehicle that are activated by the operator to directly accomplish guidance or steering of the vehicle and/or a combination of vehicles.

Superload: A superload is any load that would require special analysis and approval by one or more state permit offices because of dimensions or weight. Criteria for superloads in Washington state are found in WAC 468-38-405.

Tandem axle: Any two consecutive single axles whose centers may be included between parallel transverse vertical planes spaced at least four feet but not more than eight feet apart, extending across the width of the vehicle, articulating from a common attachment, or designed to automatically equalize the load between the two axles. This working definition is extrapolated from RCW 46.44.041.

Tote: Common term for a motor vehicle used to transport manufactured housing.

Tridem axle: Any three consecutive single axles whose extreme centers may be included between parallel transverse vertical planes spaced not more than twelve feet apart, extending across the width of the vehicle, and are articulated from a common attachment to the vehicle, or are designed to automatically equalize the load between the three axles.

Truck-tractor: A motor vehicle used primarily for pulling other vehicles but not specifically constructed to carry a load other than a part of the weight of the vehicle and load being pulled. This vehicle may include a small freight compartment (also referred to as a dromedary box), deck or plate not more than eight feet in length used for carrying a load. Federal rule allows the interstate use of a vehicle with a dromedary box only if the vehicle was in operation prior to December 1, 1982, proof to be provided by the vehicle oper-

ator. This working definition was extrapolated from RCW 46.04.655, 46.44.037 and Code of Federal Regulation, 23 CFR 658.13(f).

Trunnion axle: An axle configuration with two individual axles mounted in the same transverse plane, with four tires on each axle, connected at a pivot point that allows each individual axle to oscillate in a vertical plane to provide constant and equal weight distribution on each individual axle.

Trunnion axle group: Two or more consecutive trunnion axles, that are individually attached to, and/or articulated from, the vehicle, and may include a weight equalizing suspension system.

Turnpike double: A combination of vehicles including a truck-tractor pulling a long semi-trailer and an additional long trailer.

Wide base tire: A tire whose nominal section (sidewall to sidewall) width, as identified by tire nomenclature, is over fourteen inches.

Width: The total outside transverse dimension of a vehicle including any load or load-holding devices thereon, but excluding approved safety devices and tire bulge due to load.

AMENDATORY SECTION (Amending Order 142, filed 3/11/94, effective 3/11/94)

WAC 468-38-030 ((~~Issuance of~~)) Temporary additional tonnage permits. ~~((1) Temporary additional tonnage permits will be issued only to the following types of vehicles: Three or more axle full trucks; three or more axle truck tractors; three or more axle dromedary truck tractors, and two axle tractors to pull double trailers.~~

~~(2) Permits will not be issued to semi-trailers.~~

~~(3) The fees for temporary additional tonnage permits shall not be prorated.~~

~~(4) Temporary additional tonnage permits may be purchased when the applicant has licensed tonnage in effect for the period for which he is applying. A trip permit may be used in lieu of licensed tonnage when the requirements of RCW 46.16.160 have been met.))~~

(1) What vehicle type or vehicle combination is eligible for the temporary additional tonnage permit provided in RCW 46.44.095? Temporary additional tonnage permits may be issued to the following types of vehicles: Three or more axle single unit trucks; three or more axle truck-tractors, including those equipped with a legal dromedary area; and a truck-tractor with two axles pulling double trailers.

(2) What is the maximum amount of additional tonnage that can be purchased? Tonnage may be purchased up to the legal capacity of the vehicle(s), not to exceed one hundred five thousand five hundred pounds, based on number of axles and axles spacings (RCW 46.44.041), and number and size of tires.

(3) Are temporary additional tonnage permits ever issued to the trailer? Temporary additional tonnage permits are only issued to power units.

(4) Can a department of licensing trip permit be used in lieu of licensed tonnage, to meet the forty thousand pound (single unit) or eighty thousand pound (combination) requirement needed before an additional tonnage

permit can be issued? Yes, as provided for in RCW 46.16.-160.

(5) Can the additional tonnage permit extend beyond the valid license period? The additional tonnage permit may not extend beyond the valid license period. In the case where department of licensing trip permits are used in lieu of licensed tonnage, a minimum of two three-day trip permits must be used because the additional tonnage permit is sold for a minimum of five days. Only three trip permits can be issued to a vehicle within a thirty-day period, allowing for a maximum of nine days of additional tonnage in any thirty-day period.

AMENDATORY SECTION (Amending Order 71, filed 4/23/91, effective 5/24/91)

WAC 468-38-050 Special permits for ((~~movement of overlegal size or weight~~)) extra-legal loads. ((The department of transportation may issue permits for movement of overlegal size or weight loads when:

(1) Application has been made to the department and the applicant has shown that there is good cause for the move, and that the applicant is capable of making the move.

(2) The applicant has shown that the load cannot reasonably be dismantled or disassembled.

(3) The vehicle, combination, or load has been dismantled and made to conform to legal limitations where practical. Reductions shall be made even though the use of additional vehicles becomes necessary.

(4) The vehicle(s) and load have been thoroughly described and identified; the points of origin and destination and the route of travel have been stated and approved.

(5) The proposed move has been determined to be consistent with public safety and the permittee has shown proof of seven hundred fifty thousand dollars liability insurance for the cost of any accident, damage, or injury to any person or property resulting from the operation of the vehicle covered by the permit upon the public highways of this state. Provided, That a noncommercial operator shall have at least three hundred thousand dollars liability insurance.

(6) The permittee affirms that:

(a) The vehicles have been properly licensed to make the proposed move or carry the load described in accordance with the provisions of Washington law;

(b) The drivers are properly licensed to operate in Washington in the manner proposed.

(7) The permittee will comply with all applicable rules pertaining to the issuance of any special permit.

(8) Except as provided for in RCW 46.44.140, the original permit or certified copy must be carried on the power unit at all times the permit is in effect. Tow truck operators who have received approval by telephone to operate under permit are exempt from this requirement.)) (1) When can the department or its agents issue a permit for an extra-legal move? The following general conditions must be met:

(a) Application has been made in written or electronic format to the department or its agents (oral application is acceptable in face-to-face over-the-counter transactions) and the applicant has shown there is good cause for the move.

(b) The applicant has shown the configuration is eligible for a permit.

(c) The vehicle, vehicle combination and/or load has been thoroughly described and identified.

(d) The points of origin and destination and the route of travel have been stated and approved.

(e) The move has been determined to be consistent with public safety. The permit applicant has indicated that appropriate safety precautions will be taken as required by state law, administrative rule or specific permit instruction.

(2) How must a vehicle(s), including load, be configured to be eligible for a special permit to move on the state highways? A vehicle(s), including load, that can be readily or reasonably dismantled must be reduced to a minimum practical size and weight. Portions of a load may be detached and reloaded on the same hauling unit when the separate pieces are necessary to the operation of the machine or equipment which is being hauled: Provided, That the arrangement does not exceed special permit limits. Detached and reloaded pieces must be identified on the special permit.

(3) Are there any exceptions to dismantling the configuration? Yes. A vehicle, vehicle combination or load may stay assembled if by separating it into smaller loads or vehicles the intended use of the vehicle or load would be compromised (i.e., removing the boom from a self-propelled crane), the value of the load or vehicle would be destroyed (i.e., removing protective packaging), and/or it would require more than eight work hours to dismantle using appropriate equipment. The permit applicant has the burden of proof in seeking an exception. Configurations that fall under the exception must not exceed special permit limits.

(4) What does the applicant affirm when he/she signs the permit? The permit applicant affirms:

(a) The vehicle or vehicle combination and operator(s) are properly licensed to operate and carry the load described in accordance with appropriate Washington law and administrative code.

(b) They will comply with all applicable requirements stipulated in the permit to move the extra-legal configuration.

(c) The move (vehicle and operator) is covered by a minimum of seven hundred and fifty thousand dollars liability insurance: Provided, That a noncommercial move (vehicle and operator) shall have at minimum three hundred thousand dollars liability insurance for the stated purpose.

(d) Except as provided in RCW 46.44.140, the original permit (permit with original signature) or certified copy will be carried on the power unit at all times while the permit is in effect. Moves made by designated emergency vehicles, receiving departmental permit authorization telephonically, are exempt from this requirement.

(5) What specific responsibility and liability does the state assign to the permit applicant through the special permit? Permits are granted with the specific understanding that the permit applicant shall be responsible and liable for accidents, damage or injury to any person or property resulting from the operation of the vehicle covered by the permit upon public highways of the state. The permit applicant shall hold blameless and harmless and shall indemnify the state of Washington, department of transportation, its officers, agents, and employees against any and all claims, demands,

loss, injury, damage, actions and costs of actions whatsoever, that any of them may sustain by reason of unlawful acts, conduct or operations of the permit applicant in connection with the operations covered by the permit.

(6) When and where can a special permit be acquired? The following options are available:

(a) Special permits may be purchased at any authorized department of transportation office or agency Monday through Friday during normal business hours.

(b) An application for a permit may be submitted by facsimile, including charge card information to an authorized location. The special permit will be issued and returned by facsimile subject to normal business hours.

(c) Companies that would like to self-issue permits for their own vehicles may apply to the department for this privilege. Department representatives will work with the company to determine if self-issuing is appropriate.

(d) The department will maintain and publish a list of authorized permit offices and agencies.

AMENDATORY SECTION (Amending Order 197, filed 5/9/00, effective 6/9/00)

WAC 468-38-070 Maximums and other criteria for special permits—Nondivisible. (1) (Overwidth: 14 feet on any two-lane highway; 20 feet on any multiple-lane highway where a physical barrier serving as a median divider separates the oncoming and opposing traffic lanes; 32 feet on any multiple-lane undivided highway.

The regulations on movement of buildings are in WAC 468-38-360.

(2) Overheight: A load over 14 feet high must be moved by permit, but the permittee is to be governed by the clearance of overhead obstructions such as bridges, underpasses, wires, overhead signs and other objects. The issuance of a permit does not insure the route to be free of low-overhead structures. It is the responsibility of the permittee to check the proposed route and detour when necessary. County or city road detours for this purpose require authorization from respective jurisdictions.

(3) Overlength: The permit will allow movement on routes on which the permittee can negotiate curves, interchanges, entrance and exit roadways and other obstacles. In all instances the general safety of the public is considered paramount.

(4) Loading restrictions: The load must be reduced to a practicable minimum, even if additional vehicles are required to transport the divided item. Loads created by welding, bolting or tying will be construed as divisible, unless proven with good cause not to be divisible.

(5) Overweight loads: Restricted to the limits established in RCW 46.44.091 Special permits—Gross weight limit. In addition, tire loadings are limited to a maximum of six hundred pounds per inch width of tire.

(6) Allowable vehicle configurations:

(a) Tractor (or unladen truck) and semi-trailer or full trailer. Jeeps and/or boosters may be added to the trailer as necessary. Trailers in excess of the legal width of eight feet six inches, or legal length of fifty-three feet, or the permitted length of fifty-six feet, shall not exceed the length or width of

the load, unless, the added dimension is necessary to spread the weight of load to comply with requirements established by the department to protect the infrastructure. A "pusher" power unit may be added to the configuration upon approval.

(b) Tractor with semi trailer and full trailer. Combined trailer length, including space between trailers, may not exceed sixty one feet. This combination is limited to nondivisible loads not to exceed ten feet wide. Both trailers may carry nondivisible loads with the widest load contained on the first trailer. This configuration may not carry over height, over length or over weight loads.

(c) Truck and trailer. Combined overall length when carrying an over length load may not exceed eighty five feet, with the nondivisible over length load restricted to the trailing unit, overhang loaded entirely to the rear of the trailer. An over width or over height nondivisible load may be carried on the truck and/or trailing unit. This configuration may not carry overweight loads.

(7) Loads with multiple pieces: An over dimensional load may include multiple pieces, provided:

(a) The vehicle(s) and load are transported at legal weights.

(b) The largest nondivisible piece(s) must be loaded to its practicable minimum. No single piece may create a dimension greater than the dimension it would create if carried by itself.

(c) Additional pieces may not exceed the outside envelope (rectangular) dimension created by the largest piece(s) loaded in its smallest configuration. No piece shall be added to a load for the sole purpose of creating a larger envelope. It shall be the responsibility of the carrier to provide proof that all pieces are necessary to the move.) **Are there maximum dimensions established for moving nondivisible over-dimensional vehicles and/or loads?** Yes. In all instances the general safety of the public is considered paramount and will ultimately govern over-dimensional moves. There are some general rules; however, physical barriers determine most maximums for over-dimensional moves. Over-dimensional maximums are addressed as follows:

(a) **Overwidth:** As stipulated in RCW 46.44.092, fourteen feet on any two-lane highway; twenty feet on any multiple-lane highway where a physical barrier serving as a median divider (i.e., jersey barrier, cyclone fence, guardrail, etc.) separates the oncoming and opposing traffic lanes; thirty-two feet on any multiple-lane undivided highway. Permits may be issued for widths in excess of the preceding limits when traveling on highway segments that by design can accommodate the greater width.

(b) **Overheight:** Any move involving height, especially permitted moves exceeding fourteen feet, are governed by the ability to clear overhead obstructions such as bridges, underpasses, wires, overhead signs, and other objects. The issuance of a permit does not insure the route to be free of overhead obstructions. It is the responsibility of the permit applicant to check, or prerun, the proposed route and provide for safe maneuvers around the obstruction or detours as necessary. Structures owned by the state should be reviewed with department field personnel to determine safe navigation of the move, including options for temporary removal of obstructions. Detours off the state route onto county or city

roads require authorization from those jurisdictions. A traffic control plan (see WAC 468-38-405 (3)(d)) may be requested for approval by the department before a permit is issued.

(c) **Overlength:** Routes will be limited to over-dimensional moves based on ability to negotiate curves, interchanges, entrance and exit roadways and other obstacles.

(2) **Are there maximum weights established for moving nondivisible overweight vehicles and/or loads?** Yes. Weight maximums for the movement of a nondivisible load under special permit are established in RCW 46.44.091. In addition, tire loading for the movement of a nondivisible load is limited to the lesser of six hundred pounds per inch width of tire or the tire manufacturer's rating with proper inflation, as determined by the nomenclature imprinted on the tire.

(3) **Are there maximums and/or other criteria established for the use of specific vehicle combinations when moving over-dimensional nondivisible loads?** Yes. The maximums for specific vehicle combinations are as follows:

(a) **Truck-tractor pulling a semi-trailer or full trailer:** Trailers in excess of legal length and/or width dimensions, or the permitted length of fifty-six feet, shall not exceed the length or width of the nondivisible load being transported. The department may grant an exception when the added dimension is necessary to spread the weight of the load to comply with requirements established by the department to protect the infrastructure. Jeeps and/or boosters may be added to the trailer to help distribute weight as necessary. A "pusher" power unit may also be added to the configuration upon approval of the department. Jeeps, boosters and pusher power units will be considered part of the trailing unit plus load measurement.

(b) **Truck-tractor pulling semi-trailer and full trailer (or two semi-trailers in B-train configuration):** The combined trailer length, including the space between trailers, may not exceed sixty-one feet. This combination is limited to nondivisible loads not to exceed ten feet wide. Both trailers may carry a nondivisible load, with the widest load carried on the first trailer. Trailers in excess of legal width shall not exceed the width of the nondivisible load being transported. This combination may not carry overheight, overlength or overweight loads.

(c) **Truck and trailer:** There are two scenarios for this combination:

(i) **Both truck and trailer carrying loads:** The combined overall length of the combination when carrying a nondivisible overlength load must not exceed eighty-five feet. Any nondivisible overlength load is restricted to only one vehicle. The trailer may be loaded with the overhang entirely to the rear of the trailer, or the truck may be loaded with the overhang entirely to the front of the truck. Both truck and trailer may carry overwidth and overheight loads. The truck and/or trailer in this configuration may not carry an overweight nondivisible load.

(ii) **Unladen truck and trailer:** The unladen truck may be treated as a truck-tractor and the combination addressed as described in (a) of this subsection: Provided, That the truck-tractor is not carrying any load of any kind, and that its use as an unladen truck is specified on the special permit. The trailing unit is measured from the foremost point of the draw bar or load, whichever is greater, to the rearmost part of the

trailer or load, whichever is greater. This combination may carry a nondivisible overweight load on the trailer. For example, an unladen dump truck may acquire a special permit to pull a tilt trailer with a dozer or backhoe where the trailer load causes the axles to exceed legal weight.

(4) Can a vehicle, or vehicle combination, carry multiple pieces when using an over-dimensional nondivisible special permit? Yes, under the following conditions:

(a) The vehicle(s) and load are transported at legal weights.

(b) The largest nondivisible piece(s) must be loaded to its practicable minimum. No single piece may create a dimension greater than the dimension it would create if loaded properly and carried by itself.

(c) Additional pieces may be added within the envelope dimension created by the largest piece(s) loaded to its practicable minimum. The envelope should be viewed as an imaginary cube with height, length and width defined by the extremities, regardless of shape, of the over-dimensional piece(s) and other legal dimensions as necessary. The department will provide an illustrative example upon request.

(5) Are there any circumstances when an over-dimensional vehicle(s) can move a legal size load? Yes, when the following conditions have been met:

(a) The vehicle(s) are making the move in conjunction with being in route to pick up a nondivisible load under special permit (front haul); or

(b) The vehicle(s) are making the move in conjunction with returning from a delivery of a nondivisible load under special permit (back haul); and

(c) The route traveled is the same route that would have been used if a legal load had not been moved; and

(d) The front haul or back haul is noted on the special permit used for the nondivisible move.

AMENDATORY SECTION (Amending Order 183, filed 10/13/98, effective 11/13/98)

WAC 468-38-071 Maximums and other criteria for special permits—((Reduceable)) Divisible. (1) ((Overlength: Permits for reduceable loads shall not exceed 56 feet for a single trailer and 68 feet for double trailers. Measurement for a single trailer will be from the front of the trailer, or load, to the rear of the trailer, or load, whichever provides the greater distance up to 56 feet. Measurement for double trailers will be from the front of the first trailer, or load, to the rear of the second trailer, or load, whichever provides the greatest distance up to 68 feet. A log truck pulling a pole trailer, trailer combination, carrying two distinct and separate loads will be treated as a tractor semitrailer-trailer (doubles). Measurement for the log truck, pole trailer, trailer combination will be from the front of the first bunk on the truck to the rear of the second trailer, or load, whichever provides the greatest distance up to 68 feet. Measurements shall not include non-load-carrying devices designed for the safe and efficient operation of the semitrailer or trailer, for example: External refrigeration unit, resilient bumper, and aerodynamic shells.

(2) Overheight: A vehicle, or vehicle combination, hauling empty apple bins, or owned and operated by a rancher hauling hay from the rancher's own fields for use with the

rancher's own livestock, may be issued a permit, for vehicle and load, not to exceed fifteen feet high, measured from a level road bed. This permit may be used in conjunction with the overlength permit described in subsection (1) of this section.) **Can a vehicle, or vehicle combination, acquire a permit to exceed the dimensions for legal vehicles in regular operation when moving items of a divisible nature?** Yes. There are some very specific configurations that can receive extra length or extra height when carrying a divisible load.

(2) What configurations can be issued a permit, and how are they measured? The configurations and measurement criteria are:

(a) An overlength permit may be issued to a truck-tractor to pull a single trailer or semi-trailer, with a trailer length not to exceed fifty-six feet. The measurement for the single trailing unit will be from the front of the trailer (including draw bar when used), or load, to the rear of the trailer, or load, whichever provides the greater distance up to fifty-six feet. Rear overhang may not exceed fifteen feet.

(b) An overlength permit may be issued to a truck-tractor to pull a set of double trailers, composed of a semi-trailer and full trailer or second semi-trailer, with a combined trailer length not to exceed sixty-eight feet. The measurement for double trailers will be from the front of the first trailer, or load, to the end of the second trailer or load, whichever provides the greatest distance up to sixty-eight feet. Note: If the truck-tractor is carrying an allowable small freight compartment (dromedary box), the total combined length of the combination, combined trailer length notwithstanding, is limited to seventy-five feet.

(c) An overlength permit may be issued to a log truck pulling a pole-trailer, trailer combination, carrying two distinct and separate loads, as if it was a truck-tractor pulling a set of double trailers. Measurement for the log truck, pole-trailer, trailer combination will be from the front of the first bunk on the truck to the rear of the second trailer, or load, whichever provides the greatest distance up to sixty-eight feet.

(d) An overheight permit may be issued to a vehicle or vehicle combination, hauling empty apple bins, not to exceed fifteen feet high. Measurement is taken from a level roadbed. This permit may be used in conjunction with either of the overlength permits in (a) or (b) of this subsection. The permit may also provide an exemption from a front pilot/escort vehicle as required by WAC 468-38-100 (1)(h). The exemption does not limit the liability assumed by the permit applicant.

(e) An overheight permit may be issued to a vehicle or vehicle combination owned by a rancher and used to haul his own hay from his own fields to feed his own livestock, not to exceed fifteen feet high, measured from a level roadbed. This permit may be used in conjunction with either of the overlength permits in (a) or (b) of this subsection. The permit may also provide an exemption from a front pilot/escort vehicle as required by WAC 468-38-100 (1)(h). The exemption does not limit the liability assumed by the permit applicant.

(3) Are there any measurement exclusive devices related to these permits? Measurements should not include nonload-carrying devices designed for the safe and/or efficient operation of the vehicle, or vehicle combination compo-

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nents, for example: An external refrigeration unit, a resilient bumper, an aerodynamic shell, etc. Safety and efficiency appurtenances, such as, but not limited to, tarp rails and splash suppression devices, may not extend more than three inches beyond the width of a vehicle. The examples are not all inclusive.

(4) Are overweight permits available for divisible loads? The secretary of transportation, or designee, may issue permits to department vehicles used for the emergent preservation of public safety and/or the infrastructure (i.e., snow removal, sanding highways during emergency winter conditions, emergent debris removal or retainment, etc.). The permits will also be valid for the vehicles in transit to or from the emergent work site. The special permits may allow:

(a) Weight on axles in excess of what is allowed in RCW 46.44.041;

(b) Movement during hours of the day, or days of the week, that may be restricted in WAC 468-38-175;

(c) Exemption from the sign requirements of WAC 468-38-155(7) if weather conditions render such signs ineffectual; and

(d) Movement at night, that may be restricted by WAC 468-38-175(3), by vehicles with lights that meet the standards for emergency maintenance vehicles established by the commission on equipment.

AMENDATORY SECTION (Amending WSR 02-06-106, filed 3/5/02, effective 4/5/02)

WAC 468-38-075 ((Overlength exemptions.)) Special permit exemptions for authorized vehicles and/or loads. ((Vehicles may move by special motor vehicle permit without regard to oversize load signs (WAC 468-38-190), weekend curfew or holiday restrictions (WAC 468-38-230), commuter traffic restrictions (WAC 468-38-235), or night time movement restrictions (WAC 468-38-260), when they meet the following overlength conditions:

Tractor/trailer combinations with:

-A single trailer not exceeding fifty six feet (including load)

-Double trailers not exceeding sixty eight feet (including load)

-Nonreducible loads (including trailer) not exceeding sixty one feet

-Vehicles with front overhang not exceeding four feet beyond the three foot legal limit set in RCW 46.44.034 (see also bumper criteria set in RCW 46.37.517)

-Single unit fixed load vehicles not exceeding an overall length of forty five feet including a four foot front overhang beyond the legal three foot limit and a rear overhang not to exceed fifteen feet measured from the center of the last axle.

The aforementioned vehicles, when in compliance with WAC 204-24-050 Use of tire chains or other traction devices, are also exempt from that portion of the winter road restrictions (WAC 468-38-390) prohibiting movement in areas where the following sign is displayed: "traction advisory/oversized vehicles prohibited." (1) **What special permit requirements/restrictions are exempted for an authorized overlength vehicle and/or load?** The following exemptions for authorized overlength vehicles and/or loads include:

(a) The requirement to display "OVERSIZE LOAD" signs (WAC 468-38-155(7));

(b) The requirement to cease operation on routes governed by commuter hour restrictions, and during holiday travel restrictions (WAC 468-38-175 (1) and (2));

(c) The requirement that approved night movement be stated on the special permit (WAC 468-38-175(3)); and

(d) The restriction for movement during winter road conditions when the following sign is displayed: "TRACTION ADVISORY/OVERSIZED VEHICLES PROHIBITED" (WAC 468-38-095(8)). In addition to being an authorized vehicle, the vehicle must also comply with WAC 204-24-050 Use of tire chains or other traction devices.

(2) What overlength vehicles and/or loads are authorized to receive the exemptions? The following vehicles and/or loads are exempted from the requirements/restrictions identified in subsection (1) of this section:

(a) A truck-tractor/semi-trailer combination where the single trailer does not exceed fifty-six feet, including load;

(b) A truck-tractor/semi-trailer/trailer combination where the combined trailer length does not exceed sixty-eight feet, including load;

(c) A vehicle or vehicle combination with a front overhang not exceeding four feet beyond the three foot legal limit set in RCW 46.44.034 (see also bumper criteria set in RCW 46.37.517), and/or a rear overhang not exceeding fifteen feet;

(d) A single unit fixed load vehicle not exceeding an overall length of forty-five feet including the allowable overhangs in (c); and

(e) A nondivisible load, including the trailer upon which it is carried, not exceeding sixty-one feet.

(3) Are there exemptions for permitted vehicles exceeding legal height or width? Yes. A vehicle or vehicle combination that does not exceed a defined envelope of twelve feet wide, fourteen feet six inches high and an overall combined length of one hundred feet is exempt from the restriction on movement at night, as referenced in subsection (1)(c) of this section.

(4) Are there exemptions for vehicles operating with an overweight special permit? Yes. A vehicle or vehicle combination operating on a special permit for overweight only, in compliance with all legal dimension limits, is exempt from all of the requirements/restrictions included in subsection (1)(a) through (d) of this section: Provided, That the vehicle or vehicle combination can maintain posted speed limits. This exemption may be used in conjunction with the height and width exemption in subsection (3) of this section.

AMENDATORY SECTION (Amending Order 31, Resolution No. 156, filed 8/20/82)

WAC 468-38-080 ((Emergency closure and load restrictions on state highways.)) Emergency load restrictions for heavy vehicles. ((1) Pursuant to RCW 46.44.080, when the department of transportation determines that, because of emergency conditions, vehicles whose gross tire loads exceed those described in subsection (2) of this section and will damage a highway or will endanger other traffic using a highway, it shall without delay close that highway temporarily to all vehicles or to a designated class of vehi-

eles. Notices shall be posted at each end of the closed portion of highway and at all intersecting state highways.

(2) The department shall impose load restrictions as needed by posting either of the following signs. The conditions existing at the time shall determine which schedule of emergency load restrictions will be imposed.

EMERGENCY LOAD RESTRICTIONS

CONVENTIONAL TIRES		TUBELESS OR SPECIAL WITH .5 MARKING	
Tire Size	Gross Load Each Tire	Tire Size	Gross Load Each Tire
7.00	1800 lbs.	8-22.5	2250 lbs.
7.50	2250 lbs.	9-22.5	2800 lbs.
8.25	2800 lbs.	10-22.5	3400 lbs.
9.00	3400 lbs.	11-22.5	4000 lbs.
10.00	4000 lbs.	11-24.5	4000 lbs.
11.00	4500 lbs.	12-22.5	4500 lbs.
12.00		12-24.5	
& over	4500 lbs.	& over	4500 lbs.

SEVERE EMERGENCY LOAD RESTRICTIONS

CONVENTIONAL TIRES		TUBELESS OR SPECIAL WITH .5 MARKING	
Tire Size	Gross Load Each Tire	Tire Size	Gross Load Each Tire
7.00	1800 lbs.	8-22.5	1800 lbs.
7.50	1800 lbs.	9-22.5	1900 lbs.
8.25	1900 lbs.	10-22.5	2250 lbs.
9.00	2250 lbs.	11-22.5	2750 lbs.
10.00	2750 lbs.	11-24.5	2750 lbs.
11.00		12-22.5	
& over	3000 lbs.	& over	3000 lbs.

(a) No allowance will be made for any second rear axle that is suspended from the frame of a vehicle independent of the regular driving axle, commonly known as a "rigid trail axle." Allowance will be made for single tires only on the front axle of any truck.

(b) The load distribution on any one axle of any vehicle shall be such that it will not load the tires on that axle in excess of the prescribed load listed above. Provided, That a truck, truck tractor, passenger bus or school bus having conventional 10:00 x 20 tires or 11:00 x 22.5 tires, or larger, may carry a maximum load of 10,000 pounds on the front axle over any state highway placed under emergency load restrictions.

(3) Permits may be issued by the department of transportation to allow the operation of school buses and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents on such state highways as may be closed, subject to specific weight and speed restrictions as may be deemed necessary by the department of transportation.

(4) This rule shall not supersede or modify any rule in force establishing load limitations on state highway bridges.)) (1) **When would the department implement a**

load restriction? Pursuant to RCW 46.44.080, when the department determines that an emergency road condition exists, a freeze thaw condition for example, and that vehicles with gross tire loadings exceeding acceptable limits will damage the highway or endanger other traffic using the highway, the department shall without delay restrict or close that highway segment temporarily to all vehicles or to a designated class of vehicle.

(2) **How will vehicle operators be notified of the restrictions?** Signs will be erected at each end of the closed/restricted highway segment, and at all intersecting state highways. Depending upon conditions, one of the following signs will be in use:

(a)

EMERGENCY LOAD RESTRICTIONS			
CONVENTIONAL TIRES		TUBELESS OR SPECIAL WITH .5 MARKING	
Tire Size	Gross Load Each Tire	Tire Size	Gross Load Each Tire
7.00	1800 lbs.	8-22.5	2250 lbs.
7.50	2250 lbs.	9-22.5	2800 lbs.
8.25	2800 lbs.	10-22.5	3400 lbs.
9.00	3400 lbs.	11-22.5	4000 lbs.
10.00	4000 lbs.	11-24.5	4000 lbs.
11.00	4500 lbs.	12-22.5	4500 lbs.
12.00		12-24.5	
& over	4500 lbs.	& over	4500 lbs.

(b)

SEVERE EMERGENCY LOAD RESTRICTIONS			
CONVENTIONAL TIRES		TUBELESS OR SPECIAL WITH .5 MARKING	
Tire Size	Gross Load Each Tire	Tire Size	Gross Load Each Tire
7.00	1800 lbs.	8-22.5	1800 lbs.
7.50	1800 lbs.	9-22.5	1900 lbs.
8.25	1900 lbs.	10-22.5	2250 lbs.
9.00	2250 lbs.	11-22.5	2750 lbs.
10.00	2750 lbs.	11-24.5	2750 lbs.
11.00		12-22.5	
& over	3000 lbs.	& over	3000 lbs.

Note: The department recommends that carriers check the department's website www.wsdot.wa.gov/freight/mcs for possible advance warning on road restrictions.

(3) **Are the tires identified in the aforementioned table the only tires authorized for use under permit when the signs in subsection (2) of this section are posted?** During periods when "emergency load restrictions" or "severe emergency load restrictions" are in effect, only vehicles equipped with tires required by the table in subsection (2) of this section may operate under permit.

(4) **Will there be an allowance for any second axle that is suspended from the frame of a vehicle independent of the regular drive axle, commonly known as a "rigid trail axle"?** No.

PROPOSED

(5) Will there be an allowance for more than two tires on the steering, or front, axle? No.

(6) What restrictions are there on axle load distributions? The load distribution on any axle must not load the tires on that axle in excess of the prescribed load listed in subsection (2) of this section: Provided, That a truck, truck-tractor, passenger bus or school bus having conventional 10:00 x 20 tires or 11:00 x 22.5 tires, or larger, may carry a maximum load of ten thousand pounds on the front axle over any highway placed under emergency load restrictions.

(7) Is there a permitting process to allow necessary vehicles to use the restricted highway segment? Permits may be issued by the department to allow the operation of school buses and vehicles transporting perishable commodities or commodities necessary for the health and welfare of local residents. These vehicles will be subject to specific weight and speed restrictions, as directed by the department.

(8) Will a temporary additional tonnage permit supersede the restrictions? Operators of vehicles that have been issued a temporary additional tonnage permit must comply with the posted restriction and related rules.

(9) Can this rule supersede or modify any rule in force that has established a lower load limitation on a state highway bridge? No.

NEW SECTION

WAC 468-38-095 Emergency road restrictions due to weather or other conditions. (1) **Who has the authority to implement emergency procedures to restrict the movement of a vehicle(s) operating on state highways?** RCW 47.48.031 and 46.44.080 provide authority for the chief or another officer of the state patrol, or the secretary of transportation or designee, to restrict vehicle movement by closing or restricting movement on a section(s) of state highway(s) to all vehicles or specific class of vehicles.

(2) **Under what conditions would a road restriction be put in place?** A restriction or closure may be put in place whenever the department or the state patrol believe that weather or other conditions have created a substantial risk to public safety.

(3) **How are the restrictions maintained?** The department and the state patrol shall exchange notices of conditions that require a restriction(s) or closure to be placed on the highway, and notices when conditions change that will allow the restriction to be terminated. Either the department or the state patrol, whichever agency can best respond to the condition, shall manually control traffic as needed until the restriction is terminated or until the department can install traffic control devices.

(4) **How will the notification of a restriction be communicated to the highway users?** The department and the state patrol have a joint responsibility to provide notice of both the placement and removal of highway restrictions/closures. Notices shall be provided to the news media, affected law enforcement agencies, and other appropriate organizations, both public and private. For areas requiring vehicles to apply tire chains, see subsection (8) of this section.

(5) **At what point does visibility play a factor in the movement of a vehicle operating under special permit?**

Moves must not be made when visibility is reduced to one thousand feet or less. If visibility is reduced during transport, the vehicle or vehicle combination must clear the highway at the nearest safe location.

(6) **Can an individual move under special permit be restricted through enforcement intervention?** Yes. An enforcement officer, at his/her discretion, may require the driver of the permitted vehicle or vehicle combination to pull off of the highway when weather or other conditions become unsafe for further movement. The enforcement officer may direct or escort the permitted vehicle to a place of safety where it may be parked until the unsafe conditions abate.

(7) **Do vehicles carrying hazardous or radioactive cargo have greater opportunity of being affected by restrictions?** Yes. Due to the potential risks to the public, RCW 47.01.270 and 47.48.050 have provided the department and the state patrol with the specific authority to close a section(s) of the highway(s) to transporters of placarded radioactive or hazardous cargo. The basis for closure is the same as stated in subsection (2) of this section.

(8) **Who has authority to prohibit permitted vehicles from chain/approved traction device control areas, and how is this communicated?** The department and the state patrol may prohibit a vehicle, whether moving under special permit for oversize/overweight or not, from entering chain/approved traction device control areas. Prohibitions are put in place when it is determined the vehicle will experience difficulty in safely traveling the area. Traffic control signs will generally communicate prohibitions (i.e., "TRACTION ADVISORY/OVERSIZE VEHICLES PROHIBITED," "CHAINS REQUIRED ON ALL VEHICLES EXCEPT ALL WHEEL DRIVE," "VEHICLES OVER 10,000 GVWR CHAINS REQUIRED," etc.). In addition, specific vehicle combinations may be required to operate with specified traction devices (i.e., "TRACTORS PULLING DOUBLE TRAILERS MUST CHAIN UP"). Also, refer to WAC 204-24-050 (2)(h) for a list of areas where sufficient tire chains must be carried on the vehicle(s) between November 1 and April 1 of each year.

(9) **What penalties are in place for vehicles moving in prohibited areas?** Movement into a restricted area when the vehicle is prohibited, or without the specified traction device, is a violation of the special permit, which is a traffic infraction, and subject to the penalties of RCW 46.44.105.

(10) **What responsibilities must the operator of a vehicle(s) operating under special permit, during winter road conditions, assume when signs or other traffic control devices are not present?** A vehicle, or vehicle combination, operating under special permit for oversize, must stop movement at the nearest safe location during periods when:

(a) Snow is falling to a degree that visibility is limited to less than one thousand feet; or

(b) Immediately following a severe storm when snow removal equipment is operating; or

(c) When fog or rain limits visibility to less than one thousand feet; or

(d) When compact snow and ice conditions require the use of chains.

Movement must not resume until conditions have abated and clearance obtained from the nearest department or state

patrol office. Failure to stop is a violation of the permit and subject to the penalties of RCW 46.44.105.

AMENDATORY SECTION (Amending Order 68, filed 11/22/89, effective 12/23/89)

WAC 468-38-100 (~~(Escort car requirements.)~~) **Pilot/escort vehicle and operator requirements.** (~~(Escort cars are required:~~

(1) ~~When vehicle, vehicles or load is over eleven feet in width, escort cars (both front and rear) are required on a two-lane highway.~~

(2) ~~When vehicle, vehicles or load is over fourteen feet wide, one escort car in rear of movement is required on multiple lane highways.~~

(3) ~~When vehicle, vehicles or load is over twenty feet wide, escort cars in both front and rear of movement are required when the highway is a multiple lane, undivided highway.~~

(4) ~~When overall length of load, including vehicles, exceeds one hundred feet or when rear overhang of load measured from the last axle exceeds one-third of the total length, one escort car is required on two lane highways. The permit may authorize a riding flagperson in lieu of an escort car.~~

(5) ~~When overall length of load, including vehicles, exceeds one hundred forty feet, one rear escort car is required on multiple lane highways.~~

(6) ~~When in the opinion of the department of transportation, escort cars are necessary to protect the traveling public, for any overdimension and/or overweight move either across, upon, or along a highway-)~~ (1) **When is a pilot/escort vehicle(s) required to accompany an extra-legal vehicle or load? A pilot/escort vehicle(s) must accompany an extra-legal load when:**

(a) The vehicle(s) or load is over eleven feet wide. Two pilot/escort vehicles are required on two lane roads, one in front and one in back.

(b) The vehicle(s) or load is over fourteen feet wide. One escort vehicle is required at the rear of the movement on multilane highways.

(c) The vehicle(s) or load is over twenty feet wide. Two pilot/escort vehicles are required on multilane undivided highways, one in front and one in back.

(d) The trailer length, including load, of a tractor/trailer combination exceeds one hundred five feet, or when the rear overhang of a load measured from the center of the rear axle exceeds one-third of the trailer length plus load of a tractor/trailer combination. One pilot/escort vehicle is required at the rear of the movement on two-lane highways.

(e) The trailer length, including load, of a tractor/trailer combination exceeds one hundred twenty-five feet. One pilot/escort vehicle is required at the rear of the movement on multilane highways.

(f) The front overhang of a load measured from the center of the front steer axle exceeds twenty feet. One pilot/escort vehicle is required at the front on all two-lane highways.

(g) The rear overhang of a load measured from the center of the rear axle exceeds one-third the total length of a single

unit vehicle with load. One pilot/escort vehicle is required at the rear of the movement on two-lane highways.

(h) The height of the vehicle(s) or load exceeds fourteen feet six inches. One pilot/escort vehicle with height measuring device (pole) is required at the front of the movement on all state highways and roads.

(i) The operator, using rearview mirrors, cannot see two hundred feet to the rear of the vehicle or vehicle combination.

(j) In the opinion of the department, a pilot/escort vehicle(s) is necessary to protect the traveling public. Assignments of this nature must be authorized through the department's administrator for commercial vehicle services.

(2) **Can a pilot/escort vehicle be temporarily reassigned a position relative to the load during a move? When road conditions dictate that the use of the pilot/escort vehicle in another position would be more effective, the pilot/escort vehicle may be temporarily reassigned. For example: A pilot/escort vehicle is assigned to the rear of an overlength load on a two-lane highway. The load is about to enter a highway segment that has curves significant enough to cause the vehicle and/or load to encroach on the oncoming lane of traffic. The pilot/escort vehicle may be temporarily reassigned to the front to warn oncoming traffic.**

(3) **Can a certified flag person ever substitute for a pilot/escort vehicle? In subsection (1)(d) and (e) of this section, the special permit may authorize a riding flag person, in lieu of a pilot/escort vehicle, to provide adequate traffic control for the configuration.**

(4) **Must an operator of a pilot/escort vehicle be certified to operate in the state of Washington? Yes. To help assure compliance with the rules of this chapter, consistent basic operating procedures are needed for pilot/escort vehicle operators to properly interact with the escorted vehicle and the surrounding traffic. Operators of pilot/escort vehicles, therefore, must be certified as having received department-approved base level training as a pilot/escort vehicle operator. A pilot/escort vehicle operator with a Washington state driver's license must have a valid Washington state pilot/escort vehicle operator certificate/card which must be on the operator's person while performing escort vehicle operator duties. Escort vehicle operators with a driver's license from a jurisdiction other than Washington state may acquire a Washington state escort vehicle operator certificate/card, or operate with a certification from another jurisdiction approved by the department, subject to the periodic review of the issuing jurisdiction's certification program. A current list of approved programs will be maintained by the department's commercial vehicle services office. Washington state pilot/escort vehicle operator cards must be renewed every three years.**

(5) **What are the pretrip procedures that must be followed by the operator of a pilot/escort vehicle?**

(a) Discuss with the operator of the extra-legal vehicle the aspects of the move including, but not limited to, the vehicle configuration, the route, and the responsibilities that will be assigned or shared.

(b) Prerun the route, if necessary, to verify acceptable clearances.

(c) Review the special permit conditions with the operator of the extra-legal vehicle.

(d) Determine proper position of required pilot/escort vehicles and set procedures to be used among the operators.

(e) Assure availability of additional certified flag persons if stated as a condition of the oversize/overweight special permit.

(f) Check mandatory equipment, provided in subsections (9) and (10) of this section. Each operator is responsible for his or her own vehicle.

(g) Check two-way communication system to ensure clear communications and predetermine the channel to be used.

(h) Adjust mirrors, mount signs and turn on lights, provided in subsections (8)(e) and (9)(a) and (b) of this section.

(6) What are the responsibilities of the operator of a pilot/escort vehicle when assigned to be in front of the extra-legal movement? The operator shall:

(a) Provide general warning to oncoming traffic of the presence of the permitted vehicle by use of signs and lights, provided in subsection (9) of this section;

(b) Notify the operator of the extra-legal vehicle, and the operator(s) of any trailing pilot/escort vehicle(s), about any condition that could affect either the safe movement of the extra-legal vehicle or the safety of the traveling public, in sufficient time for the operator of the extra-legal vehicle to take corrective action. Conditions requiring communication include, but are not limited to, road-surface hazards; overhead clearances; obstructions; traffic congestion; pedestrians; etc.;

(c) Provide guidance to the extra-legal vehicle through lane changes, egress from one designated route and access to the next designated route on the approved route itinerary, and around any obstacle;

(d) In the event of traffic buildup behind the extra-legal vehicle, locate a safe place adjacent to the highway where the extra-legal vehicle can make a temporary stop. Notify the operator of the extra-legal vehicle, and the operator(s) of any trailing pilot/escort vehicle(s), in sufficient time for the extra-legal vehicle to move out of the traffic flow into the safe place, allowing the following traffic to pass safely;

(e) In accordance with training, be far enough in front of the extra-legal vehicle to signal oncoming traffic to stop in a safe and timely manner before entering any narrow structure or otherwise restricted highway where an extra-legal vehicle has entered and must clear before oncoming traffic can enter;

(f) In accordance with training, do not be any farther ahead of the extra-legal vehicle than is reasonably prudent, considering speed of the extra-legal vehicle, other traffic, and highway conditions. Do not exceed one-half mile distance between pilot/escort vehicle and extra-legal vehicle in order to maintain radio communication, except when necessary to safely travel a long narrow section of highway; and

(g) Assist in guidance to a safe place, and/or traffic control, in instances when the extra-legal vehicle becomes disabled.

(7) What are the responsibilities of the operator of a pilot/escort vehicle when assigned to be at the rear of the extra-legal movement? The operator shall:

(a) Provide general warning to traffic approaching from the rear of the extra-legal vehicle ahead by use of signs and lights, provided in subsection (9) of this section;

(b) Notify the operator of the extra-legal vehicle, and the operator(s) of any leading pilot/escort vehicle(s), about any condition that could affect either the safe movement of the extra-legal vehicle or the safety of the traveling public, in sufficient time for the operator of the extra-legal vehicle to take corrective action. Conditions requiring communication include, but are not limited to, objects coming loose from the extra-legal vehicle; flat tires on the extra-legal vehicle; rapidly approaching traffic or vehicles attempting to pass the extra-legal vehicle; etc.;

(c) Notify the operator of the extra-legal vehicle, and/or the operator of the lead pilot/escort vehicle, about traffic buildup or other delays to normal traffic flow resulting from the extra-legal move;

(d) In the event of traffic buildup behind the extra-legal vehicle, notify the operator of the extra-legal vehicle, and the operator(s) of any pilot/escort vehicle(s) in the lead, and assist the extra-legal vehicle in its move out of the traffic flow into the safe place, allowing the following traffic to pass safely;

(e) In accordance with training, be far enough behind the extra-legal vehicle to provide visual warning to approaching traffic to slow or stop in a timely manner, depending upon the action to be taken by the extra-legal vehicle, or the condition of the highway segment (i.e., limited sight distance, mountainous terrain, narrow corridor, etc.);

(f) Do not follow more closely than is reasonably prudent, considering the speed of the extra-legal vehicle, other traffic, and highway conditions. Do not exceed one-half mile distance between the pilot/escort vehicle and the extra-legal vehicle in order to maintain radio communication, except when necessary to safely travel a long narrow section of highway; and

(g) Assist in guidance to a safe place, and/or traffic control, in instances when the extra-legal vehicle becomes disabled.

(8) What kind of vehicle can be used as a pilot/escort vehicle? In addition to being in safe and reliable operating condition, the vehicle shall:

(a) Be either a single unit passenger car, including passenger van, or a two-axle truck;

(b) Not exceed a maximum gross vehicle weight rating of fourteen thousand pounds;

(c) Have a body width of at least sixty inches but no greater than one hundred two inches;

(d) Not exceed the legal limits of size and weight, as defined in chapter 46.44 RCW; and

(e) Be equipped with outside rear-view mirrors, located on each side of the vehicle.

(9) In addition to equipment required by traffic law, what additional equipment is required on the vehicle when operating as a pilot/escort, and when is it used?

(a) A minimum of two flashing or rotating amber (yellow) lights, positioned above the roof line, visible from a minimum of five hundred feet to approaching traffic from the front or rear of the vehicle. Light bars, with appropriately colored lights, meeting the visibility minimums are acceptable. Lights must only be activated while escorting an extra-legal vehicle, or when used as traffic warning devices while stopped at the side of the road taking height measurements

during the prerunning of a planned route. The vehicle's headlights must also be activated while escorting an extra-legal vehicle.

(b) A sign reading "OVERSIZE LOAD," measuring at least five feet wide, ten inches high with black lettering at least eight inches high in a one-inch brush stroke on yellow background. The sign shall be mounted over the roof of the vehicle and shall be displayed only while performing as the pilot/escort of an extra-legal load. When the vehicle is not performing as a pilot/escort, the sign must be removed, retracted or otherwise covered.

(c) A two-way radio communications system capable of providing reliable two-way voice communications, at all times, between the operators of the pilot/escort vehicle(s) and the extra-legal vehicle(s).

(10) What additional or specialized equipment must be carried in a pilot/escort vehicle?

(a) A standard eighteen-inch STOP AND SLOW paddle sign.

(b) Three bi-directional emergency reflective triangles.

(c) A minimum of one five-pound B, C fire extinguisher, or equivalent.

(d) A high visibility safety garment designed according to Class 2 specifications in ANSI/ISEA 107-1999, *American National Standard for High Visibility Safety Apparel*, to be worn when performing pilot/escort duties outside of the vehicle. The acceptable high visibility colors are fluorescent yellow-green, fluorescent orange-red or fluorescent red.

(e) A highly visible colored hard hat, also to be worn when performing pilot/escort duties outside of the vehicle, per WAC 296-155-305.

(f) A height-measuring device (pole), which is nonconductive and nondestructive to overhead clearances, when required by the terms of the special permit. The pole may be carried outside of the vehicle when not in use. See also subsection (14) of this section.

(g) First-aid supplies as prescribed in WAC 296-800-15020.

(h) A flashlight in good working order with red nose cone. Additional batteries should also be on hand.

(11) Can the pilot/escort vehicle carry passengers? A pilot/escort vehicle may not contain passengers, human or animal, except for a certified individual in training status or necessary flag person.

(12) Can the pilot/escort vehicle carry any other items, equipment, or load? Yes, as long as the items, equipment or load have been properly secured: Provided, no equipment or load may be carried in or on the pilot/escort vehicle that:

(a) Exceeds the height, length, or width of the pilot/escort vehicle, or overhangs the vehicle, or otherwise impairs its immediate recognition as a pilot/escort vehicle by the traveling public;

(b) Obstructs the view of the flashing or rotating amber lights, or "OVERSIZE LOAD" sign on the vehicle;

(c) Causes safety risks; or

(d) Otherwise impairs the performance by the operator or the pilot/escort vehicle of the duties required by these rules.

(13) Can a pilot/escort vehicle escort more than one extra-legal load at the same time? No, unless the depart-

ment determines there are special circumstances that have resulted in an express authorization on the special permit.

(14) When and how must a pilot/escort vehicle use a height-measuring device? The height-measuring device (pole) must be used when escorting an extra-legal load in excess of fourteen feet six inches high, unless an alternative authorization has been granted by the department and stated on the special permit, or in rule. The height pole must extend between three and six inches above the maximum height of the extra-legal vehicle, or load, to compensate for the affect of wind and motion. When not in the act of escorting an extra-legal move, or prerunning a route to determine height acceptance, the height pole shall be removed, tied down or otherwise reduced to legal height.

(15) Do the rules change when a uniformed off-duty law enforcement officer, using official police car or motorcycle, performs the escorting function? While the spirit of the rules remain the same, specific rules may be modified to fit the situation.

AMENDATORY SECTION (Amending WSR 02-17-004, filed 8/8/02, effective 9/8/02)

WAC 468-38-120 Transport of extra-legal manufactured housing. (1) ((Purpose: To supplement the provisions of chapter 468-38 WAC as they relate to the transport of extra-legal manufactured housing on state highways. Where conflicts with other sections of this chapter occur, the following rules apply:

(2) Vehicle combination and size limits:

(a) Combination of vehicles—The combination shall be limited to two vehicles composed of the towing vehicle and the semi-trailer designed housing unit.

(b) Length—The length of the manufactured housing unit must not exceed seventy five feet, including tongue.

(c) Width—The width of the manufactured housing unit must not exceed a box (base) width of sixteen feet. The unit may have an eave provided it does not extend beyond either side by:

(i) More than thirty inches for units with box width less than sixteen feet; or

(ii) More than sixteen inches for units with box width of sixteen feet, however, the overall width shall not, under any circumstance, exceed eighteen feet.

(d) Width exemptions—External features, such as door-knobs, window fasteners, eave cap, clearance lights, and load securing devices, that extend no more than two inches on each side of the unit, are exempt from the overall width measurement.

(e) Height—The height of the unit is limited to the actual overhead clearance of the route.

(3) Permits for transport: Permits to transport extra-legal manufactured housing units are issued as follows:

(a) Annual/monthly permits are issued only to dealers or manufacturers described in chapter 46.70 RCW or to licensed transporters described in chapter 46.76 RCW. Annual/monthly permits are restricted to units with a width less than, or equal to, a fourteen-foot box plus twelve inch eave and/or a height of fifteen feet or less measured from level ground.

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(b) Single trip permits are required for units with an overall width greater than fifteen feet or greater and/or height greater than fifteen feet measured from level ground. A single trip permit may also be issued for any unit of a lesser dimension. Units with an overall width or height greater than sixteen feet must comply with WAC 468-38-405, superloads prior to having a permit issued.

(c) Permits issued in accordance with the Uniform Mobile and Modular Home Transportation Regulations of WASHTO will be subject to those regulations and will be honored by the state of Washington if issued by other states.

(4) Escort vehicles: Escort vehicles must comply with WAC 468-38-100, except a front escort vehicle with height pole is not required until the overall height of the unit, measured from the road surface, exceeds fifteen feet. Vehicle or load width referenced in WAC 468-38-100 must be interpreted as overall width.

(5) Insurance:

(a) The transporter must have insurance in effect while operating under the permit in the minimum amounts of one hundred thousand/three hundred thousand dollars bodily injury and fifty thousand dollars property damage. Escort vehicle operators shall meet the insurance requirements of RCW 46.44.180.

(b) If an accident occurs while transporting a manufactured home under permit, the transporter must immediately notify the nearest state patrol office if the damage is greater than two hundred fifty dollars to the manufactured home or greater than one hundred dollars to other vehicles or structures. Permission to continue the movement must be obtained from the state patrol.

(6) Axles, tires and brakes for manufactured housing unit:

(a) Housing units manufactured after January 1, 2002, (labeled pursuant to 24 CFR 3282.362 (c)(2)(i)), and housing units with no verifiable date of manufacture, must not be transported with tire loadings in excess of the manufacturer's rating as marked on the sidewall or, in the absence of such a marking, the load rating specified in any of the publications of any organization listed in the Federal Motor Carrier Safety Standard (FMCSS) No. 119 (49 CFR 571.119, S5.1 (b)).

(b) Housing units manufactured on or before January 1, 2002, (labeled pursuant to 24 CFR 3282.362 (c)(2)(i)) must not be transported with tire loadings more than eighteen percent over the manufacturer's rating as marked on the sidewall or, in the absence of such a marking, the load rating specified in any of the publications of any organization listed in FMCSS No. 119 (49 CFR 571.119, S5.1 (b)). Housing units transported on tires overloaded by nine percent or more must not be moved at speeds exceeding 50 mph (80 km/hr).

(c) Brakes must be designed and installed to also activate if the unit accidentally breaks away from the towing vehicle. Brakes must be operational on all wheels, except for housing units manufactured prior to June 15, 1976, that must comply as follows:

WIDTH OF UNIT AT BASE	NUMBER OF AXLES REQUIRED	WHEELS W/ BRAKES
>8'-6" but <10'	2 or more	all wheels on 2 axles (towing unit w/min. 9,000 GVWR, all wheels on 1 axle)
10' to 14' (under 60' long)	2 or more (3 or more if >60' long)	all wheels on 2 axles (tires minimum 8-00 x 14.5, 10-ply)

(d) Each unit in transport must have sufficient axles to support enough tires to comply with (a) or (b) of this subsection, as applicable. Any unit exceeding fourteen feet wide (box width) must have a minimum of four axles. Each unit must also:

(i) Not exceed the manufacturer's rating for any wheel, axle, drawbar, hitch, or other suspension component; and

(ii) Carry a minimum of two spare tires, inflated and ready for use.

(7) Towing vehicle requirements:

(a) Towing vehicles must be equipped with dual wheels on the drive axle; and

(b) If the unit exceeds fourteen feet in width, the towing vehicle must have a minimum GAWR₂ of thirty two thousand (32,000) pounds.

(2) Gross axle weight rating which is the sum of the axle ratings assigned by the axle manufacturer.

(e) Engine horsepower must be enough to maintain speeds of 45 MPH on the interstate and 35 MPH on other highways.

(8) Signs and lights:

(a) The oversize load sign must be mounted on the rear of the unit, on a horizontal plane, between five and seven feet above the road surface.

(b) In addition to any other lighting requirements by law or rule, two six inch flashing amber lights, with a minimum of thirty five candle power, a flashing cycle of sixty to one hundred twenty times per minute during transit, must be mounted at the rear of the trailing unit, on a horizontal plane, at least ten feet above the road surface, and above the roof line of the towing vehicle. The lights at both locations must be separated as far as practical.

(9) Travel requirements:

(a) Routes: Extra legal units must comply with the route restrictions published by the department. All units with an overall width or height of sixteen feet or greater must be approved for travel by the department on a case by case basis, see also WAC 468-38-405, superloads. In addition, dealers selling extra legal manufactured homes must advise the prospective purchaser in writing that not all state highways are approved for the transport of manufactured homes in excess of twelve feet wide.

(b) Speed in transit is governed by WAC 468-38-340.

(c) Open side covering: Units with an open side must be covered with a rigid material such as plywood or hardboard. In lieu of the rigid material, plastic covering can be used, provided a grillwork of lumber or similar material is applied to prevent tears and/or billowing of the plastic material.

(d) Rural travel must maintain adequate spacing between units in transit of at least one half mile. When following a

truck, truck-tractor or trailer units must maintain a space of four hundred to five hundred feet to avoid impairing the visibility of an overtaking vehicle.

(e) Travel in the right lane is required except when passing or avoiding an obstacle. On two-lane highways, units must not pass other vehicles except when required to pass a slow-moving vehicle which is hindering the safe flow of traffic.

(10) Decals:

(a) A decal issued by the county treasurer must be displayed on any manufactured home being transported on public highways in this state (RCW 46.44.170), except:

- (i) When a unit is to enter the state;
- (ii) When a unit is being moved from the manufacturer or distributor to a retail sales outlet;
- (iii) When a unit is being moved from the manufacturer or distributor to a purchaser's designated location; or
- (iv) When a unit is being moved between retail sales outlets.

(b) The county treasurer's transport decal shall be displayed on the rear of the manufactured home while in transport. It shall be issued at the same time as the tax certificate for manufactured home movement. If the tax certification is for a double-wide (or more) manufactured home, there must be a transport decal issued for each unit.

(c) The decal must meet the following requirements:

- (i) Be at least eight and one-half inches square.
- (ii) Be printed on Appleton Radiant Fluorescent Bristol (weight .010) or paper of comparable quality.
- (iii) Be fluorescent orange in color.
- (iv) Show the make, model and serial number of the manufactured home, the date issued, the name of the transporter, the transporter's WUTC permit number if required, the department of transportation special motor vehicle permit number, and the name of the county issuing the decal.

(v) Clearly display the expiration date of the decal, which must not be more than fifteen days after the date issued.

(d) Decals must not be transferred.) **How many vehicles can be combined in the move of a manufactured home?** The vehicle combination is limited to two vehicles, a towing unit, sometimes referred to as a "toter," and the semi-trailer designed housing unit.

(2) What are the dimensional limits of the combination? While the overall combination is not limited by dimension, the following limits are established:

(a) Length: The length of the manufactured housing unit may not exceed seventy-five feet, including the length of the tongue.

(b) Width: The width of the manufactured housing unit must not exceed a box (base) width of sixteen feet. The unit may have an eave provided it does not extend beyond either side by:

- (i) More than thirty inches for units with a box width less than sixteen feet wide; or
- (ii) More than sixteen inches for a unit with a box width of sixteen feet; however, the overall width shall not, under any circumstances, exceed eighteen feet.

(c) Width exemptions: External features, such as door-knobs, window fasteners, eave cap, clearance lights, and load

securing devices, that extend no more than two inches on each side of the unit, are exempt from the overall width measurement.

(d) Height: The height of the unit is limited to the actual overhead clearance of the route.

(3) What are the criteria for receiving an annual/monthly special permit versus a single trip special permit?

(a) Annual/monthly permits are issued only to dealers or manufacturers described in chapter 46.70 RCW or licensed transporters described in chapter 46.76 RCW. Use of the annual/monthly permit is restricted to the movement of housing units with a box width not exceeding fourteen feet wide, plus an eave not to exceed twelve inches, and a height not to exceed fifteen feet measured from level ground when in transit mode.

(b) Single trip permits are required when the permit applicant is not a qualified dealer or transporter as described in (a) of this subsection, or when the width of the housing unit box exceeds fourteen feet wide, the overall width exceeds fifteen feet wide, and/or the height exceeds fifteen feet measured from level ground when in transit mode. **Housing units that exceed sixteen feet wide and/or sixteen feet high must also comply with the requirements of WAC 468-38-405 Superloads**, prior to the issuance of a special permit.

(4) When is it necessary to include a pilot/escort vehicle(s) in the movement of a manufactured house? The requirements for a pilot/escort vehicle escorting a manufactured home are the same as those found in WAC 468-38-100, except that the use of a height measuring device (pole) on the front pilot/escort vehicle is not required until the overall height of the housing unit exceeds fifteen feet. The vehicle or load width referenced in WAC 468-38-100 is to be interpreted as overall width when measuring a manufactured home.

(5) What are the insurance requirements, and what special reporting responsibilities does the transporter have in case of an accident?

(a) Insurance requirements for the movement of a manufactured home are outlined in RCW 46.44.180.

(b) When an incident occurs while transporting a manufactured house under special permit, the transporter must immediately notify the nearest state patrol office if the damage to the manufactured home is greater than two hundred fifty dollars or if the damage to other vehicles or structures exceeds one hundred dollars. The transport of the home must not resume without permission from the state patrol.

(6) What requirements must a manufactured home meet for axles, brakes, tires and other suspension components before it can be transported?

(a) Axles on each housing unit in transport must be in sufficient number to support enough tires to comply with (c)(i) and (ii) of this subsection. Any housing unit exceeding fourteen feet wide must have a minimum of four axles.

(b) Brakes must be designed and installed to activate if the housing unit accidentally breaks away from the towing vehicle. Brakes must be operational on all wheels, except for housing units manufactured prior to June 15, 1976. Pre-June 15, 1976, housing units must comply with following table:

PROPOSED

<u>Width of Unit at Base</u>	<u>Number of Axles Required</u>	<u>Wheels w/ Brakes</u>
> 8' 6" but < 10'	2 or more	All wheels on 2 axles (a towing unit w/minimum 9,000 GVWR all wheels on 1 axle)
10' to 14' (under 60' in length)	2 or more (3 or more if > 60' long)	All wheels on 2 axles (tires w/minimum 8:00 x 14.5, 10 ply)

(c) Tire loadings are dependent on when the housing unit was manufactured and must comply as follows:

(i) Tire loadings on housing units manufactured after **January 1, 2002**, (labeled pursuant to *Code of Federal Regulation*, 24 CFR 3282.362 (c)(2)(i)) may not exceed the manufacturer's rating as marked on the sidewall. In the absence of a sidewall marking, the tires on the housing unit must comply with the load rating specified in any of the publications of any organization listed in the *Federal Motor Carrier Safety Standard (FMCSS) No. 119* (49 CFR 571.119, S5.1 (b)). Housing units with no verifiable date of manufacture must also not exceed the manufacturer's tire load rating.

(ii) Tire loadings on housing units manufactured before **January 1, 2002**, (labeled pursuant to 24 CFR 3282.362 (c)(2)(i)) must not exceed more than eighteen percent above the manufacturer's rating as marked on the sidewall. In the absence of a sidewall marking, the tires on the housing unit must not exceed eighteen percent above the load rating specified in any of the publications of any organization listed in the *Federal Motor Carrier Safety Standard (FMCSS) No. 119* (49 CFR 571.119, S5.1 (b)). Housing units transported on tires overloaded by nine percent or more must not be moved at speeds exceeding fifty miles per hour (eighty kilometers per hour).

(d) Tow spare tires, inflated and ready for use, must be carried during transport.

(e) The manufacturer's rating must not be exceeded for any **wheel, axle, drawbar, hitch, or other suspension device**.

(7) Does a tow vehicle (toter) have any special requirements? Yes. The tow vehicle must:

(a) Be equipped with dual wheels on the drive axle.

(b) Have a combined minimum gross axle weight rating, assigned by the manufacturer, of thirty-two thousand pounds, if the housing unit being transported exceeds fourteen feet wide.

(c) Have sufficient engine horsepower to maintain towing speeds of forty-five miles per hour on the interstate and thirty-five miles per hour on other highways.

(8) What unique travel requirements must be complied with? Requirements for signs, lights, unit covering, routes, speed, moving multiple units at the same time and lane of travel are as follows:

(a) Signs for the towing unit and housing unit must comply with WAC 468-38-155(7). The sign for the housing unit must be mounted on the rear of the unit, on a horizontal plane, between five and seven feet above the road surface.

(b) In addition to any other **lighting** requirements in law or rule, two six-inch flashing amber lights, with a minimum of thirty-five candle power, a flashing cycle of sixty to one hundred twenty times per minute during transit, must be

mounted on the rear of the housing unit, on a horizontal plane, at least ten feet above the road surface. An additional two lights, of the same specifications, must be mounted above the roofline of the towing vehicle, either on the towing vehicle roof or the front of the housing unit. The two lights at each location, front and rear, must be located as close to the outside extremities of the housing unit as practical.

(c) Coverings of open sides may be with a rigid material such as plywood or hardboard, or a sufficiently strong ply plastic. When plastic is used, a grillwork of lumber or similar material must be applied to prevent tears and/or billowing of the material.

(d) Routes of travel with restrictions must be strictly adhered to. Housing units in transport mode that exceed sixteen feet high or sixteen feet wide must be approved for travel on a case-by-case basis, as per WAC 468-38-405, Superloads. **Dealers selling extra-legal manufactured homes must advise the prospective purchaser in writing that not all state highways are approved for the transport of manufactured homes in excess of twelve feet wide.**

(e) Speed of the in-transit housing unit is governed by WAC 468-38-175(5).

(f) Multiple housing units moving together must comply with WAC 468-38-175(6), Moves in convoy.

(g) The right-hand lane must be used for travel, except when passing or avoiding an obstruction. On two-lane highways, housing units must not pass other vehicles except when required to pass a slow moving vehicle that is hindering safe traffic flow.

(9) Is a decal from the county treasurer required before a manufactured home can be transported? Yes, except as provided for in RCW 46.44.170 (2)(a) and (b), a decal issued by the county treasurer must be displayed on the rear of the manufactured home during transport on public highways of this state. If the manufactured home is being transported as multiple units (double-wide or more), an individual decal must be displayed on each unit being transported.

(10) How is the county treasurer decal issued? The decal is issued at the same time the county treasurer issues the tax certificate that shows all taxes have been paid to date.

(11) RCW 46.44.170 requires the department to design the decal for uniform implementation. What are the design specifications? The decal must:

(a) Be at least eight and one-half inches square.

(b) Be printed on Appleton Radiant Florescent Bristol (weight .010) or paper of comparable quality.

(c) Be fluorescent orange in color.

(d) Disclose the make, model and serial number of the manufactured home, the date issued, the name of the transporter, the transporter's WUTC permit number ID required, the department of transportation special motor vehicle permit number, and the name of the county issuing the decal.

(e) Clearly display the expiration date of the decal, which must not be more than fifteen days after the date issued.

(12) Can decals be transferred to other housing units? Under no circumstance can the decal be transferred.

NEW SECTION

WAC 468-38-155 Safety equipment for special permit moves. In addition to any codified vehicle safety requirements, what other safety equipment may be required on a special permit move? The following items may be required on a vehicle or vehicle combination making a move under special permit:

(1) Brakes.

(a) Braking equipment must comply with the performance and maintenance requirements of RCW 46.37.360, unless specifically stated on the special permit.

(b) A special permit will not be issued to a vehicle "in tow" of another vehicle without brakes unless a three-axle truck or truck-tractor with a minimum unladen weight of fifteen thousand pounds is employed as the power unit. The power unit must also have sufficient power and brakes to control the towed unit at all times.

(2) Drawbar—Towline.

(a) The drawbar or other connection between vehicles in combination must be of sufficient strength to hold the weight of the towed vehicle on any grade where operated.

(b) No trailing unit shall whip, weave, or oscillate or fail to follow substantially in the course of the towing vehicle.

(3) Flags.

(a) Flags must be displayed on all four corners of all overwidth loads, and at the extreme ends of all protrusions, projections, or overhangs.

(b) Flags must be allowed to wave freely.

(c) All flags used to identify the extremities of a load must be clean, bright red, and at least twelve inches square.

(d) When the distance between the towed vehicle and the towing vehicle exceeds fifteen feet, a white flag or cloth not less than twelve inches square must be fastened at the approximate middle of the span.

(4) **Lights.** Vehicles, whether factory direct or custom built, used in the transport of extra-legal loads must be equipped with brake lights and turn signals as required by RCW 46.37.200.

(5) Rear-view mirrors.

(a) Rear-view mirrors must be mounted in compliance with RCW 46.37.400.

(b) Pilot/escort vehicles may be used in lieu of the two hundred-foot rear sight/distance requirement in RCW 46.37.400.

(6) Safety chains and devices.

(a) A load being moved by special permit must be securely fastened and protected by safety chains or other load securing devices pursuant to *Code of Federal Regulation*, 49 CFR Part 393.100.

(b) Dragging of the load on the highway shall not be permitted.

(c) A vehicle with a boom or other aerial device attached must have the boom or device secured in such a manner that it cannot elevate (ratchet up) or sway during transport.

(7) Signs.

(a) An "OVERSIZE LOAD" sign must be mounted in the front of the towing vehicle at a height of five feet from ground level. If the towing vehicle cannot accommodate the five-foot height, the sign should be placed as high as practicable on the vehicle or load.

(b) An "OVERSIZE LOAD" sign must be mounted on the rear of the vehicle, or towed vehicle if in combination, at a height of five to seven feet from ground level. If the towed vehicle cannot accommodate the five- to seven-foot height for the sign, the sign should be placed as high as practicable on the vehicle or load.

(c) Signs are to be displayed only during transit and must be removed or retracted at all other times.

(d) An "OVERSIZE LOAD" sign must be at least seven feet wide and eighteen inches high with black lettering at least ten inches high in 1.41-inch brush stroke on yellow background.

NEW SECTION

WAC 468-38-175 Highway travel restrictions—Days, times and highway use. What restrictions are imposed on vehicles operating under special permit relative to days, times and use of the highway? Day, time and highway use are divided into the following categories:

(1) **Days when travel is restricted:** Vehicles operating under special permit for overweight/overdimensional, except as provided for in WAC 468-38-075, may be restricted from the state highways on the holidays of New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and the day after Thanksgiving, Christmas Day, and commencing at noon of the day preceding said holidays. If any of the holidays fall on a Saturday or Sunday, the preceding Friday or the following Monday shall be considered the holiday.

(2) **Commuter traffic restrictions:** Vehicles operating under special permit for overweight/overdimensional, except as provided for in WAC 468-38-075, may be restricted from specified sections of state highways having excessive volumes of traffic during morning and afternoon commuting hours. The department shall identify and publish on the internet, and as an addendum to the special permit, specific areas, hours and vehicle widths relating to the restrictions.

(3) **Nighttime travel:** Vehicles or combinations operating under a special permit for overweight/overdimensional may be permitted to move at night on state highways subject to department preferred hours and routes of travel. "Night movement approved" must be stated on the permit, except as provided for in WAC 468-38-075. Overdimensional moves authorized to move at night must have lighting equipment that complies with the *Code of Federal Regulation*, 49 CFR, Part 393.11. No movements shall be made when visibility is reduced to five hundred feet or when hazardous roadway conditions exist (including, but not limited to: Snow, ice, mudslide, wind or water flooding over roadway). It is the responsibility of the vehicle operator to discontinue the move and exit the highway to a safe location when any of the above conditions exist.

(4) **Reversible lane use:** Trucks carrying flammable liquid cargoes, as described in chapter 470-12 WAC, are restricted from using the reversible lanes on SR 5, Seattle freeway, between James Street and 110th Street N.E. The term flammable liquid as applied to this rule shall be as defined in RCW 46.04.187. This rule applies to all vehicles, whether operating under special permit or not.

PROPOSED

(5) **Speed limits:** Speed of travel must comply with the following:

(a) Unless otherwise stated, maximum speed for a vehicle(s) under special permit shall be the same speed limit posted for trucks.

(b) When travel on the roadway shoulder is required on a two-lane highway to allow overtaking traffic to pass, the speed must not exceed twenty-five miles per hour.

(c) If a speed limit is stated on the special permit, it becomes one of the conditions under which the permit was issued. This stated speed must not be exceeded; however, if a lower speed is posted, it shall take precedence. Violation of the speed limit stated on the permit shall render the permit null and void.

(6) **Moves in convoy:** Extra-legal vehicles or loads requiring pilot/escort accompaniment must not travel in convoy, except as provided for in WAC 468-38-290 (8)(e).

AMENDATORY SECTION (Amending WSR 95-24-075, filed 12/4/95, effective 1/4/96)

WAC 468-38-280 ((Special equipment.)) Retractable axles. ((Special equipment employing axle groupings other than the conventional single or tandem axle must first be approved by the department before permits will be granted authorizing the unit to operate on state highways.

A retractable axle carrying weight allowed under RCW 46.44.041 shall have a manufacturer's rating of at least 10,000 pounds, and shall be self-steering. Provided, Any variable control, excluding a simple up and down control, used to adjust axle loadings by regulating air pressure or by other means must be out of reach of the driver's compartment. And Provided Further, The requirement that the retractable lift axle shall be self-steering does not apply to a truck/tractor where the retractable axle equipped with four tires is used to create a tandem and the distance between the drive axle and the retractable axle is no greater than 60 inches. The self-steering requirement shall also not apply to a trailing unit where the distance between a fixed axle and the retractable axle is no greater than 60 inches.)) (1) **What criteria must a retractable axle meet in order to carry the weight provided in RCW 46.44.041?** The retractable axle must meet three criteria:

(a) The retractable axle must have a manufacturer's rating of at least eight thousand pounds. The weight carried on the axle must not exceed the design load capacity as indicated by an attached data plate or written certification from the vendor/manufacturer; and

(b) The weight carried per tire must not exceed the lesser of manufacturer's rating or five hundred pounds (six hundred when operating under a special permit for overweight) per inch width of tire as described in RCW 46.44.042; and

(c) The axle must be self-steering.

(2) **Are there restrictions on the location of the operating controls for the retractable axle?** Yes. The simple "up/down" control may be in the driver's compartment; however, any variable control used to adjust axle loadings, by regulating air pressure or other means, must not be within reach of the driver's compartment.

(3) **Are there any exceptions to the self-steering requirement?** Yes. The self-steering requirement does not apply when:

(a) The retractable axle, equipped with four tires, is used to create a tandem axle configuration on a truck or truck-tractor. The distance between the drive axle and the retractable axle must not exceed sixty inches.

(b) A retractable axle is used adjacent to a fixed axle on a trailing unit and distance between the two axles does not exceed sixty inches.

AMENDATORY SECTION (Amending WSR 00-17-060, filed 8/9/00, effective 9/9/00)

WAC 468-38-290 Farm implements. (1) ((A farm implement includes any device that directly affects the production of agricultural products, including fertilizer and chemical applicator rigs and equipment auxiliary to them. For purposes of this section, it must weigh less than forty five thousand pounds, be less than twenty feet in width, and move on pneumatic tires, or solid rubber tracks having protuberances that will not hurt the highway, when on public highways.

(2) Self-propelled farm implements, including a farm tractor pulling no more than two implements (no vehicle capable of carrying a load may pull more than one trailing implement, i.e., a truck of any kind) up to sixteen feet wide are exempt from acquiring a special motor vehicle permit for movement. Provided, That the movement of the implement(s) complies with the following safety requirements:

(a) Oversize signs: If the farm implement exceeds ten feet wide, it must display an "oversize load" sign(s) visible to both oncoming and overtaking traffic. Signs must comply with the requirements of WAC 468-38-190. If the implement is both preceded and followed by escort vehicles a sign will not be required on the implement itself.

(b) Curfew/commuter hours: Movement of a farm implement in excess of ten feet wide must also comply with any published curfew or commuter hour restrictions.

(c) Red flags: If the farm implement, moving during daylight hours, exceeds ten feet wide, the vehicle configuration must display clean, bright red flags at least twelve inches square, so as to wave freely at all four corners, or extremities, of the overwidth implement and at the extreme ends of all protrusions, projections or overhangs. If the transported implement exceeds the end of the trailer by more than four feet, one flag is required at the extreme rear, also, if the width of the protrusion exceeds two feet, there shall be required two flags at the rear of the protrusion to indicate the maximum width.

(d) Warning lights: Lamps, and other lighting must be in compliance with RCW 46.37.160 Hazard warning lights and reflectors on farm equipment. Slow moving vehicle emblem. The slow moving vehicle emblem is for equipment moving at a speed of twenty five miles per hour or less.

(e) Convoys: Farm implement convoys shall maintain at least five hundred feet between vehicles to allow the traveling public room to pass safely. If five or more vehicles become lined up behind an implement, escorted or unescorted, the driver/operator of the transported implement,

and escorts, if any, shall pull off the road at the first point wide enough to allow traffic to pass safely. Convoying of farm implements is permitted with properly equipped escort vehicles.

(f) Escort vehicles: In general, the use of escort vehicles must comply with WAC 468-38-110 Escort vehicle requirements and WAC 468-38-100, which covers when escort vehicles are required. The following specific exemptions are provided:

(i) A farmer, farm implement dealer, or agri-chemical dealer (including employees of each) is exempt from WAC 468-38-110 (5)(a) and (b), (6) relative to passengers, WAC 468-38-110 (11)(c), and (17) when moving a farm implement off of the interstate and on the following rural interstate segments:

I-90 between Exit 109 (Ellensburg) and Exit 270 (Tyler);

I-82 between junction with I-90 (Ellensburg) and Exit 31 (Yakima);

I-82 between Exit 37 (Union Gap) and the Washington/Oregon border;

I-182 between junction with I-82 (West Richland) and junction with SR-395;

I-5 between Exit 208 (near Marysville) and Exit 250 (near Bellingham).

(ii) On two-lane highways, one escort vehicle must precede the implement(s) and one escort vehicle must follow the implement(s) when the width exceeds twelve and one-half feet wide; implements not exceeding twelve and one-half feet wide are exempt from using escort vehicles.

(iii) On multiple-lane highways, one escort in the rear is required if the vehicle exceeds fourteen feet wide.

(iv) A flagperson(s) may be used in lieu of an escort(s) for moves of less than five hundred yards. This allowance must be stated on any permit that may be required for the move.

(g) Road posting: Posting a route may be used in lieu of escort vehicles if the route to be traveled is less than two miles. Signs reading "oversize vehicle moving ahead" on a square at least three feet on each side (in diamond configuration), with black lettering on orange background, shall be placed at points before the oversize implement enters or leaves the highway and at any entry points along the way. The signs must be removed immediately after the move has been completed.

(3) Farm implements exceeding sixteen feet wide, but not more than twenty feet wide, are required to have a special motor vehicle permit for movement on state highways. A quarterly or annual permit may be purchased by a farmer, or any person engaged in the business of selling and/or maintaining farm implements, to move within a designated area, generally three to four counties. The permit is required to be physically present at the time of movement. In addition to the safety requirements listed in subsection (2) of this section, notification of a move should be made to all Washington department of transportation maintenance areas affected by the move, to determine if the route is passable. Phone listings are provided with each permit.)) **For purposes of issuing special permits and certain permit exemptions, what is considered a farm implement?** A farm implement includes any device that directly affects the production of agricultural

products, including fertilizer and chemical applicator apparatus (complete with auxiliary equipment). For purposes of this section, the implement must weigh less than forty-five thousand pounds, be less than twenty feet in width and not exceed fourteen feet high. If the implement is self-propelled, it must not exceed forty feet in length, or seventy feet overall length if being towed. The implement must move on pneumatic tires, or solid rubber tracks having protuberances that will not damage public highways. Implements exceeding any of these criteria must meet all appropriate requirements for special permits as referenced in other sections throughout this chapter.

(2) What dimensional criteria must be met before a special permit is required to move extra-legal farm implements? Self-propelled farm implements, including a farm tractor pulling no more than two implements, that exceeds sixteen feet in width, but less than twenty feet wide, are required to get a special permit for movement of farm implements on state highways. Note: A tow vehicle capable of carrying a load (i.e., a truck of any kind) may not tow more than one trailing implement.

(3) Will the ability to acquire a special permit to move oversize farm implements be affected if the implement(s) is carried on another vehicle? The ability to use a special permit for farm implements as defined in subsection (1) of this section will not be affected unless one of the following circumstances occurs:

(a) The authorized users of the permit outlined in subsection (4) of this section use a commercial for-hire service to move the implement(s); or

(b) The loaded farm implement creates a combined height that exceeds fourteen feet; or

(c) The loaded farm implement causes the hauling vehicle to exceed legal weight limits. The farm implement may weigh up to forty-five thousand pounds; however, the combined gross weight of implement and hauling unit may extend to the limits established in RCW 46.44.041 Maximum gross weights—Wheelbase and axle factors.

If any of the circumstances occur, the provisions of this subsection will not apply to the movement of the farm implement. The movement will be required to comply with the appropriate requirements for special permits as referenced in chapter 46.44 RCW and in other sections throughout this chapter.

(4) How does the application process for a special permit for farm implements differ from the process outlined in WAC 468-38-050? Due to the size of the implement and the potential for use in multiple jurisdictions, the written application must be submitted to the department's Olympia office for approval. Permits can be requested for a three-month period up to one year. Once approved, the special permit may be generated from the Olympia office by facsimile or a letter of authorization will be sent allowing the applicant to acquire a permit at the nearest permit sales location. If the movement of the farm implement(s) is confined to a single department maintenance area, the applicant may make direct written application to that maintenance area office in lieu of the Olympia office.

(5) Who is authorized to acquire this specific special permit? The acquisition and use of a special permit to move

farm implements is restricted to a farmer, or anyone engaged in the business of selling, repairing and/or maintaining farm implements.

(6) Does the permit restrict the movement to a specific area? The special permit to move farm implements is generally restricted to six contiguous counties or less. With proper justification the area can be expanded.

(7) Are notifications of movement required? Movements of vehicles in excess of sixteen feet wide must be communicated to all department maintenance areas affected at least eight hours in advance. The communication is for the purpose of ensuring there will not be any planned activity that would restrict the move. Locations of maintenance area offices and phone listings are provided with each letter authorizing the purchase of the special permit.

(8) What safety precautions must be taken when moving extra-legal farm implements? The movement of extra-legal farm implements must comply with the following safety requirements:

(a) Oversize load signs: If the farm implement exceeds ten feet wide, it must display an "OVERSIZE LOAD" sign(s) visible to both oncoming traffic and overtaking traffic. Signs must comply with the requirements of WAC 468-38-155(7). If the implement is both preceded and followed by pilot/escort vehicles, a sign is not required on the implement itself.

(b) Curfew/commuter hours: Movement of a farm implement in excess of ten feet wide must comply with any published curfew or commuter hour restrictions.

(c) Red flags: If the farm implement is moving during daylight hours, and exceeds ten feet wide, the vehicle configuration must display clean, bright red flags. The flags must measure at least twelve inches square and be able to wave freely. The flags are to be positioned at all four corners, or extremities, of the overwidth implement and at the extreme ends of all protrusions, projections or overhangs. If a transported implement overhangs the rear of transporting vehicle or vehicle combination by more than four feet, one flag is required at the extreme rear. If the width of the rear overhang/protrusion exceeds two feet, there must be two flags positioned at the rear to indicate the maximum width of the overhang/protrusion.

(d) Warning lights and slow moving emblem: Lamps and other lighting must be in compliance with RCW 46.37.-160. In addition to the lighting requirements, RCW 46.37.-160 also requires the use of a "slow moving emblem" for moves traveling at twenty-five miles per hour or less.

(e) Convoys: Convoys, the simultaneous movement of two or more individually transported implements, are authorized when the following criteria are met:

(i) A minimum of five hundred feet is maintained between vehicles to allow the traveling public to pass safely;

(ii) If five or more vehicles are lined up behind any one of the implements, the operator must pull off the road at the nearest point wide enough to allow the vehicles to pass safely; and

(iii) The convoy is preceded and followed with properly equipped pilot/escort vehicles.

(9) Are there any unique requirements or exemptions regarding the use of pilot/escort vehicles with farm imple-

ments? Pilot/escort vehicles must comply with the requirements of WAC 468-38-100, except for the following specific exemptions related only to special permits for moving farm implements:

(a) A farmer, farm implement dealer, or agri-chemical dealer (including employees of each) is exempt from WAC 468-38-100(4) regarding operator certification, WAC 468-38-100 (8)(a) and (b) regarding escort vehicle physical description, WAC 468-38-100 (10)(f) regarding use of height measuring device, and WAC 468-38-100(11) regarding passengers, when moving a farm implement off the interstate and on the following interstate segments:

(i) I-90 between Exit 109 (Ellensburg) and Exit 270 (Four Lakes);

(ii) I-82 between Junction with I-90 (Ellensburg) and Exit 31 (Yakima);

(iii) I-82 between Exit 37 (Union Gap) and Washington/Oregon border;

(iv) I-182 between Junction with I-82 (West Richland) and Junction with SR-395; and

(v) I-5 between Exit 208 (Arlington) and Exit 250 (south of Bellingham).

(b) On two lane highways, one pilot/escort vehicle must precede and one must follow the implement(s) when the width exceeds twelve feet six inches. Implements up to twelve feet six inches wide are exempt from using pilot/escort vehicles.

(c) A flag person(s) may be used in lieu of a pilot/escort(s) for moves under five hundred yards. This allowance must be stated on any permit that may be required for the move.

(d) Posting a route may also be used in lieu of a pilot/escort vehicle(s) when the route is less than two miles. Signs must state, "OVERSIZE VEHICLE MOVING AHEAD" on a square at least three feet on each side (in diamond configuration), with black lettering on orange background. The signs must be placed at points before the oversize implement enters or leaves the highway, and at access points along the way. Signs must be removed immediately after the move has been completed.

AMENDATORY SECTION (Amending Order 136, filed 1/29/93, effective 3/1/93)

WAC 468-38-360 Building/house moves. ((The following requirements control the movement of buildings or houses that do not meet the requirements for manufactured housing or mobile homes (discussed in WAC 468-38-120).

(1) ~~Vehicles/loads not exceeding eighty thousand pounds and sixteen feet wide may be moved on two lane highways with permit, and vehicles/loads not exceeding twenty feet wide may be moved on multiple lane highways with a median barrier or median strip, with permit. Exceptions to these limitations may be proposed to the district administrator, or designee, for review and final determination, assuming compliance with the remaining conditions contained herein.~~

(2) ~~The maximum distance a structure, exceeding the above dimensions, may move is five miles. Additional contiguous five mile permits shall not be issued to exceed the~~

five-mile limitation. An exemption may be granted by the district administrator, or designee, if the permittee can justify the move as in the public interest or as the avoidance of extreme hardship. Justification will generally require independent documented evidence supporting the basis for the move, to include, but not be limited to: Cost, equity, and sales data; historic significance; public benefit; or national defense.

(3) An application for move must be completed and submitted to the district administrator, or designee, at least ten working days before the scheduled move. The application (form number DOT 720-028) must show, at a minimum: The owner, the mover, proposed route complete with traffic control plan, a physical description of the structure, arrangements for moving overhead obstacles, the number and configuration of hauling vehicles (towing unit, dollies, etc.), and any additional requirements outlined in this section.

(4) When deemed necessary a department of transportation employee shall make a visual inspection of the structure, hauling vehicles, and proposed route. This inspection shall, at a minimum, verify dimensions (to include eaves, porches, and other appurtenances that could not be removed without affecting structural integrity), check for appropriate strapping for brick/masonry, verify that all overhead obstacles have been identified, insure that dollies are not equipped with hard rubber or solid cushion rubber tires, verify the tow vehicles (a back up vehicle may be required on site for the move) have a valid certificate of inspection from the Washington state patrol, and determine if state forces will be required for the move (state force work will be estimated and paid by the permittee in advance, with actual costs being determined and a billing/refund occurring of any adjustment at the end of the move). Necessary equipment to make the inspection, such as a ladder, will be provided on site by the owner or mover.

(5) The maximum speed shall not exceed twenty five miles per hour. Time allotted for traffic delays shall be at district discretion, but shall not exceed five minutes. Reasonable accessibility for emergency vehicles to navigate around the load shall be maintained.

(6) Special escort car requirements may be imposed to assure the movement will be made under the safest possible conditions. Documentation must be provided that shows the escort vehicle operators and accompanying flagpersons have been certified by the department of labor and industries. Hard hats and vests will be required for all flagpersons directing/controlling traffic during the movement.

(7) The applicant shall notify the Washington state patrol forty eight hours in advance of the scheduled move, providing the Washington state patrol with time and route. The district may require the applicant to have the Washington state patrol assist with traffic control, the cost to be borne by the permittee.

(8) Routes involving the movement of overhead traffic signals, wires, and/or mast arms must be approved by the district traffic engineer.

(9) If railroad tracks are to be crossed, the appropriate railroad company shall be notified by the applicant and a copy of the railroad's schedule for those crossings will be submitted with the traffic control plan and application.

(10) Generally loads of two hundred thousand pounds must be approved by the bridge conditions branch in Olympia if structures are to be crossed. Per RCW 46.44.091(6), the written request must be submitted thirty days in advance of the planned move.

(11) Per WAC 468-38-050, the permittee must provide proof of insurance in the following amounts: Commercial operators shall have at least seven hundred fifty thousand dollars liability and noncommercial operators shall have at least three hundred thousand dollars liability. (1) **Are there special requirements for the movement of a house/building that is not defined as a manufactured house or modular building?** The department's regional administrator, or designee, must approve an application for movement of buildings or houses exceeding sixteen feet wide on two lane roads, or twenty feet on multilane roads with a median barrier.

(2) **Is there a limit to the distance a building/house can move?** A building/house that exceeds the dimensions in subsection (1) of this section is limited to a distance of five miles. Additional consecutive five-mile permits will not be issued to exceed the five-mile limitation. The regional administrator, or designee, may grant an exemption if the special permit applicant can justify the move as in the public interest or as the avoidance of extreme hardship. Justification will generally require independent documented evidence, to include, but not be limited to:

- (a) Cost, equity and sales data;
- (b) Historic significance;
- (c) Public benefit; or
- (d) National defense.

(3) **How much lead-time is necessary to have an application for special permit reviewed?** The application (DOT Form 720-028) must be completed and submitted to the regional office at least ten working days before the proposed move.

(4) **If the weight of the building meets the criteria for a superload (WAC 468-38-405), does the superload lead-time requirement apply?** Yes. Generally loads of two hundred thousand pounds or more require review and analysis by the department's bridge condition office and the pavements office, both located in the Olympia area. Per RCW 46.44.091, a written application must be submitted at least thirty calendar days in advance of the proposed move to accommodate the review and analysis process.

(5) **What information must be included on the application?** The application must show at a minimum:

- (a) Name, address and contact phone number of the owner;
- (b) Name, address and contact phone number of the mover, if different than the owner;
- (c) Proposed route - complete with traffic control plan;
- (d) Physical description of the structure, including estimated weight and dimensions;
- (e) Arrangements for moving overhead obstacles;
- (f) Number and configuration of hauling vehicles (tow unit, dollies, etc.); and
- (g) Any additional requirements outlined in this section.

(6) **Will inspections be performed prior to the move?** When deemed necessary, a department employee will make a

visual inspection of the structure, hauling vehicles, and proposed route. The owner will provide equipment necessary for the inspection, such as a ladder, on-site. The inspection must, at a minimum:

(a) Verify dimensions of the structure, including all appurtenances, i.e., porches, eaves, etc., that could not be removed without affecting the structural integrity;

(b) Check for appropriate strapping for brick or other masonry;

(c) Verify all overhead obstacles, including traffic signals, wires, and/or mast arms have been identified and approved for movement by the region traffic engineer;

(d) Insure all dollies are **not** equipped with hard rubber or solid cushion rubber tires;

(e) Verify tow vehicles (a back-up vehicle may be required) have a valid certificate of inspection from the state patrol; and

(f) Determine if state forces will be required to participate in the move (state force work will be estimated and paid in advance with a billing/refund adjustment made after the move is completed).

(7) **What is the maximum speed of travel for a building/house move governed by this section?** The maximum speed must not exceed twenty-five miles per hour.

(8) **Is there a limit to the amount of time traffic can be delayed?** Time allotted for traffic delays will be at department discretion, but must not exceed five minutes.

(9) **Is there consideration for emergency vehicles?** Reasonable accessibility for emergency vehicles navigating around the move must be maintained.

(10) **Must the applicant notify the state patrol of the move?** The applicant must notify the state patrol forty-eight hours in advance of the scheduled move. The notification must provide the state patrol with the time of the move and the route. The region may also require the applicant to contract, at applicant expense, with the state patrol to assist with traffic control.

(11) **What precautions must be taken regarding railroad crossings?** If railroad tracks are to be crossed, the applicant must notify the appropriate railroad company of the move. Contact information must be obtained in order to communicate with the railroad immediately prior to accessing the crossing to ensure safe passage. This information must be part of the traffic control plan submitted with the application.

Additionally, each crossing must have a pretrip analysis to assure vehicle(s) will clear the grade crossing.

(12) **Is there an insurance requirement for the mover of the structure?** The permit applicant must provide proof of insurance in the following amounts:

(a) Commercial operators must have at least seven hundred fifty thousand dollars of liability insurance; and

(b) Noncommercial operators must have at least three hundred thousand dollars of liability insurance.

AMENDATORY SECTION (Amending WSR 95-24-076, filed 12/4/95, effective 1/4/96)

WAC 468-38-405 Superloads ((~~movement criteria~~)).

(1) ((~~Superloads are defined as loads exceeding two hundred~~

~~thousand pounds gross weight, and/or loads whose dimensions exceed either sixteen feet in height or sixteen feet in width.~~

~~(2) Pursuant to RCW 46.44.091(6), loads exceeding the two hundred thousand pounds gross weight must submit a written application for special permit at least thirty days in advance of the proposed move.~~

~~(3) Application for special permit to move a load in excess of sixteen feet high or sixteen feet wide must be submitted in writing at least seven calendar days before the proposed move.~~

~~(4) As part of the superload application the applicant must submit the following information:~~

~~(a) Documentation that the move is in the public interest and that alternative methods of transport are not feasible.~~

~~(b) A schematic or photograph of the item with an explanation of why it cannot be transported in smaller pieces must be provided.~~

~~(c) A schematic of the transporting laden vehicle(s), including axle loadings, axle spacings (measured from hub centers), tire sizes, number of tires per axle, and combination vehicle/load height, length and width.~~

~~(d) A traffic control plan depicting the route and specific procedures that will be followed to control traffic flow along the route, including estimated traffic delays, lane restriction, use of escort vehicles and flag persons, movement of overhead obstacles, railroad schedules for crossings, and provisions for emergency vehicles to navigate around the load.~~

~~(5) If the department determines that the move is necessary, an analysis of structures and pavements will be performed. If, due to the size of the load, the analysis will require a significant expenditure of time by department staff, the applicant may be required to share in those costs.~~

~~(6) If structures or pavements are found to be inadequate, and an alternative route cannot be found, the application for special permit will be denied. The load will have to be reconfigured in such a manner as to resolve the inadequacies of the original application.)) **What are the criteria that defines a superload in Washington state?** A superload is any nondivisible load that exceeds two hundred thousand pounds and/or exceeds outside dimensions of sixteen feet in height, or sixteen feet in width or have a trailing unit(s) plus load in excess of one hundred twenty-five feet in length.~~

~~(2) **Will a special permit applicant need to provide additional lead-time for processing the superload application?** Pursuant to RCW 46.44.091(5), applicants attempting to move loads in excess of two hundred thousand pounds must submit their application at least thirty calendar days in advance of the proposed move. Applicants that are attempting to move a load that does not meet the weight criteria for a superload but does meet the dimensional criteria must submit their application at least seven calendar days before the proposed move. All applications must be submitted in written form. Electronic submissions are considered as written format. These lead-times are necessary to allow the department sufficient time to perform an analysis of pavements and structures that would be affected by the proposed move.~~

~~(3) **Are there requirements for additional information to accompany the standard application form?** All, or~~

selections from, the following information may be required as part of the standard application:

(a) Documentation that the move is in the public interest and that an alternative method of transport is not feasible.

(b) A schematic or photograph of the item to be moved, including an explanation of why it cannot be moved in smaller pieces.

(c) A schematic of the loaded vehicle(s), including axle loadings, axle spacings (measured from the center of each axle), tire sizes, number of tires per axle, and the proposed height, length and width of the configuration.

(d) A traffic control plan depicting the route and specific procedures to be followed to provide safe movement along the route, including:

(i) Identified locations where anticipated traffic delays will occur and where the delays can be allowed to clear;

(ii) Description of any lane restrictions;

(iii) How pilot/escort vehicles and flag persons will be used;

(iv) Arrangements for the movement of overhead obstacles;

(v) Identification of railroad crossings and contact information, including a pretrip analysis of each crossing to assure vehicle(s) will clear the grade;

(vi) Provisions for emergency vehicles to navigate around the configuration; and

(vii) Contact information for on-call services in case of mechanical failure (i.e., need to replace tow vehicle during movement).

(4) Will the applicant bear any of the cost of analysis performed by the department? If, due to the size of the configuration, the analysis will require a significant expenditure of department resources, the applicant may be required to share in those costs. Estimates would be provided to the applicant prior to beginning the analysis, allowing the applicant to make the decision on whether or not to proceed.

(5) If either pavements or structures are found to be inadequate, what options does the applicant have? When either the pavement or a structure on the proposed route is found to be inadequate, the permit application will be denied. The applicant must find an alternative acceptable route, or reconfigure the transported item on a vehicle(s) that can conform to the limitations of the proposed route.

(6) Will a superload require the use of pilot/escort vehicles beyond the requirements established in WAC 468-38-100(1)? Additional pilot/escort vehicles, and/or law enforcement vehicles, may be required as a result of the dimension of the load relative to the route and the time of day the move will be made. As indicated in WAC 468-38-100(1)(j), assignments of this nature must be authorized through the department's administrator for commercial vehicle services. The motor carrier when planning a superload move must take into consideration the potential for additional vehicles.

AMENDATORY SECTION (Amending Order 31, Resolution No. 156, filed 8/20/82)

WAC 468-38-420 Bridge restrictions. ((The department shall from time to time evaluate the capacity of all

bridges on the state highway system to carry loads. Bridges that cannot safely carry vehicles moving without a permit shall be posted. Vehicles exceeding the posted load limit shall not cross the bridge.

Vehicles carrying overloads authorized by special motor vehicle permit may not cross restricted bridges noted on the permit-)) (1) What is the difference between posted bridges and restricted bridges, and how do they apply to legal and extra-legal vehicles?

(a) Posted bridges: The department performs periodic inspections and evaluates the capacity to carry loads on all bridges on state highways. Bridges that are identified as unable to safely carry vehicles with legal weight, per RCW 46.44.041, must be posted (signed) with the maximum weight limits. Applications for extra-legal weight moves that exceed a posted bridge limit on the requested route will be returned to the applicant by the department. The applicant may change the vehicle configuration to comply with the posted limit or change the proposed route. Vehicles that exceed the posted load limit must not cross the bridge.

(b) Restricted bridges: Most bridges on state highways can safely carry legal vehicle weights, per RCW 46.44.041; however, some bridges may not be capable of carrying extra-legal weights, provided for in RCW 46.44.091. The department, based on periodic inspections and evaluations, may determine that a vehicle cannot safely cross a bridge at extra-legal weights. As a result, the department must restrict axle weights on the identified bridges. These restrictions are not posted on the bridge, but are disclosed to the special permit applicant during the permitting process. Applications that exceed a bridge restriction on the requested route are returned to the applicant by the department. The applicant may change the vehicle configuration to comply with the restriction or change the proposed route. Vehicles with extra-legal weight authorized by special permit must comply with any bridge restriction noted on the permit. A violation of any restriction will cause the special permit to become null and void.

(2) Is there a published list of posted and restricted bridges? Yes. The department publishes and maintains both lists on the department's website. A hard copy is also available upon request, but has limited value due to the frequency of changes.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 468-38-010	Three-vehicle combinations.
WAC 468-38-020	Temporary additional tonnage permits.
WAC 468-38-040	Special log tolerance transportation permits.
WAC 468-38-110	Escort vehicle requirements.
WAC 468-38-130	Lights—Stop and turn signals.

WAC 468-38-135	Transportation of radioactive or hazardous materials.
WAC 468-38-140	Flags.
WAC 468-38-160	Rear-view mirrors for over-width loads.
WAC 468-38-180	Brakes.
WAC 468-38-190	Signs.
WAC 468-38-200	Safety chains and devices.
WAC 468-38-220	Moves in convoy.
WAC 468-38-230	Days on which permit movements are prohibited.
WAC 468-38-235	Commuter traffic restrictions.
WAC 468-38-240	Cargo prohibition on reversible lane roadways.
WAC 468-38-250	Days on which permits are issued.
WAC 468-38-260	Night-time movements.
WAC 468-38-300	Drawbar—Towlines.
WAC 468-38-310	Adverse weather.
WAC 468-38-320	Enforcement officer may restrict movements.
WAC 468-38-330	Consideration of traveling public.
WAC 468-38-340	Speed limits.
WAC 468-38-350	Lane of travel.
WAC 468-38-390	Winter road restrictions.

WSR 05-01-147**PROPOSED RULES****DEPARTMENT OF AGRICULTURE**

[Filed December 20, 2004, 8:05 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-14-102.

Title of Rule and Other Identifying Information: In response to a petition received from the Washington State Horticultural Association, the department is proposing to amend WAC 16-229-010 Definitions, by exempting pesticides containing Kaolin clay from the definition of "pesticide." If exempted, pesticides containing Kaolin clay would no longer affect permanent mixing/loading site threshold values.

Hearing Location(s): Wenatchee City Hall, 129 South Chelan, Wenatchee, WA, on February 1, 2005, at 1:30 p.m.; and at Washington Department of Agriculture, 21 North First Avenue, Suite 236, Yakima, WA, on February 2, 2005, at 1:30 p.m.

Date of Intended Adoption: February 11, 2005.

Submit Written Comments to: Laurie Mauerman, Department of Agriculture, P.O. Box 42560, Olympia, WA 98504, e-mail lmauerman@agr.wa.gov, fax (360) 902-2093, by 5:00 p.m., February 3, 2005.

Assistance for Persons with Disabilities: Contact Laurie Mauerman by January 28, 2005, TTY (360) 902-1996.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Since chapter 16-229 WAC Secondary and operational area containment for bulk pesticides was adopted, pesticides containing Kaolin clay have been registered and are in widespread use in Washington state, particularly among pear growers. Kaolin clay pesticides are used at high rates per acre. Because of these high rates, the threshold values for permanent mixing/loading sites are triggered. When threshold values are triggered, the current rules require that all mixing/loading activities take place as outlined in WAC 16-229-400 Operational area containment at permanent/mixing loading sites.

Reasons Supporting Proposal: EPA has determined that pesticides containing Kaolin clay are neither harmful to non-targeted organisms nor to the environment. Aquatic organisms are not likely to be affected because Kaolin does not dissolve in water. The cost to the regulated industry of building operational area containment is substantial. If exempted, pesticides containing Kaolin clay would no longer be counted for the purpose of establishing permanent mixing/loading site threshold values, thereby, eliminating the need for unnecessary and costly operational area containment.

Statutory Authority for Adoption: RCW 17.21.030 (1)(a) and chapter 34.05 RCW.

Statute Being Implemented: RCW 17.21.030 (1)(a).

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

Name of Proponent: Department of Agriculture, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cliff Weed, 1111 Washington Street S.E., 2nd Floor, Olympia, WA, (360) 902-2036.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Washington State Department of Agriculture (WSDA) has concluded that the proposed amendment to chapter 16-229 WAC does not impose any new costs on business. In fact, the proposed amendment will eliminate the need for the regulated community to build unnecessary and costly operational area containment. Therefore, a formal small business economic impact statement as discussed in chapter 19.85 RCW is not required.

A cost-benefit analysis is not required under RCW 34.05.328. WSDA is not a listed agency under RCW 34.05-328 (5)(a)(i) and, therefore, is not required to prepare a cost-benefit analysis.

December 20, 2004

Bob Arrington
Assistant Director

AMENDATORY SECTION (Amending WSR 03-09-034, filed 4/8/03, effective 5/9/03)

WAC 16-229-010 Definitions. The definitions set forth in this section shall apply throughout this chapter unless the context otherwise requires:

- (1) **"Approved air gap"** means a physical separation between the free-flowing end of a water supply pipeline and the overflow rim of an open or nonpressurized receiving vessel. To be an approved air gap, the separation must be at least:
- (a) Twice the diameter of the supply piping measured vertically from the overflow rim of the receiving vessel, and in no case be less than one inch, when unaffected by vertical surfaces (sidewalls); or
- (b) Three times the diameter of the supply piping, if the horizontal distance between the supply pipe and a vertical surface (sidewall) is less than or equal to three times the diameter of the supply pipe, or if the horizontal distance between the supply pipe and intersecting vertical surfaces (sidewalls) is less than or equal to four times the diameter of the supply pipe and in no case less than one and one-half inches.
- (2) **"Approved reduced pressure principle backflow prevention assembly (RPBA)"** means an RPBA of a make, model and size that is approved by the Washington state department of health.
- (3) **"Appurtenances"** means all valves, pumps, fittings, pipes, hoses, metering devices, and mechanical devices which are connected to a storage container, or which are used to transfer a material into or out of such container.
- (4) **"Bulk pesticide"** means any registered pesticide which is transported or held in an individual container in undivided quantities of greater than fifty-five U.S. gallons liquid measure or one hundred pounds net dry weight.
- (5) **"Certified engineer"** means a licensed professional engineer, registered in the state of Washington in the discipline in which he/she is practicing.
- (6) **"Department"** means the Washington state department of agriculture.
- (7) **"Discharge"** means a spill, leak, or release, accidental or otherwise, from a storage container, container or appurtenance. It does not include a fully contained transfer of pesticide which is made pursuant to sale, storage, distribution or use.
- (8) **"Dry pesticide"** means pesticide which is in solid form prior to any application or mixing for application, and includes formulations such as dusts, wettable powders, dry flowable powders, granules, and water dispersible granules.
- (9) **"Liquid pesticide"** means pesticide in liquid form, and includes solutions, emulsions, suspensions, slurries, and pesticide rinsates.
- (10) **"Mini bulk pesticide"** means an amount of liquid pesticide greater than fifty-five gallons but not exceeding five hundred gallons which is held in a single container designed for ready handling and transport, which has been filled by the original pesticide manufacturer or repackager, and to which no substance has been added by any person.
- (11) **"Not technically feasible"** means compliance is not physically or technically possible or feasible, and/or compliance cannot be achieved without compromising operational safety, and/or significantly compromising operational

access. Monetary cost of compliance alone shall not be sufficient for the department to determine that compliance is not technically feasible.

(12) **"Operational area"** means an area or areas where pesticides are transferred, loaded, unloaded, mixed, repackaged, refilled or where pesticides are cleaned, or rinsed from containers or application, handling, storage or transportation equipment.

(13) **"Operational area containment"** means any structure or system designed and constructed to intercept and contain discharges, including storage container or equipment wash water, rinsates, and rainwater from the operational area(s).

(14) **"Permanent mixing/loading site"** means a site (location) at which more than three hundred gallons of liquid pesticide (formulated product) or three thousand pounds of dry pesticide or at which a total of fifteen hundred pounds of pesticides as active ingredients are being mixed, repackaged or transferred from one container to another within a calendar year: Provided, That wood preservative application systems already regulated by 40 CFR, Parts 264.570-575 and Parts 265.440-445 shall be exempt.

(15) **"Permanent storage facility"** means a location at which liquid bulk pesticide in a single container or aggregate quantities in excess of five hundred U.S. gallons or dry bulk pesticide in undivided quantities in excess of two thousand pounds is held in storage: Provided, That mini-bulk pesticide containers are exempt from this chapter.

(16) **"Pesticide"** means, but is not limited to:

(a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, snail, slug, fungus, weed, and any other form of plant or animal life or virus, except virus on or in a living person or other animal which is normally considered to be a pest or which the director may declare to be a pest;

(b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant; and

(c) Any spray adjuvant.

(d) For the purpose of establishing permanent mixing/loading site threshold values petroleum oils and products containing only Kaolin clay as the active ingredient are exempt from this chapter.

(17) **"Primary containment"** means the storage of liquid or dry bulk pesticide in storage containers at a permanent storage facility.

(18) **"Rinsate"** means the liquid generated from the rinsing of any equipment or container that has come in direct contact with any pesticide, including: Recovered sedimentation, washwater, contaminated precipitation, or other contaminated debris.

(19) **"Secondary containment"** means a device or structure designed, constructed, and maintained to hold or confine a discharge of a liquid pesticide from a permanent storage facility.

(20) **"Storage container"** means a container, including a rail car, nurse tank or other mobile container, that is used or intended for the storage of bulk liquid or dry pesticide. It does not include a mobile container at a storage facility for less than fifteen days if this storage is incidental to the loading or unloading of a storage container at the bulk pesticide storage

facility. Storage container does not include underground storage containers or surface impoundments such as lined ponds or pits.

(21) "**Substantially similar protection**" means alternative containment and management practices that prevent or control releases to the environment to the same or similar degree as the protections afforded by full compliance with this chapter.

(22) "**Temporary field storage**" means a storage container with the capacity to store two thousand five hundred gallons or less of bulk liquid pesticide that remains in the same location for no more than fourteen consecutive days in any six-month period. Provided, That temporary field storage containers used to store soil fumigants shall be allowed a maximum capacity of ten thousand gallons or less. Containers must be chemically compatible with the material, which is being stored. Such containers can remain in the same location for no more than fourteen consecutive days in any six-month period. Liquid bulk pesticide application tanks directly attached to an apparatus for the purpose of chemigation are exempt from this chapter.

(23) "**Washwater**" means the liquid generated from the rinsing of the exterior of any equipment, containers or secondary containment or operational areas which have or may have come in direct contact with any pesticide.

WSR 05-01-155

PROPOSED RULES

CENTRAL WASHINGTON UNIVERSITY

[Filed December 20, 2004, 10:05 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR August 8, 2004.

Title of Rule and Other Identifying Information: Equal opportunity/affirmative action rules pertaining to employees and students.

Hearing Location(s): Central Washington University, Barge Hall, Room 304, 400 E. University Way, Ellensburg, WA 98926-7501, on January 25, 2005, at 2:00 p.m.

Date of Intended Adoption: January 25, 2005.

Submit Written Comments to: Judy B. Miller, CWU President's Office, 400 E. University Way, Ellensburg, WA 98926-7501, (509) 963-2156 or fax (509) 963-3206.

Assistance for Persons with Disabilities: Contact Pam Wilson by January 21, 2005, TDD (509) 963-2143.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Modify nondiscrimination language and repeal redundant sections.

Explanation of Rule, its Purpose, and Anticipated Effects: Nondiscrimination rules for Central Washington University (chapter 106-72 WAC) are designed to comply with state and federal law regarding treatment of protected groups. Proposed changes will strengthen and clarify the rules, provide protection to additional persons not currently covered by state or federal law, and direct individuals to online information regarding the grievance procedure. Repeal of redundant sections will streamline the section.

Proposal Changes Existing Rules: Inclusion of another protected group, editorial changes to clarify and streamline rules, and repeal of redundant rules.

Summary: Equal opportunity/affirmative action rules are necessary to comply with state and federal law. Changes are proposed that will modify the nondiscrimination statement to include protection for individuals based on their gender identity and expression—a protection not provided under state or federal law. Redundant sections will be eliminated and access streamlined to the university's internal equal opportunity grievance procedures.

Reasons Supporting Proposal: Proposed modifications will clarify existing rules and exceed minimal compliance to state and federal law.

Statutory Authority for Adoption: RCW 28B.10.528 and 28B.35.120(12).

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

Name of Proponent: Nancy Howard, Office for Equal Opportunity, public.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Nancy Howard, Office for Equal Opportunity, (509) 963-2205.

No small business economic impact statement has been prepared under chapter 19.85 RCW. RCW 34.05.328 does not apply to this rule adoption.

December 16, 2004

Jerilyn S. McIntyre

President

Chapter 106-72 WAC

EQUAL OPPORTUNITY/AFFIRMATIVE ACTION ((POLICY/GRIEVANCE PROCEDURE))

AMENDATORY SECTION (Amending WSR 96-02-013, filed 12/21/95, effective 1/21/96)

WAC 106-72-005 Equal opportunity/affirmative action in employment. Central Washington University is an equal opportunity employer. The university will:

(1) Recruit, hire, train, and promote persons in all job titles, without regard to race, color, creed, religion, national origin, ~~((age,))~~ sex, sexual orientation, gender identity and expression, age, marital status, disability, or status as a disabled ~~((veteran))~~ or Vietnam-era veteran.

(2) Ensure that all personnel actions such as compensation, benefits, transfers, terminations, layoffs, return from layoff, reductions in force (RIF), university-sponsored training, education, tuition assistance, and social and recreation programs, will be administered without regard to race, color, creed, religion, national origin, ~~((age,))~~ sex, sexual orientation, gender identity and expression, age, marital status, disability, or status as a disabled ~~((veteran))~~ or Vietnam-era veteran.

Central Washington University is committed to affirmative action for Asians, Blacks, Hispanics, Native Americans, women, persons forty years of age or older, persons of disability, disabled veterans and Vietnam-era veterans. This commitment is expressed through the university's efforts to

eliminate barriers to equal employment opportunity and improve employment opportunities encountered by these protected groups.

AMENDATORY SECTION (Amending Order CWU AO 73, filed 9/30/94, effective 10/31/94)

WAC 106-72-015 Annual workforce analysis. (1) The affirmative action office will conduct an annual workforce analysis for each academic department and a separate utilization analysis for protected group members (i.e., minorities, women, Vietnam-era and disabled veterans, persons of disability, and persons ~~((over the))~~ age ~~((of))~~ forty and above in each major job group. The university will set forth specific goals and timetables where underutilization is identified. Underutilization is defined as having fewer protected group members in a particular job than would reasonably be expected by their availability. (Higher Education Guidelines, Executive Order 11246.)

(2) The university and each organizational unit will make every possible effort to recruit and employ qualified minorities and women to fill vacancies in order to achieve its goals, searching for personnel in areas and channels previously unexplored to the extent necessary to overcome underutilization. Before each vacancy can be officially filled, a designee of the ~~((affirmative action))~~ office for equal opportunity or ~~((the personnel services office))~~ human resources must certify that the appropriate recruitment and hiring procedures have been followed.

AMENDATORY SECTION (Amending WSR 96-02-013, filed 12/21/95, effective 1/21/96)

WAC 106-72-025 Equal opportunity for students. Central Washington University will provide students equal access to all programs and services on the basis of merit without regard to race, color, creed, religion, national origin, ~~((age;))~~ sex, sexual orientation, gender identity and expression, age, marital status, disability, or status as a disabled ~~((veteran))~~ or Vietnam-era veteran.

No person will be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity sponsored by the university including, but not limited to, admissions, academic programs, student employment, counseling and guidance services, financial aid, recreational activities, and intercollegiate athletics.

Programs may be developed by the university, however, for special student populations as affirmative action measures to overcome the effects of past discrimination.

No member of the university community shall treat students differently because of their race, color, creed, religion, national origin, ~~((age;))~~ sex, sexual orientation, gender identity and expression, age, marital status, disability (except to provide reasonable accommodation), or status as a disabled ~~((veteran))~~ or Vietnam-era veteran. The university has established mechanisms to address complaints to discriminatory treatment, including harassing behaviors (e.g., physical, verbal, graphic, or written) which might lead to the creation of a hostile environment.

AMENDATORY SECTION (Amending WSR 92-02-006, filed 12/20/91, effective 1/20/92)

WAC 106-72-130 Procedures, rules, and regulations—Contracts and contractors. The business manager, through the ~~((director of auxiliary services;))~~ director of facilities management ~~((;))~~ and the director of business services and contracts ~~((, and the director of facilities planning and construction))~~ shall comply with federal, state, and local nondiscrimination policies and procedures when soliciting bids on all contracts for construction, goods, and services. Bids will be solicited by women and minority group vendors and contractors. Agencies engaged in business with the university will be notified in writing of the university's affirmative action program and asked to provide a statement of nondiscrimination.

~~((In the case of federal contracts for research grants and awards, the office of graduate studies will be charged with development and inclusion in any contract a statement of nondiscrimination in the fulfillment of such contract.))~~

AMENDATORY SECTION (Amending Order CWU AO 73, filed 9/30/94, effective 10/31/94)

WAC 106-72-400 ~~((Affirmative action))~~ Equal opportunity grievance procedures. (1) A person who believes he or she has been discriminated against by Central Washington University because of race, color, creed, religion, national origin, ~~((age;))~~ sex, sexual orientation, gender identity and expression, age, marital status, disability, or status as a disabled ~~((veteran))~~ or Vietnam-era veteran ~~((status))~~ is encouraged to utilize the grievance procedures provided by Central Washington University. There are informal and formal means of addressing complaints through the ~~((affirmative action))~~ office for equal opportunity. Both informal and formal grievance procedures are available on-line at http://www.cwu.edu/~oec/complaint_procedures.html. These procedures should be used as soon as possible after the alleged act of discrimination. No individual shall be penalized or retaliated against in any way by the university community for his or her participation in ~~((this))~~ these complaint procedures.

(2) All persons who seek the advice and assistance of the ~~((affirmative action))~~ equal opportunity office shall have explained to them the informal and the formal grievance procedures available to them through the university as well as the existence of external complaint procedures available through state and federal agencies. They shall also receive a copy of the ~~((affirmative action))~~ equal opportunity grievance procedure.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 106-72-150	Procedures, rules, and regulations—Student employment.
WAC 106-72-200	Procedures, rules, and regulations—Student services.

PROPOSED

PROPOSED

- WAC 106-72-220 Procedures, rules, and regulations—Academic program.
- WAC 106-72-410 Informal grievance procedure.
- WAC 106-72-420 Formal grievance procedure.
- WAC 106-72-430 Formal grievance procedure—Acknowledgement of written complaint.
- WAC 106-72-440 Formal grievance procedure—Grievance committee.
- WAC 106-72-450 Formal grievance procedure—Distribution of copies of complaint.
- WAC 106-72-460 Formal grievance procedure—Appointment of investigating officer.
- WAC 106-72-470 Formal grievance procedure—Responsibilities of investigating officer.
- WAC 106-72-480 Formal grievance procedure—Separate meetings with complainant and respondent/filing investigative report.
- WAC 106-72-490 Formal grievance procedure—Committee recommendation.
- WAC 106-72-500 Formal grievance procedure—Written committee report.
- WAC 106-72-510 Formal grievance procedure—Proceeding notice.
- WAC 106-72-520 Adjudicative proceeding—Challenges.
- WAC 106-72-530 Adjudicative proceeding—Expeditious conduct.
- WAC 106-72-540 Adjudicative proceeding—Availability of necessary parties.
- WAC 106-72-550 Adjudicative proceeding—Counsel.
- WAC 106-72-560 Adjudicative proceeding—Confidentiality.
- WAC 106-72-570 Adjudicative proceeding—Responsibilities of parties.
- WAC 106-72-580 Adjudicative proceeding—Rights of parties.
- WAC 106-72-590 Adjudicative proceeding—Powers of proceeding panel.

- WAC 106-72-600 Findings of grievance committee.
- WAC 106-72-610 Appeal procedure.

WSR 05-01-156
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed December 20, 2004, 11:24 a.m.]

Original Notice.
 Preproposal statement of inquiry was filed as WSR 04-20-081.
 Title of Rule and Other Identifying Information: Clams—Coastal—Seasons and areas, modify commercial razor clam rules.
 Hearing Location(s): Natural Resources Building, 1111 Washington Street S.E., Olympia, WA, on February 4-5, 2005, meeting begins at 8:00 a.m. on February 4.
 Date of Intended Adoption: February 4, 2005.
 Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail jacobesj@dfw.wa.gov, fax (360) 902-2155, by February 2, 2005.
 Assistance for Persons with Disabilities: Contact Susan Yeager by January 18, 2005, TTY (360) 902-2207 or (360) 902-2267.
 Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Proposal purpose is to require a commercial license from all participants who are digging, possessing and taking razor clams for commercial purposes. The anticipated effect is to curtail activities of unlicensed participants who are helping the licensed persons. This proposal will modify existing rule WAC 220-52-030.
 Reasons Supporting Proposal: Provides enforceability on those who are not legally helping in the commercial harvest of razor clams. Also prevents harvested razor clams from entering commerce through proscribed channels.
 Statutory Authority for Adoption: RCW 77.12.047.
 Statute Being Implemented: RCW 77.12.047.
 Rule is not necessitated by federal law, federal or state court decision.
 Name of Proponent: Washington Department of Fish and Wildlife, governmental.
 Name of Agency Personnel Responsible for Drafting: Morris Barker, Natural Resources Building, 1111 Washington Street S.E., Olympia, WA, (360) 902-2826; Implementation: Lew Atkins, Natural Resources Building, 1111 Washington Street S.E., Olympia, WA, (360) 902-2651; and Enforcement: Bruce Bjork, Natural Resources Building, 1111 Washington Street S.E., Olympia, WA, (360) 902-2373.
 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: None required.

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 anticipated.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? No.

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:

1. Cost per employee;
 2. Cost per hour of labor; or
 3. Cost per one hundred dollars of sales.
- No costs anticipated 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 are anticipated.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: The agency will hold a meeting under the auspices of the Fish and Wildlife Commission public meeting process where testimony can be provided on proposed rules.

8. A List of Industries That Will Be Required to Comply with the Rule: Commercial razor clam diggers.

A copy of the statement may be obtained by contacting Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail jacobesj@dfw.wa.gov.

A cost-benefit analysis is not required under RCW 34.05.328. This is not a hydraulic rule proposal.

December 20, 2004

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 94-23, filed 5/19/94, effective 6/19/94)

WAC 220-52-030 Clams—Coastal—Seasons and areas. (1)(a) It shall be lawful to take, dig for or possess clams, cockles, borers and mussels taken for commercial purposes, not including razor clams, from the tidelands of registered aquaculture farms in Grays Harbor and Willapa Harbor the entire year.

(b) Licensing: No fishery license is required to retain clams taken from registered aquaculture farms but registration is required prior to commercial harvest.

(2)(a) It shall be unlawful to take, dig for or possess razor clams taken for commercial purposes from Washington waters except during commercial razor clam seasons opened by emergency rule.

(b) Licensing: A razor clam fishery license is the license required to take, dig for or possess razor clams for commercial purposes.

WSR 05-01-157
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed December 20, 2004, 11:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-20-002.

Title of Rule and Other Identifying Information: WAC 220-69-26401 Distribution of copies of shellfish receiving tickets.

Hearing Location(s): Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA, on February 4-5, 2005, meeting begins at 8:00 a.m. on February 4, 2004 [2005].

Date of Intended Adoption: February 4, 2005.

Submit Written Comments to: Evan Jacoby, Washington Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail jacobesj@dfw.wa.gov, fax (360) 902-2155, by January 28, 2005.

Assistance for Persons with Disabilities: Contact Susan Yeager by January 21, 2005, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The rule change will provide for the distribution of a copy of the shellfish receiving ticket for geoduck to be provided to the Washington Department of Natural Resources. This will provide the Department of Natural Resources the capability of timely and accurate accounting for geoducks harvested from state administered geoduck tracts. Current rules do not authorize this distribution.

Reasons Supporting Proposal: Allows for a more accurate and timely tracking of geoduck harvest from state administered geoduck tracts.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

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

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

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street S.E., Olympia, WA, (360) 902-2930; Implementation: Lew Atkins, 1111 Washington Street S.E., Olympia, WA, (360) 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street S.E., Olympia, WA, (360) 902-2373.

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: The change will require wholesale shellfish buyers of geoducks to provide a copy of the shellfish receiving ticket to Department of Natural Resources.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: None required.

PROPOSED

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: Costs for compliance are de minimus as this formalizes a current informal practice.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? No:

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:

1. Cost per employee;
 2. Cost per hour of labor; or
 3. 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: The agency has not taken any steps to reduce costs to small businesses as there are no significant costs anticipated.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: The agency will not involve small business as there is no impact in creating a formal practice where an informal practice currently exists.

8. A List of Industries That Will Be Required to Comply with the Rule: Wholesale shellfish buyers of geoduck from state administered geoduck tracts.

A copy of the statement may be obtained by contacting Evan Jacoby, Washington Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155.

A cost-benefit analysis is not required under RCW 34.05.328. These are not hydraulic rules.

December 20, 2004

Evan Jacoby
Rules Coordinator

AMENDATORY SECTION (Amending Order 04-210, filed 8/17/04, effective 9/17/04)

WAC 220-69-26401 Distribution of copies of shellfish receiving ticket. State of Washington shellfish receiving tickets shall be made out in quintuplicate (five copies) at the time of delivery. Upon completion of the shellfish receiving ticket, it is unlawful for the person completing the fish receiving ticket to fail to distribute the copies as follows:

(1) The dealer copies (white and yellow) shall be retained by receiver ((ef)) for their use.

(2)(a) For shellfish other than geoduck clams from department of natural resources geoduck tracts, the state copies (green and pink) shall be mailed to the department. It is required that the state copies be received by the department no later than the sixth working day after the day the ticket was completed by the original receiver.

(b) For geoduck clams from department of natural resources geoduck tracts, the green state copy shall be mailed to the department no later than the sixth working day after the ticket was completed by the original receiver. The pink state copy shall be mailed to the department of natural resources no later than the sixth working day after the ticket was completed by the original receiver, or delivered earlier to the

department of natural resources as directed by that department.

(3) The fisherman copy (gold) shall be retained by the deliverer for their use.

(4) Violation of this section is a gross misdemeanor, punishable under RCW 77.15.640.

WSR 05-01-170

PROPOSED RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed December 21, 2004, 9:37 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-12-067.

Title of Rule and Other Identifying Information: This rule proposal will amend WAC 296-30-090 What are the maximum allowable fees, reducing Crime Victims' Compensation (CVC) provider reimbursement rates to the Department of Social and Health Services (DSHS) reimbursement rates (the lowest rates allowed by law).

Hearing Location(s): Department of Labor and Industries, 7273 Linderson Way S.W., Tumwater, WA 98501, on February 24, 2005, at 9:00 a.m. to 1:00 p.m.

Date of Intended Adoption: April 26, 2005.

Submit Written Comments to: Janice M. Deal, P.O. Box 44520, Olympia, WA 98504-4520, e-mail deal235@lni.wa.gov, fax (360) 902-5333, by March 23, 2005.

Assistance for Persons with Disabilities: Contact Jill Short by March 9, 2005, TTY (360) 905-4974.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Due to an increase in medical costs paid by the CVC program it has been determined that the current appropriation will not be sufficient to carry the program through this biennium. RCW 7.68.015 requires the program to operate within the appropriations and the conditions and limitations on the appropriations provided for the program. RCW 7.68.080 (2)(b) gives the department the authority to set the service levels and fees no lower than those established by the Department of Social and Health Services under Title 74 RCW.

The CVC program filed an emergency rule to immediately reduce its provider reimbursement rates to the DSHS reimbursement rates, effective September 1, 2004. Labor and industries will also file a second emergency rule, effective December 30, 2004. This will continue the reimbursement rate at the DSHS rate while the agency works to put this permanent rule in place. We chose this option because it had the least onerous impact on crime victims.

Statutory Authority for Adoption: RCW 7.68.030.

Statute Being Implemented: RCW 7.68.030.

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

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

Name of Agency Personnel Responsible for Drafting: Janice M. Deal, 7273 Linderson Way, Tumwater, WA 98501,

(360) 902-5369; Implementation: Cletus Nnanabu, 7273 Linderson Way, Tumwater, WA 98501, (360) 902-5340; and Enforcement: Bob Malooly, 7273 Linderson Way, Tumwater, WA 98501, (360) 902-4209.

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

Small Business Economic Impact Statement

Background: Since 1973, the Washington State Department of Labor and Industries (L&I) has provided relief from the costs of medical care and lost wages to crime victims in Washington state. The crime victims' compensation (CVC) program exists to ensure that victims of crime do not suffer financial devastation as a result of, and, in addition to, the trauma caused by the crime itself.

Washington state law requires victims to exhaust all other insurance, both private and public, before tapping into CVC program benefits. However, once a CVC claim has been accepted, the provider must not bill the patient for the treatment of any injury caused by the crime. If the victim has paid for any services up to that point, the provider must reimburse the victim. Once all other insurance sources have been exhausted, the CVC program is then billed for all costs, including copays. It is the intention of the CVC program that crime victims pay no out-of-pocket expenses for treatment of crime-related injuries.

It is important to note that there is one specific service for which providers must bill the CVC program and are specifically disallowed, under any circumstances, to bill a victim. That service is the sexual assault forensic exam, also known as SAFE. This exam provides critical evidence to prosecutors in cases of sexual assault, and providing funding for this exam is the express responsibility of the CVC program.

Since mid-2003, the Washington state program has experienced a dramatic increase in claim expenditures. Though the precise reason for this has not been identified, it is likely a result of a reduction in the number of low-income individuals eligible for Medicaid, as well as inflation in medical costs. As a result of this increase in claim costs, the current biennial budget for the Washington state CVC program, appropriated during the 2003 legislative session, is inadequate to meet the projected financial needs of the program. In response, the CVC program has decided to make reductions in their reimbursement rates for medical treatment.

At present, CVC reimbursement rates are the same as the rates used by L&I's workers' compensation program. If the CVC program were to continue to reimburse providers at these rates, the program would exhaust its current appropriation by mid-March 2005. At that point, the program will be required by state statute to cease paying benefits.

In light of its critical financial situation, the CVC program filed an emergency rule to immediately reduce its reimbursement rates to DSHS reimbursement rates (the lowest rates allowed by law), effective September 1, 2004. Because emergency rules are only effective for one hundred twenty days, L&I must file a second emergency rule, effective December 30, 2004. This second emergency rule will continue the reimbursement rate at the DSHS rate while the agency works to put a permanent rule in place.

With the proposed fee schedule in place, the agency has projected that the proposed reduction in reimbursement rates will prolong the financial viability of the program until some point between mid April 2005 to mid May 2005.

Economic Analysis Requirements of the Regulatory Fairness Act: Proposed rules and rule amendments must meet the requirements of the Regulatory Fairness Act (RFA), chapter 19.85 RCW before adoption. The RFA is intended to ensure, if legal and feasible, that rules do not impose disproportionate economic burdens on small business¹. The RFA requires that a small business economic impact statement (SBEIS) be prepared for proposed rules that impose more than minor economic impact on businesses in an industry. In an SBEIS, an agency must assess the compliance cost of proposed regulations on small businesses and then compare those costs to the compliance cost estimates for the largest 10% of the businesses in an industry.

Proposed Amendments: Presently WAC 296-30-090 states the following:

What are the maximum allowable fees?

1) Maximum allowable fees for medical services are those fees published in the medical aid rules and fee schedules less any available benefits of public or private insurance.

2) Maximum allowable fees for mental health services are those fees published in the CVC program mental health treatment rules and fees less any available benefits of public or private insurance.

3) The percent of allowed charges authorized for hospital inpatient and outpatient services billed by revenue codes are those rates established by DSHS under Title 74 RCW and WAC 388-550-4500 (1)(a) and 388-550-6000 (1)(a) less any available benefits of public or private insurance.

EXCEPTION: If any of the maximum allowable fees in the publications entitled medical aid rules and fee schedules and CVC program mental health treatment rules and fees are lower than the maximum allowable fees for those procedures established by the DSHS under Title 74 RCW, the Title 74 RCW fees are the maximum allowable fees for those procedures.

The proposed change to WAC 296-30-090 reads as follows:

What are the maximum allowable fees?

1) The maximum allowable fees for medical and mental health services will be those rates established by the Department of Social and Health Services less any available benefits of public or private insurance.

2) The percent of allowed charges authorized for hospital inpatient and outpatient services billed by revenue codes are those rates established by DSHS under Title 74 RCW and WAC 388-550-4500 (1)(a) and 388-550-6000 (1)(a) less any available benefits of public or private insurance.

Assessing Costs: The population of affected businesses includes all current and potential CVC medical providers. Presently, there are 19,641 providers registered with the program. They supply a variety of services including trauma care, surgery, general medical care, physical therapy, psychological counseling and nursing care. Under the proposed reimbursement rates, almost all of these providers will see a significant decline in their CVC reimbursement rates.

This change is not a simple, across-the-board reduction in reimbursement rates. The vast majority of hospital inpatient services are reimbursed at the GA-U (general assistance-unemployable) rates, which are usually lower than those for outpatient services. Also, every hospital is reimbursed at its own unique rate. Outpatient services are reimbursed at Medicaid outpatient rates that are usually higher than GA-U rates. However, since all hospitals are considered large businesses the GA-U rate schedule and its impact on providers were not considered for this analysis.

For purposes of assessing the economic impact of the proposed changes, it is important to note that in most cases, the decisions to become a CVC provider, to treat CVC recipients and to bill the CVC program for services rendered are entirely voluntary. As such, providers have the choice to participate or not to participate in the program. In this light, it is assumed that over time those providers who are unwilling or unable to provide services at the reduced reimbursement rates will reduce the number of CVC claimants that they are willing to treat or will simply cease treating CVC program beneficiaries entirely. In the short-run, however, there will be an economic impact on all providers currently treating CVC claimants.

The change from the current fee schedule to the DSHS fee schedule represents a decline in provider reimbursement rates on a per-service basis. In practice this means that when a provider bills the CVC program for a service, (e.g. an office visit) the CVC program will simply pay them at the rate assigned to that service. As such, a provider working for a large firm and a provider working for a small firm will experience identical declines in their CVC reimbursement rates. In this light, the impact of the proposed rule on CVC providers will be exactly proportionate for large and small firms.

Conclusion: The reduction in maximum allowable fees is based entirely on service provided. As a result, providers of similar services can expect to see exactly the same reductions in reimbursement rates as their industry counterparts. In this light it is clear that the impact of this rule change is equivalent for all CVC providers, and no disproportionate impact on small business will result from adoption of the proposed rule.

A copy of the statement may be obtained by contacting Janice M. Deal, P.O. Box 44520, Olympia, WA 98504-4520, phone (360) 902-5369, fax (360) 902-5333, e-mail deal235@lni.wa.gov.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Janice M. Deal, P.O. Box 44520, Olympia, WA 98504-4520, phone (360) 902-5369, fax (360) 902-5333, e-mail deal235@lni.wa.gov.

December 21, 2004

Paul Trause

Director

AMENDATORY SECTION (Amending WSR 00-03-056, filed 1/14/00, effective 2/14/00)

WAC 296-30-090 What are the maximum allowable fees? (1) (~~Maximum allowable fees for medical services are~~

~~those fees published in the Medical Aid Rules and Fee Schedules less any available benefits of public or private insurance.~~

(2) ~~Maximum allowable fees for mental health services are those fees published in the Crime Victims Compensation Program Mental Health Treatment Rules and Fees less any available benefits of public or private insurance.~~

EXCEPTION: ~~If any of the maximum allowable fees in the publications entitled Medical Aid Rules and Fee Schedules and Crime Victims Compensation Program Mental Health Treatment Rules and Fees are lower than the maximum allowable fees for those procedures established by the department of social and health services under Title 74 RCW, the Title 74 RCW fees are the maximum allowable fees for those procedures.~~

(3)) The maximum allowable fees for medical and mental health services will be those rates established by the department of social and health services less any available benefits of public or private insurance.

(2) The percent of allowed charges authorized for hospital inpatient and outpatient services billed by revenue codes are those rates established by the department of social and health services under Title 74 RCW and WAC 388-550-4500 (1)(a) and 388-550-6000 (1)(a) less any available benefits of public or private insurance.

**WSR 05-01-171
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed December 21, 2004, 9:38 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-21-067.

Title of Rule and Other Identifying Information: Chapter 296-52 WAC, Safety standards for possession and handling of explosives, the purpose of this rule making is to correct the inconsistency between chapter 70.74 RCW, Washington State Explosive Act, and chapter 296-52 WAC, Safety standards for possession and handling of explosives. The rule making will change the licensing requirements from two years to one year, in order to be consistent with the RCW. We will also be incorporating recommendations from the FBI regarding bomb technicians, along with housekeeping changes throughout the rule.

Hearing Location(s): Department of Labor and Industries, Room S117, 7273 Linderson Way S.W., Tumwater, WA, on February 16, 2005, at 1:30 p.m.

Date of Intended Adoption: April 5, 2005.

Submit Written Comments to: Sally Elliott, Administrative Regulations Analyst, P.O. Box 44620, Olympia, WA 98504-4620, e-mail yous235@lni.wa.gov, fax (360) 902-5529, by February 23, 2005.

Assistance for Persons with Disabilities: Contact Sally Elliott by February 1, 2005, at yous235@lni.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule making is to correct the inconsistency between chapter 70.74 RCW, Washington State Explosive Act, and chapter 296-52 WAC, Safety standards for possession and handling

of explosives. The rule making will change the licensing requirements from two years to one year, in order to be consistent with the RCW. We will also be incorporating recommendations from the FBI regarding bomb technicians, along with housekeeping changes throughout the rule.

AMENDED SECTIONS:

WAC 296-52-60130 Definitions.

- The proposal will add definitions for alien and electronic detonator.

WAC 296-52-61020 License fees.

- The proposal will update license fees. The fees were changed to reflect yearly renewals.

WAC 296-52-61045 License terms.

- The proposal will change license requirements from two years to one year, in order to be consistent with chapter 70.74 RCW.

WAC 296-52-62010 Dealer applicant information.

- The proposal will correct a reference to WAC 296-52-61010 License applicants must provide this information.

WAC 296-52-63010 Applicant information.

- The proposal will correct a reference to WAC 296-52-61010 License applicants must provide this information.

WAC 296-52-64005 Responsibility to obtain a blaster's license.

- The proposal is updating the license classifications based upon the FBI recommendations for bomb technicians.

WAC 296-52-64040 List C qualifications.

- The proposal is updating the qualifications for a bomb technician based upon the FBI recommendations.

WAC 296-52-64050 Blaster license applicant information.

- The proposal will correct a reference to WAC 296-52-61010 License applicants must provide this information.

WAC 296-52-64090 Blaster license renewal.

- The proposal will change license requirements from two years to one year, in order to be consistent with chapter 70.74 RCW.

WAC 296-52-64095 List A and B renewal qualifications.

- The proposal will change the basic blaster's classroom training to eight hours instead of sixteen hours and change blasting experience to one year instead of two years. The training was reduced to reflect yearly renewals.

WAC 296-52-64100 List C renewal qualifications.

- The proposal is updating the qualifications for a bomb technician based upon the FBI recommendations.

WAC 296-52-65005 Responsibility to obtain a manufacturer's license.

- The proposal is updating the wording to say manufacturer's permit instead of user's permit.

WAC 296-52-65010 Manufacturer applicant information.

- The proposal will correct a reference to WAC 296-52-61010 License applicants must provide this information.

WAC 296-52-66005 Responsibility to obtain a storage license.

- The proposal is deleting "and a valid user permit or license issued by the ATF" because the ATF does not issue user permits or licenses for storage.

WAC 296-52-66010 Storage applicant information.

- The proposal will correct a reference to WAC 296-52-61010 License applicants must provide this information.

WAC 296-52-67080 Drilling.

- The proposal is updating subsection (2), to eliminate confusing wording.

WAC 296-52-67165 Fixed location mixing.

- The proposal will correct a numbering error.

WAC 296-52-69020 Storage facilities.

- The proposal is clarifying wording to Note 1 and Note 4, in order to eliminate confusion.

WAC 296-52-70005 Class 1 magazines: Permanent storage facilities.

- The proposal will update "class" to "type," in order to be consistent with the ATF and IME.

WAC 296-52-70010 Building construction for Class 1 magazines.

- The proposal will update "class" to "type," in order to be consistent with the ATF and IME.

WAC 296-52-70015 Igloos, army-type structures, tunnels, and dugouts.

- The proposal will update "class" to "type," in order to be consistent with the ATF and IME.

WAC 296-52-70020 Class 2 magazines: Portable field storage.

- The proposal will update "class" to "type," in order to be consistent with the ATF and IME.

WAC 296-52-70025 Construction for Class 2 magazine.

- The proposal will update "class" to "type," in order to be consistent with the ATF and IME.
- The proposal is updating subsection (1), in order to be consistent with the ATF.

WAC 296-52-70030 Class 3 magazines: Indoor storage facilities.

- The proposal will update "class" to "type," in order to be consistent with the ATF and IME.

WAC 296-52-70040 Construction for Class 3 magazines.

- The proposal will update "class" to "type," in order to be consistent with the ATF and IME.

WAC 296-52-70045 Class 4 magazines: Blasting agent, low explosive, or electric detonator storage facilities.

- The proposal will update "class" to "type," in order to be consistent with the ATF and IME.

WAC 296-52-70050 Construction for Class 4 magazines.

- The proposal will update "class" to "type," in order to be consistent with the ATF and IME.

WAC 296-52-70055 Class 5 magazines: Blasting agent storage facilities.

- The proposal will update "class" to "type," in order to be consistent with the ATF and IME.

WAC 296-52-70060 Construction for Class 5 magazines.

- The proposal will update "class" to "type," in order to be consistent with the ATF and IME.

WAC 296-52-71020 Storage with Division 1.1, 1.2, or 1.3 explosives.

- The proposal will delete "Unless the storage facility is adequate for Division 1.1, 1.2, or 1.3 storage, small arms ammunition cannot be stored there" because the sentence is redundant with the previous sentence.

WAC 296-52-725 Appendix B, sample format for a blast record, nonmandatory.

- The proposal will update the sample format for a blast record to include the blaster's license number and expiration date.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 70.74.020, 70.74.025, 70.74.030, 70.74.061.

Statute Being Implemented: Chapter 49.17 RCW.

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

Name of Proponent: Department of Labor and Industries.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael Silverstein, Tumwater, (360) 902-5495.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Changes made to the following rules correct typographical errors and clarify rule language. As such, they are exempt from the small businesses economic impact statement (SBEIS) requirement of the RFA per RCW 19.85.025(3) that specifically states that rules described in RCW 34.05.310(4) are not subject to the provisions of the RFA. RCW 34.05.310 (4)(d) exempts

"rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect."

WAC 296-52-60130 Definitions, 296-52-64005 Responsibility to obtain a blaster's license, 296-52-64050 Blaster license applicant information, 296-52-64090 Blaster license renewal, 296-52-64095 List A & B renewal qualifications, 296-52-65005 Responsibility to obtain a manufacturer's license, 296-52-65010 Manufacturer applicant information, 296-52-66005 Responsibility to obtain a storage license, 296-52-66010 Storage applicant information, 296-52-67080 Drilling, 296-52-67165 Fixed location mixing, 296-52-69020 Storage facilities, 296-52-70005 Type 1 magazines: Permanent storage facilities, 296-52-70010 Building construction for Type 1 magazines, 296-52-70015 Igloos, army-type structures, tunnels and dugouts, 296-52-70020 Type 2 magazines: Portable field storage, 296-52-70030 Type 3 magazines: Indoor storage facilities, 296-52-70040 Construction for Type 3 magazines, 296-52-70045 Type 4 magazines: Blasting agent, low explosive, or electric detonator storage facilities, 296-52-70050 Construction for Type 4 magazines, 296-52-70055 Type 5 magazines: Blasting agent storage facilities, 296-52-70060 Construction for Type 5 magazines, 296-52-71020 Storage with Division 1.1, 1.2, 1.3 explosives, and 296-52-71080 Storage.

Changes made to the following rules are intended to bring their language in line with existing state and federal statutes. As such, they are exempt from the SBEIS requirement of the RFA per RCW 19.85.025(3) which specifically states that rules described in RCW 34.05.310(4) are not subject to the provisions of the RFA. RCW 34.05.310 (4)(c) exempts "rules adopting or incorporating by reference without material change federal statutes or regulations as well as Washington state statutes."

WAC 296-52-70025 Construction for Type 2 magazines and 296-52-61020 License fees.

The following rules increase requirements on handlers of explosive equipment; however, the cost they impose is minor. Per RCW 19.85.030 (1)(a), a rule must impose more than a minor cost on a business, businesses or an industry in order to require an SBEIS.

WAC 296-52-64040 List C qualifications and 296-52-64100 List C renewal qualifications.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Trista Zugel, Department of Labor and Industries, P.O. Box 44321, Olympia, WA 98504-4321, phone (360) 902-5122, fax (360) 902-4249, e-mail zugy235@lni.wa.gov.

December 21, 2004

Paul Trause
Director

AMENDATORY SECTION (Amending WSR 03-06-073, filed 3/4/03, effective 8/1/03)

WAC 296-52-60130 Definitions. Alien means any person who is not a citizen or national of the United States.

American Table of Distances means the American Table of Distances for Storage of Explosives as revised and approved by Institute of the Makers of Explosives (IME).

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

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

Attend means the physical presence of an authorized person who stays in view of the explosives.

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

- The department
- Any other approving agency
- An individual as specified in this chapter.

Authorized agent means a person delegated by a licensed purchaser, who possesses a basic knowledge of explosives handling safety, to order and receive explosives on the purchaser's behalf.

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

Authorized person means a person approved or assigned by an employer, owner, or licensee to perform a specific type of duty or be at a specific location at the job site.

Barricades

• **Barricade** means effectively screening a building containing explosives by means of a natural or artificial barrier from a magazine, another building, a railway, or highway.

• **Artificial barricade** means a barricade of such height that a straight line from the top of any sidewall of the building containing explosives to the eave line of any magazine or other building or to a point twelve feet above the center of a railway or highway shall pass through such barrier, an artificial mound or properly revetted wall of earth with a minimum thickness of three feet.

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

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

Blast area means the area of a blast that is effected by:

- Flying rock missiles
- Gases
- Concussion.

Blast pattern means the plan of the drill holes laid out and a display of the burden distance, spacing distance, and their relationship to each other.

Blast site means the area where explosive material is handled during loading and fifty feet in all directions from loaded blast holes or holes to be loaded.

Blaster means a person trained and experienced in the use of explosives and licensed by the department.

Blaster in charge means a licensed blaster who is:

- Fully qualified, by means of training and experience in explosives use
- Adequately trained, experienced, and capable of recognizing hazardous conditions throughout the blast area
- In charge of:

– The blast process

– All aspects of explosives and blasting agent storage, handling, and use as recommended by the manufacturer and as required by this chapter

• In a position of authority:

– To take prompt corrective action in all areas of the blast operation

– Over all other blasters at the blast area

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

• That is intended for blasting

• Not otherwise defined as an explosive

• If the finished product, as mixed for use or shipment, cannot be detonated by means of a number 8 test blasting cap when unconfined

– A number 8 test blasting cap is one containing two grams of a mixture of eighty percent mercury fulminate and twenty percent potassium chlorate, or a blasting cap of equivalent strength. An equivalent strength cap comprises 0.40-0.45 grams of PETN base charge pressed in an aluminum shell with bottom thickness not to exceed 0.03 of an inch, to a specific gravity of not less than 1.4 g/cc., and primed with standard weights of primer depending on the manufacturer

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

Competent person means a person who:

• Is capable of identifying existing hazardous and the forecasting of hazards of working conditions which might be unsanitary or dangerous to personnel or property

• Has authorization to take prompt corrective action to eliminate such hazards.

Consumer fireworks means:

• Any small firework device:

– Designed to produce visible effects by combustion

– That must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission (Title 16 CFR, Parts 1500 and 1507),

• A small device designed to produce audible effects which include, but are not limited to:

– Whistling devices

– Ground devices containing 50 mg or less of explosive materials

– Aerial devices containing 130 mg or less of explosive materials

Note: Fused set pieces containing components, which, together, exceed 50 mg of salute powder are not included.

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

• Trucks

• Trailers

• Rail cars

• Barges

• Vessels.

Day box means a box which:

• Is a temporary storage facility for storage of explosive materials

• Is not approved for unattended storage of explosives

• May be used at the worksite during working hours to store explosive materials, provided the day box is:

- Constructed as required (WAC 296-52-70065, Explosives day box),
- Marked with the word "explosives"
- Used in a manner that safely separates detonators from other explosives
- Guarded at all times against theft

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

Detonating cord means a round flexible cord containing a center core of high explosive and used to initiate other explosives.

Detonator means any device containing any initiating or primary explosive that is used for initiating detonation and includes, but is not limited to:

- Electric detonators of instantaneous and delay types
- Detonators for use with safety fuses, detonating cord delay connectors, and nonelectric instantaneous delay detonators which use detonating cord, shock tube, or any other replacement for electric leg wires.

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

Display fireworks means large fireworks:

- Designed primarily to produce visible or audible effects by combustion, deflagration, or detonation, and include, but are not limited to:
 - Salutes containing more than 2 grains (130 mg) of explosive materials
 - Aerial shells containing more than 40 grams of pyrotechnic compositions
 - Other display pieces, which exceed the limits of explosive materials for classification as "consumer fireworks"
 - Fused set pieces containing components, which together exceed 50 mg of salute powder

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

Electric blasting circuitry consists of these items:

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

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

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

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

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

Electronic detonator means a detonator that utilizes stored electrical energy as a means of powering an electronic timing delay element/module that provides initiation energy for firing the base charge.

Emulsion means an explosive material containing:

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

Explosives means:

- Any chemical compound or mechanical mixture:
 - Commonly intended or used for the purpose of producing an explosion

- That contains any oxidizing and combustible units or other ingredients in proportions, quantities or packing that an ignition by fire, friction, concussion, percussion, or detonation of any part of the compound or mixture may cause sudden generation of highly heated gases resulting in gaseous pressures capable of producing destructive effects on contiguous objects or of destroying life or limb

- All material classified as Division 1.1, 1.2, 1.3, 1.4, 1.5, or 1.6 explosives by U.S. DOT

- For the purposes of public consumer use, the following are not considered explosives unless they are possessed or used for a purpose inconsistent with small arms use or other legal purposes:

- Small arms ammunition
- Small arms ammunition primers
- Smokeless powder, not exceeding fifty pounds
- Black powder, not exceeding five pounds

Explosive actuated power devices means any tool or special mechanized device, which is activated by explosives and does not include propellant actuated power devices.

Explosives classifications. Explosives classifications include, but are not limited to:

- Division 1.1 and Division 1.2 explosives (possess mass explosion or detonating hazard):

- Dynamite
- Nitroglycerin
- Picric acid
- Lead azide
- Fulminate of mercury
- Black powder (exceeding 5 pounds)
- Detonators (in quantities of 1,001 or more)
- Detonating primers

- Division 1.3 explosives (possess a minor blast hazard, a minor projection hazard, or a flammable hazard):

- Propellant explosives
- Smokeless powder (exceeding fifty pounds)

- Division 1.4 explosives:

- Explosives that present a minor explosion hazard
- Includes detonators that will not mass detonate in quantities of 1,000 or less

- Division 1.5 explosives:

- Explosives with a mass explosion hazard but are so insensitive that there is little probability of initiation
- ANFO and most other blasting agents are in this division

- Division 1.6 explosives:

- Explosives that are extremely insensitive and do not have a mass explosion hazard

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

- Applies to public consumer use only
- Does not apply to the employer employee relationship covered under the Washington Industrial Safety and Health Act.

Explosives international markings.

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

• This exception is under the authority of RCW 70.74.020(3) and in lieu of Washington state designated markings (as defined by RCW 70.74.010(4) (Division 1.1, 1.2, and 1.3) and required by RCW 70.74.300).

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

- Containing explosives where the manufacture of explosives, or any processing involving explosives, is conducted
- Where explosives are used as a component part or ingredient in the manufacture of any article or device.

Explosives manufacturing plant means all lands with buildings used:

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

Fireworks means any composition or device:

- Designed to produce a visible or an audible effect by combustion, deflagration, or detonation
- Which meets the definition of "consumer fireworks" or "display fireworks."

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

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

Fuse (safety). See "safety fuse."

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

Handler means any individual who handles explosives or blasting agents for the purpose of transporting, moving, or assisting a licensed blaster in loading, firing, blasting, or disposal.

Note: This does not include employees of a licensed manufacturer engaged in manufacturing process, drivers of common carriers, or contract haulers.

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

Highway means roads, which are regularly and openly traveled by the general public and includes public streets, alleys, roads, or privately financed, constructed, or maintained roads.

Improvised device means a device, which is:

- Fabricated with explosives

• Fabricated with destructive, lethal, noxious, pyrotechnic, or incendiary chemicals, and designed, or has the capacity to disfigure, destroy, distract, and harass.

Inhabited building means:

- A building which is regularly occupied, in whole or in part, as a habitat for human beings
- Any church, schoolhouse, railroad station, store, or other building where people assemble.

Note: This does not mean any building or structure occupied in connection with the manufacture, transportation, storage, or use of explosives.

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

- Black powder, safety fuses, igniters, igniter cords, fuse lighters, and display fireworks defined as Division 1.2 or Division 1.3 explosives by U.S. DOT (49 CFR Part 173).

Note: This does not apply to bulk salutes.

Magazine means any building, structure, or container approved for storage of explosive materials.

Note: This does not apply to an explosive manufacturing building.

Manufacturer means any person, partnership, firm, company, or corporation who manufactures explosives or blasting agents, or use any process involving explosives as a component part in the manufacture of any device, article, or product.

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

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

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

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

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

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

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

Permanent magazines means magazines that:

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

Person means any individual, firm, partnership, corporation, company, association, person or joint stock associa-

tion or trustee, receiver, assignee, or personal representative of that entity.

Person responsible, for an explosives magazine, means:

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

Portable (field) magazines means magazines that are:

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

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

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

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

Propellant actuated power device means any tool, special mechanized device, or gas generator system, which is actuated by a propellant and releases and directs work through a propellant charge.

Public utility transmission systems means:

- Any publicly owned systems regulated by:
 - The utilities and transportation commission
 - Municipalities
 - Other public regulatory agencies, which include:
 - Power transmission lines over 10 kV, telephone cables, or microwave transmission systems
 - Buried or exposed pipelines carrying water, natural gas, petroleum, or crude oil or refined products and chemicals

Purchaser means any person who buys, accepts, or receives explosives or blasting agents.

Pyrotechnics, commonly referred to as fireworks, means any combustible or explosive compositions or manufactured articles designed and prepared for the purpose of producing audible or visible effects.

Qualified person means a person who has successfully demonstrated the ability to solve or resolve problems relating to explosives, explosives work, or explosives projects by:

- Possession of a recognized degree or certificate
- Professional standing
- Extensive knowledge, training, and experience.

Railroad means any type of railroad equipment that carries passengers for hire.

Safety fuse (for firing detonators) means a flexible cord containing an internal burning medium by which fire is conveyed at a continuous and uniform rate.

Secondary blasting means using explosives, mudcapping, or blockholing to reduce oversize material to the dimension required for handling.

Shock tube means a small diameter plastic tube:

- Used for initiating detonators

- That contains a limited amount of reactive material so energy, transmitted through the tube by means of a detonation wave, is guided through and confined within the walls of the tube.

Small arms ammunition means any shotgun, rifle, pistol, or revolver cartridge, and cartridges for propellant actuated power devices and industrial guns.

Note: This does not mean military type ammunition containing explosive bursting incendiary, tracer, spotting, or pyrotechnic projectiles.

Small arms ammunition primers means small percussion sensitive explosive charges encased in a detonator or capsule used to ignite propellant power or percussion detonators used in muzzle loaders.

Smokeless powder means solid chemicals or solid chemical mixtures that function by rapid combustion.

Special industrial explosive devices means explosive actuated power devices and propellant-actuated power devices.

Special industrial explosives materials means shaped materials and sheet forms and various other extrusions, pellets, and packages of high explosives, which include:

- Dynamite
- Trinitrotoluene (TNT)
- Pentaerythritol tetranitrate (PETN)
- Hexahydro-1, 3, 5-trinitro-s-triazine (RDX)
- Other similar compounds used for high-energy-rate forming, expanding, and shaping in metal fabrication, and for dismemberment and quick reduction of scrap metal.

Springing means the creation of a pocket in the bottom of a drill hole by the use of a moderate quantity of explosives so that larger quantities of explosives may be inserted.

Sprung hole means a drilled hole that has been enlarged by a moderate quantity of explosives to allow for larger quantities of explosives to be inserted into the drill hole.

Stemming means a suitable inert incombustible material or device used to confine or separate explosives in a drill hole or cover explosives in mudcapping.

Trailer means semi-trailers or full trailers, as defined by U.S. DOT, which are:

- Built for explosives
- Loaded with explosives
- Operated in accordance with U.S. DOT regulations.

U.S. DOT means the United States Department of Transportation.

Vehicle means any car, truck, tractor, semi-trailer, full trailer, or other conveyance used for the transportation of freight.

Water-gels or emulsion explosives. These explosives:

- Comprise a wide variety of materials used for blasting. Two broad classes of water-gels are those which:
 - Are sensitized by material classed as an explosive, such as TNT or smokeless powder
 - Contain no ingredient classified as an explosive which are sensitized with metals, such as aluminum, or other fuels
 - Contain substantial proportions of water and high proportions of ammonium nitrate, some ammonium nitrate is in the solution in the water, and may be mixed at an explosives plant, or the blast site immediately before delivery into the drill hole.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-61020 License fees. Applicable license fees must be included with new or renewal explosives license applications.

Type of License	Fee
Dealer's License	((50.00)) 25.00
Purchaser's License	((40.00)) 5.00
Blaster's License	((40.00)) 5.00
Manufacturer's License	((50.00)) 25.00
Storage License	(See table below)

PROPOSED

Explosive Materials STORAGE LICENSE FEES RCW 70.74.140 applies			
EXPLOSIVES Maximum Weight (pounds) of explosives permitted in each magazine or mobile site.	DETONATORS Maximum Number of detonators permitted in each magazine or mobile site.	FEE (for each magazine or mobile site)	
		Annual	((Every Two Years)) <u>Permanent Storage License for Two Years</u>
200	133,000	10.00	20.00
1,000	667,000	25.00	50.00
5,000	3,335,000	35.00	70.00
10,000	6,670,000	45.00	90.00
50,000	33,350,000	60.00	120.00
300,000	200,000,000	75.00	150.00

Note: License fees will not be refunded when a license is revoked or suspended for cause.

- The amount of explosives or blasting agents to be used
- An explosives storage plan:
 - Documenting proof of ownership of a licensed storage magazine

OR

- With a signed authorization to use another person's licensed magazine

OR

- With a signed statement certifying that the explosives will not be stored

- An authorized agent list, if the purchaser chooses to authorize others to order or receive explosives on their behalf

- The identity and current license of the purchaser's blaster

• Information required by WAC ~~((296-52-610, Explosives Licensing))~~ 296-52-61010, License applicants must provide this information

- Any other pertinent information requested by the department.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-61045 License terms. All licenses, including storage licenses, are valid for ~~((two))~~ one year(s) from the date of issue, unless revoked or suspended by the department prior to the expiration date.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-62010 Dealer applicant information. The dealer applicant must:

- Give the reason they want to participate in the business of dealing in explosives

• Provide information required by WAC ~~((296-52-610, Explosives Licensing))~~ 296-52-61010, License applicants must provide this information

- Provide other pertinent information required by the department.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-63010 Applicant information. Applicants must provide the following information to the department:

- The reason explosives or blasting agents will be used
- The location where explosives or blasting agents will be used
- The kind of explosives or blasting agents to be used

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-64005 Responsibility to obtain a blaster's license. No one may conduct a blasting operation without a valid blaster's license issued by the department.

Note: A blaster's license is not required for a "hand loader."

Blaster license classifications table. The following information shows classification for blasting licenses.

- **Classification list assignment.** Classification list assignment is determined by the use of single or multiple series charges; and the knowledge, training, and experience

PROPOSED

required to perform the type of blasting competently and safely.

• **Multiple list applications.** When an applicant wants to apply for multiple classifications and the classifications desired are from two or more classification table lists:

- All classifications must be requested on the application
- Qualifying documentation for all classifications being applied for must be included in the applicant's resume (WAC 296-52-64050, Applicant information). Training and experi-

ence may fulfill qualification requirements in multiple classifications.

• **Request classifications not lists.** Applicants must request specific classifications (not list designations) on their blaster application. Licenses are not issued or endorsed for Classification Table lists A, B, or C.

• **License additions.** To add a classification to an existing license, see WAC 296-52-64085, Changes to a blaster's license classification.

License Classifications Table					
LIST A		LIST B		LIST C	
AG	Agriculture	DE	Demolition	((LE)) BT	((Law Enforcement*)) Bomb Technician*
AV	Avalanche Control	SB	Surface Blasting*	UL	Unlimited*
ED	Explosives Disposal*	UB	Underground Blasting		
FO	Forestry*	UW	Underwater Blasting		
LE	Law Enforcement*				
IO	Industrial Ordnance				
SE	Seismographic				
TS	Transmission Systems				
WD	Well Drilling				

* Detailed classification information.

• **Bomb technician.** Disposal of bombs, illegal fireworks and explosive devices.

• **Explosives disposal.** Disposal of explosive materials by licensed blasters.

• **Forestry.** Includes logging, trail building, and tree toping.

• **Law enforcement.** ~~((Law enforcement bomb disposal and illegal fireworks and explosives disposal.))~~ Diversionary devices, explosive detection K-9 dog handlers, crowd control devices (stingers) and tactical entry.

• **Surface blasting.** Includes construction, quarries, and surface mining.

• **Unlimited.** Includes all classifications except underground blasting and law enforcement.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-64040 List C qualifications. (1) **Unlimited classification.** To be considered for unlimited classification, the applicant must submit a detailed resume documenting:

- Experience in the majority of the classifications in Lists A and B
- A minimum of five years of continuous full time blasting experience in the explosives industry where blasting has been the applicant's primary responsibility during the previous five years.

(2) ~~((Law enforcement.))~~ **Bomb technician.** To be considered for a ~~((law enforcement))~~ **bomb technician** classification, the applicant must ~~((submit a certificate of graduation from the FBI Redstone Arsenal Training Center at Redstone, Alabama.))~~:

• Submit a copy of the certificate of graduation from the FBI Hazardous Devices School (HDS) basic course in Redstone, Alabama.

• Submit a copy of the applicant's FBI Bomb Technician Certification identification card. The FBI Bomb Technician Certification card must bear a date that indicates that it is current at the time of application.

• Submit a letter from the applicant's law enforcement agency's head (chief or sheriff) stating that the applicant is a full-time employee assigned to perform bomb technician duties as part of an FBI accredited bomb squad.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-64050 Blaster license applicant information. An applicant for a blaster's license must provide the following information to the department:

- The application must be signed by the blasting course instructor and the qualified blaster the applicant trained under
- A detailed resume of blasting training and experience
- Satisfactory evidence of competency in handling explosives
- Information required by WAC ~~((296-52-610, Explosive licensing))~~ 296-52-61010, License applicants must provide this information.

Note: The department may request additional information for the classification being applied for upon review of a blaster's resume.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-64090 Blaster license renewal. The following requirements are for license renewal:

- General applicant qualifications, WAC 296-52-64020, General qualifications, apply.
- Renewal qualifications include the requirements of WAC 296-52-64090 License renewal, through WAC 296-52-64100, List C renewal qualifications.
- Training, experience, and responsibility requirements must be accrued during the ~~((two))~~ one year~~((s))~~ before the application is submitted.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-64095 List A and B renewal qualifications. The following requirements are for List A and B renewal qualifications:

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

- Blasting experience, by providing a minimum of ~~((two))~~ one blast record~~((s))~~

OR

- Successful completion of ~~((sixteen))~~ eight hours of basic blaster's classroom training. The blasting course instructor must witness the submitted documentation.

(2) List A or B applicants who do not meet the minimum classification qualifications must pass a written exam administered by the department.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-64100 List C renewal qualifications. The following requirements are for List C renewal qualifications:

(1) **Unlimited classification.** To be considered for a renewal of an unlimited license, an applicant must submit a detailed resume documenting:

- Experience in the majority of classification in List A and B
- Full-time blasting experience in the explosives industry, where blasting has been the applicant's primary responsibility.

~~((Law enforcement classification. To be considered for a renewal of the law enforcement classification, an applicant must submit a detailed resume documenting:))~~ **Bomb technician.** To be considered for a renewal of the bomb technician classification, an applicant must:

- Have continuous employment as a law enforcement bomb technician accrued during the previous ~~((two))~~ year~~((s))~~

~~((Successful completion of sixteen hours of bomb technician classroom training. The course instructor must sign the submitted documentation.))~~ • Submit a copy of their FBI Bomb Technician Certification identification card bearing the name of the person making application and an expiration date that indicates that the card is current and valid as of the date of renewal

- Submit a letter from the applicant's law enforcement agency's head (chief or sheriff) stating that the applicant is a full-time employee assigned to perform bomb technician duties as part of an FBI accredited bomb squad.

Note: • If the applicant's card has expired at the time of renewal they need to show that they are enrolled in the next available course at Redstone, Alabama.

AMENDATORY SECTION (Amending WSR 03-10-037, filed 4/30/03, effective 5/24/03)

WAC 296-52-65005 Responsibility to obtain a manufacturer's license. Any person, firm, partnership, corporation, or public agency wanting to manufacture explosives or blasting agents, or use any process involving explosives as a component part in the manufacture of any device, article, or product must have a valid manufacturer's license from the department and a valid ~~((user))~~ manufacturer's permit or license issued by the ATF.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-65010 Manufacturer applicant information. The manufacturer applicant must provide the following information to the department:

- The reason the applicant wants to manufacture explosives

- The manufacturing or processing location

- The kind of explosives manufactured, processed, or used

- The distance that the explosives manufacturing building is located, or intended to be located, from other buildings, magazines, inhabited buildings, railroads, highways, and public utility transmission systems

- A site plan. The site plan must:

- Include the distance each manufacturing building is located from:

- ◆ Other buildings on the premises where people are employed

- ◆ Other occupied buildings on adjoining property

- ◆ Buildings where customers are served

- ◆ Public highways

- ◆ Utility transmission systems

- Demonstrate compliance with:

- ◆ Applicable requirements of the Washington State Explosives Act

- ◆ The separation distance requirements of this chapter
 - Identify and describe all natural or artificial barricades used to influence minimum required separation distances

- Identify the nature and kind of work being performed in each building

- Specify the maximum amount and kind of explosives or blasting agents to be permitted in each building or magazine at any one time

- Information required by WAC ~~((296-52-610, Explosive licensing))~~ 296-52-61010, License applicants must provide this information

- Other pertinent information required by the department.

PROPOSED

AMENDATORY SECTION (Amending WSR 03-10-037, filed 4/30/03, effective 5/24/03)

WAC 296-52-66005 Responsibility to obtain a storage license. Any person, firm, partnership, corporation, or public agency wanting to store explosive materials must have a valid license from the department (~~and a valid user permit or license issued by the ATF~~).

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-66010 Storage applicant information. Applicants must provide the following information to the department:

- The address or a legal description of the existing or proposed magazine or mobile storage site must be clearly identified
- The reason explosive materials will be stored
- The kind of explosives or blasting agents that will be stored
- The maximum quantity of explosive materials that are or will be stored
- Identify the total weight, in pounds, of all explosive materials to be stored on site
- The distance that the magazine is located or intended to be located from other magazines, inhabited buildings, explosives manufacturing buildings, railroads, highways, and public utility transmission systems
- How long the storage license is needed
- Information required by WAC (~~296-52-610, Explosive licensing~~) 296-52-61010. License applicants must provide this information
- Any other pertinent information requested by the department.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-67080 Drilling. (1) Unexploded charges.

- (a) Drilling cannot begin:
 - (i) When there is danger of drilling into a charged or misfired hole.
 - (ii) Until all remaining butts of old holes are examined for unexploded charges.
- (b) Unexploded charges must be refired before work proceeds.
- (2) **Distance limits during drilling.** Blasters cannot load or use explosives closer than:
 - (a) The length of the steel being used for drilling(=)
 - OR**
 - (b) Within fifty feet of drilling operations, whichever is greater.
- (3) **Prior to loading drill holes.**
 - (a) Holes must be checked prior to loading to determine depth and conditions.
 - (b) Drill holes that have contained explosives or blasting agents cannot be deepened.
 - (c) Drill holes must be large enough to allow unobstructed or free insertion of explosive cartridges.

(4) **Enlarging or springing a drill hole.**

(a) A drill hole cannot be sprung when it is near a loaded hole.

(b) A minimum of two hours must pass after a charge has exploded in a drill hole that was enlarged or "sprung," before loading another charge of explosives into the hole.

Note: You do not have to wait two hours if the sprung hole is thoroughly wet down with water before it is loaded.

(c) Flashlight batteries cannot be used as a power source for springing holes.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-67165 Fixed location mixing. (1) Buildings.

(a) **Locations.**

(i) **Separation distance tables.** Buildings or other facilities used for manufacturing emulsions and water-gels must meet the separation distance requirements of Table H-21 for:

- (A) Inhabited buildings
- (B) Passenger railroads
- (C) Public highways

(ii) **Determining distance.** When determining the distances separating highways, railroads, and inhabited buildings from potential explosions (Table H-20), the sum of all masses that may propagate (i.e., lie at distances less than specified in Table H-22) from either individual or combined donor masses are included in the sum. However, when ammonium nitrate must be included, only fifty percent of its weight must be used because of its reduced blast effects.

(b) **Construction.** Buildings used for the manufacture of water-gels or emulsions must:

- (i) Be constructed of noncombustible material or sheet metal on wood studs.
- (ii) Have mixing plant floors made of nonabsorbent materials, such as concrete.
- (iii) Be well ventilated.

(c) **Heat sources.** Heating units that are designed to be independent of the combustion process within the heating unit, may be used within processing buildings or compartments if they:

- (i) Have temperature and safety controls
- AND**
- (ii) Are located away from combustible materials and the finished product.

(d) **Internal combustion engines.**

(i) **Location.** All internal combustion engines used for electric power generation must be:

- (A) Located outside the mixing plant building
- OR**

(B) Properly ventilated and isolated by a firewall

(ii) **Exhaust systems.** Engine exhaust systems must be located to prevent spark emissions from becoming a hazard to any materials, in or near the plant.

~~((f))~~ (e) **Fuel oil storage.**

(i) **Facilities.** Fuel oil storage facilities must be:

- (A) Independent structures
- (B) Located away from the manufacturing building

(ii) **Surrounding area.** In order to prevent oil from draining toward a manufacturing building in the event of a tank rupture, the surrounding grounds must slope away from the building.

(2) **Storage of water-gel and emulsion ingredients.**

(a) **Explosive ingredients.** Ingredients must be stored with compatible materials.

(b) **Nitrate water solutions.**

(i) Nitrate water solutions can be stored in tank cars, tank trucks, or fixed tanks without quantity or distance limitations.

(ii) Spills or leaks which may contaminate combustible materials must be cleaned up immediately.

(c) **Metal powders.** Metal powders, for example, aluminum, must be:

(i) Kept dry

AND

(ii) Stored in containers or bins that are moisture resistant or weather tight.

(d) **Solid fuels.** Solid fuels must be used in a way that minimizes dust explosion hazards.

(e) **Peroxides and chlorates.** Peroxides and chlorates cannot be used.

(3) **Mixing equipment.** Mixing equipment must comply with these requirements:

(a) **Design.** The design of processing equipment, including mixers, pumps, valves, conveying, and other related equipment, must:

(i) Be compatible with the relative sensitivity of other materials being handled.

(ii) Minimize the possibility of frictional heating, compaction, overloading, and confinement.

(iii) Prevent the introduction of foreign objects or materials.

(iv) Be designed to permit regular and periodic flushing, cleaning, dismantling, and inspection.

(b) **Handling procedures.** Equipment handling procedures must be designed to prevent the introduction of foreign objects or materials.

(c) **Housekeeping.**

(i) A cleaning and collection system for dangerous residues must be provided.

(ii) The mixing, loading, and ingredient transfer areas, where residues or spilled materials may accumulate, must be cleaned periodically.

(d) **Electrical equipment.** Electrical equipment must:

(i) Comply with the requirements of WAC 296-800-280, Basic electrical rules, including wiring, switches, controls, motors, and lights.

(ii) Have appropriate overload protection devices for all electric motors and generators.

(iii) Be electrically bonded with electrical generators, motors, proportioning devices, and all other electrical enclosures.

(iv) Have grounding conductors effectively bonded to:

(A) The service entrance ground connection

OR

(B) All equipment ground connections in a manner to provide a continuous path to ground

(4) **Mixing facility fire prevention.** Mixing facilities must comply with these fire prevention requirements:

(a) All direct sources of heat must only come from units located outside of the mixing building.

(b) A daily visual inspection must be made of the mixing, conveying, and electrical equipment to make sure they are in good operating condition.

(c) A systematic maintenance program must be conducted on a regular schedule.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-69020 Storage facilities. Explosives, except as specified in WAC 296-52-69015, and detonators in quantities of more than one thousand must be stored in permanent ((Class)) Type 1 magazines or approved and licensed magazines.

Note 1: Components storage.

~~((Any two components when mixed, and become capable of detonation by a #6 detonator, must be stored in separate locked containers or a licensed, approved magazine.))~~ Any two components which when mixed and become capable of detonation by a #8 detonator must be stored in a licensed approved magazine. Each component of two component explosives when unmixed must be stored in separate locked containers.

Note 2: Electro magnetic radiation precautions.

Blasting operations or storage of electrical detonators are prohibited in the area of operation radio frequency (RF) transmitter stations except where the clearances (WAC 296-52-67060, Extraneous electricity and radio frequency (RF) transmitters) can be observed.

Note 3: Detonators, electric detonators, detonating primers, and primed cartridges.

Detonators, electric detonators, detonating primers, and primed cartridges cannot be stored together or in the same magazine with other explosives.

Note 4: Ammonium perchlorate rocket motors.

~~((Ammonium perchlorate rocket motors in weighing more than 62.5 grams but not more than 50 pounds total weight explosives, may be stored in an attached garage of a single family residence if the living area is separated by a fire wall with a one-hour minimum fire resistance.))~~ Ammonium perchlorate rocket motors in 62.5 grams amounts or greater, but not to exceed fifty pounds in total weight of explosives, may be stored in an attached garage of a single-family residence if the living area is separated by a fire wall with one-hour minimum fire resistance.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-70005 ((Class)) Type 1 magazines: Permanent storage facilities. A ((Class)) Type 1 storage facility must be:

• A permanent structure such as:

– A building

– An igloo

– An army-type structure

– A tunnel

OR

– A dugout

• Bullet resistant, fire resistant, weather resistant, theft resistant, and well ventilated.

AMENDATORY SECTION (Amending WSR 03-06-073, filed 3/4/03, effective 8/1/03)

WAC 296-52-70010 Building construction for ((Class)) Type 1 magazines. All building-type storage facilities must:

- Be constructed of masonry, wood, metal, or a combination of these materials

- Have no openings except for entrances and ventilation

- Have the ground around the facility slope away for drainage

(1) **Wall construction.**

(a) **Masonry wall construction.** Masonry wall construction must:

- Consist of brick, concrete, tile, cement block, or cinder block

- Be at least eight inches thick

(b) **Hollow masonry construction.** Hollow masonry construction must:

- Have all hollow spaces filled with well tamped coarse dry sand

OR

- Have weak concrete (a mixture of one part cement to eight parts sand with enough water to dampen the mixture) while tamping in place

AND

- Have interior walls covered with a nonsparking material

(c) **Fabricated metal wall construction.**

- Metal wall construction must be securely fastened to a metal framework and consist of one of the following types of metal:

- Sectional sheets of steel (at least number 14 gauge)

OR

- Aluminum (at least number 14 gauge)

- Metal wall construction must:

- Be lined with brick, solid cement blocks, and hardwood at least four inches thick or material of equivalent strength

- Have a minimum of six-inch sand fill between interior and exterior walls

- Have interior walls constructed of or covered with a nonsparking material

(d) **Wood frame wall construction.**

- Exterior wood walls must be covered with iron or aluminum at least number 26 gauge

- Inner walls, made of nonsparking materials must be constructed with a space:

- A minimum of six inches between the outer and inner walls

AND

- Filled with coarse dry sand or weak concrete

(2) **Floors.** Floors must be:

(a) Constructed of a nonsparking material.

(b) Strong enough to hold the weight of the maximum quantity to be stored.

(3) **Foundation.**

- Foundations must be constructed of brick, concrete, cement block, stone, or wood posts

- If piers or posts are used instead of a continuous foundation, the space under the building must be enclosed with metal

(4) **Roof.**

(a) Roofs must be covered with no less than number 26 gauge iron or aluminum fastened to a 7/8-inch sheathing, except for buildings with fabricated metal roofs.

(b) If it is possible for a bullet to be fired directly through the roof at such an angle that it would strike a point below the top of the inner walls, storage facilities must be protected by one of the following two methods:

- A sand tray must be:

- Located at the top of the inner wall covering the entire ceiling area, except the area necessary for ventilation.

- Lined with a layer of building paper.

- Filled with at least four inches of coarse dry sand.

- A fabricated metal roof must be constructed of 3/16-inch plate steel lined with four inches of hardwood or material of equivalent strength. For each additional 1/16-inch of plate steel, the hardwood or material of equivalent strength lining may be decreased one inch.

(5) **Doors and hinges.**

(a) All doors must be constructed of 1/4-inch plate steel and lined with two inches of hardwood or material of equivalent strength.

(b) Hinges and hasps must be installed so they cannot be removed when the doors are closed and locked by:

- Welding

- Riveting

OR

- Bolting nuts on the inside of the door

(6) **Locks.**

(a) Each door must be equipped with:

- Two mortise locks

- Two padlocks fastened in separate hasps and staples

- A combination of a mortise lock and a padlock

- A mortise lock that requires two keys to open

OR

- A three-point lock

(b) Padlocks must:

- Have a minimum of five tumblers

- Have a case hardened shackle at least 3/8 inches in diameter

- Be protected with a minimum of 1/4-inch steel hoods, constructed to prevent sawing or lever action on the locks, hasps, and staples

Note: These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be operated from the outside.

(7) **Ventilation.**

- A two-inch air space must be left around ceilings and the perimeter of floors, except in doorways

- Foundation ventilators must be at least four inches by six inches

- Vents in the foundation, roof, or gables must be screened and offset

(8) **Exposed metal.**

- Sparking metal construction cannot be exposed below the tops of walls in storage facilities

- All nails must be blind nailed, countersunk, or nonsparking.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-70015 Igloos, army-type structures, tunnels, and dugouts. These storage facilities must:

- Be constructed of reinforced concrete, masonry, metal, or a combination of these materials
- Have an earth mound covering of at least twenty-four inches on the top, sides, and rear unless the magazine meets the requirements of WAC 296-52-70010 (4)(b), Building construction for roofs
- Have interior walls and floors covered with a nonsparking material
- Be constructed according to the requirements of WAC 296-52-70005, ((Class)) **Type 1** magazines: Permanent storage facilities, through WAC 296-52-70060, Construction.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-70020 ((Class)) Type 2 magazines: Portable field storage. A ((Class)) **Type 2** storage facility must:

- Be a box, trailer, semi-trailer, or other mobile facility. When an unattended vehicular magazine is used, the wheels must be removed or it must be effectively immobilized by kingpin locking devices or other methods approved by the department
- Be bullet resistant, fire resistant, weather resistant, theft resistant, and well ventilated
- Be a minimum of one cubic yard
- Be supported to prevent direct contact with the ground
- Have the ground around the magazine slope away for drainage or provide for other adequate drainage.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-70025 Construction for ((Class)) Type 2 magazines. (1) **Exterior, doors, and top openings.**

(a) The exterior and doors must be constructed of at least 1/4-inch steel and lined with a minimum of ((two)) **three**-inch hardwood.

(b) Magazines with top openings must have lids with water resistant seals or lids that overlap the sides by a minimum of one inch when closed.

(2) **Hinges and hasps.** Hinges and hasps must be installed so they cannot be removed when the doors are closed and locked by:

- Welding
- Riveting

OR

- Bolting nuts on the inside of the door

(3) **Locks.**

(a) Each door must be equipped with:

- Two mortise locks
- Two padlocks fastened in separate hasps and staples
- A combination of mortise lock and a padlock

- A mortise lock that requires two keys to open

OR

- A three-point lock

(b) Padlocks must have:

- A minimum of five tumblers and a case hardened shackle with a minimum of 3/8-inch diameter
- A minimum of 1/4-inch steel hoods constructed to prevent sawing or lever action on the locks, hasps, and staples

Note: These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be operated from the outside.

(4) **Ventilation.**

- A two-inch air space must be left around ceilings and the perimeter of floors, except at doorways
- Foundation ventilators must be at least four inches by six inches
- Vents in the foundation, roof, or gables must be screened and offset

(5) **Exposed metal.**

- Sparking metal cannot be exposed below the top of walls in the storage facilities
- All nails must be blind nailed, countersunk, or nonsparking

Note: The following are nonmandatory construction alternatives for magazine exteriors:

- All steel and wood dimensions shown are actual thickness
- The manufacturer's represented thickness may be used to meet the concrete block and brick dimensions.
- 3/16-inch steel lined with an interior of 4-inch hardwood.
- 3/16-inch steel lined with:
An interior of 7 inches of softwood
- OR**
- 6 3/4 inches of plywood.
- 3/16-inch steel lined with:
An intermediate layer of 3-inch hardwood
- AND**
- An interior lining of 3/4-inch plywood.
1/8
- 1/8-inch steel lined with an interior of 5-inch hardwood.
- 1/8-inch steel lined with an interior of 9-inch softwood.
- 1/8-inch steel lined with:
An intermediate layer of 4-inch hardwood
- AND**
- An interior lining of 3/4-inch plywood.
- 1/8-inch steel lined with:
A first intermediate layer of 3/4-inch plywood.
A second intermediate layer of 3 5/8 inches well-tamped dry sand
- OR**
- Sand/cement mixture.
An interior lining of 3/4-inch plywood.
- 5/8-inch steel lined with an interior of any type of non-sparking material.
- 1/2-inch steel lined with an interior of at least 3/8-inch plywood.
- 3/8-inch steel lined with an interior of 2-inch hardwood.
- 3/8-inch steel lined with an interior of:
3 inches softwood

OR

2 1/4 inches of plywood.

- 1/4-inch steel lined with:

An interior of 5 inches of softwood

OR

5 1/4 inches of plywood.

- Any type of structurally sound fire resistant material lined with:

An intermediate layer of 4-inch solid concrete block

OR

4-inch solid brick or concrete

AND

An interior lining of 1/2-inch plywood placed securely against the masonry lining.

- Standard 8-inch concrete block with voids filled with well tamped sand/cement mixture.
- Standard 8-inch solid brick.
- Any type of structurally sound fire resistant material lined with an intermediate 6-inch space filled with:

Well tamped dry sand

OR

Well tamped sand/cement mixture.

- Any type of fire resistant material lined with:

A first intermediate layer of 3/4-inch plywood,

A second intermediate layer of 3 5/8-inch well tamped

dry sand

OR

Sand/cement mixture,

A third intermediate layer of 3/4-inch plywood,

A fourth intermediate layer of 2-inch hardwood

OR

14 gauge steel and an interior lining of 3/4-inch plywood,

8-inch thick solid concrete.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-70030 ((Class)) Type 3 magazines: Indoor storage facilities.

- Detonators in quantities of one thousand or less
- Ammonium perchlorate rocket motors in 62.5 gram amounts or greater, but not to exceed fifty pounds in total weight of explosives.

OR

- Diversionary devices intended for law enforcement use only, but not to exceed fifty pounds in total weight of explosives.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-70040 Construction for ((Class)) Type 3 magazines. (1) Sides, bottoms, and covers must be constructed with a minimum of number 12 gauge metal and lined with a nonsparking material.

(2) Hinges and hasps must be attached so they cannot be removed from the outside.

(3) One steel padlock, which does not need to be protected by a steel hood, having a minimum of five tumblers

and a case hardened shackle of a minimum of 3/8-inch diameter is sufficient for locking purposes.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-70045 ((Class)) Type 4 magazines: Blasting agent, low explosive, or electric detonator storage facilities. A ((Class)) Type 4 storage facility must:

- Be a building, an igloo, an army-type structure, a tunnel, a dugout, a box, a trailer, semi-trailer, or other mobile facility
- Be fire resistant, weather resistant, and theft resistant
- Have the ground around the facility slope away for drainage
- Have the wheels removed or effectively immobilized by kingpin locking devices or other methods approved by the department, when an unattended vehicular magazine is used.

Note: Test results show that electric detonators are not affected by sympathetic detonation. Therefore, a ((Class)) Type 4 storage facility meets the necessary requirements for storage of electric detonators.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-70050 Construction for ((Class)) Type 4 magazines. (1) These magazines must be constructed of masonry, metal covered wood, fabricated metal, or a combination of these materials.

(2) **Foundations.** Foundations must be constructed of:

- Brick
- Concrete
- Cement block
- Stone
- Metal

OR

- Wood posts

(3) The space under the building must be enclosed with fire resistant material, if piers or posts replace continuous foundation.

(4) The walls and floors must be made or covered with a nonsparking material or lattice work.

(5) Doors must be metal or solid wood covered with metal.

(6) Hinges and hasps must be installed so they cannot be removed when the doors are closed and locked by:

- Welding
- Riveting

OR

- Bolting nuts on the inside of the door

(7) **Locks.**

(a) Each door must be equipped with:

- Two mortise locks
- Two padlocks fastened in separate hasps and staples
- A combination of a mortise lock and a padlock
- A mortise lock that requires two keys to open

OR

- A three-point lock

(b) Padlocks must:

- Have a minimum of five tumblers

- Have a case hardened shackle of a minimum of 3/8-inch diameter
- Be protected with a minimum of 1/4-inch steel hoods constructed to prevent sawing or lever action on the locks, hasps, and staples.

Note: These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be operated from the outside.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-70055 ((Class)) Type 5 magazines: Blasting agent storage facilities. A ((Class)) Type 5 storage facility must:

- Be a building, an igloo, an army-type structure, a tunnel, a dugout, a box, or a trailer, semi-trailer, or other mobile facility
- Be weather resistant and theft resistant
- Have the ground around the facility slope away for drainage
- Have the wheels removed or be effectively immobilized by kingpin locking devices or other methods approved by the department, when the unattended vehicular magazine is used.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-70060 Construction for ((Class)) Type 5 magazines. (1) Doors must be constructed of solid wood or metal.

(2) Hinges and hasps must be installed so they cannot be removed when the doors are closed and locked by:

- Welding
- Riveting

OR

- Bolting nuts on the inside of the door

(3) **Locks.**

(a) Each door must be equipped with:

- Two mortise locks
- Two padlocks fastened in separate hasps and staples
- A combination of a mortise lock and a padlock
- A mortise lock that requires two keys to open

OR

- A three-point lock

(b) Padlocks must have:

- A minimum of five tumblers
- A case hardened shackle of a minimum of 3/8-inch diameter
- Padlocks must be protected with a minimum of 1/4-inch steel hoods constructed to prevent sawing or lever action on the locks, hasps, and staples.

Note: Trailers, semi-trailers, and similar vehicular magazines. Each door may be locked with one 3/8-inch diameter steel padlock and does not need to be protected by a steel hood, if the door hinges and lock hasp are securely fastened to the magazine and to the doorframe. These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be operated from the outside.

AMENDATORY SECTION (Amending WSR 03-06-073, filed 3/4/03, effective 8/1/03)

WAC 296-52-71020 Storage with Division 1.1, 1.2, or 1.3 explosives. Small arms ammunition cannot be stored with Division 1.1, 1.2, or 1.3 explosives. ~~((Unless the storage facility is adequate for Division 1.1, 1.2, or 1.3 storage, small arms ammunition cannot be stored there.))~~

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-71080 Storage. (1) **Private residence.** No more ~~((then))~~ than five pounds of black powder is permitted. No restrictions apply.

(2) **Private car.** No more ~~((then))~~ than five pounds of black powder is permitted. No restrictions apply.

(3) **Dealer's warehouse.** No more ~~((then))~~ than twenty-five pounds of black powder is permitted. Black powder must be stored in an appropriate container or cabinet, which is securely locked.

(4) **Magazine.** Quantities of black powder, as used in muzzleloading firearms, in excess of twenty-five pounds must be stored in licensed magazines (see Storage licensing, WAC 296-52-660, Storage of explosive materials, WAC 296-52-690, and Magazine construction, WAC 296-52-700).

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-725 Appendix B, sample format for a blast record, nonmandatory.

Note: The sample blast record format is nonmandatory, but the information shown in the sample is required per WAC 296-52-67010(8), Blast records.

((STRICKEN GRAPHIC

SAMPLE FORMAT FOR A BLAST RECORD

(Minimum Record Requirements)

Blast/Record Date _____ Blast # _____ Time of Blast: _____ AM PM

Employer: _____

Blast-Site Location: _____

Blast Crew Members:

General Weather Conditions (Clouds & Ceiling, Humidity, Wind Speed/Direction, Temperature, etc.):

Type & Condition of Rock Blasted:

Number of Boreholes _____ Diameter _____ in. Depth _____ ft. Backfill _____
Borehole Water Depth _____ Burden _____ ft. Spacing _____
Number of Rows _____ Stemming _____ ft. Stemming Material _____

Non-Standard Pattern Details:

MAKE, TYPE, and AMOUNT
Of Explosives Used

_____ lb
_____ lb
_____ lb
_____ lb
_____ lb
_____ lb
Total Pounds in Blast = _____ lb

DETONATORS

Electric Nonet

Manufacturer _____

Length _____

Delay Periods _____

of Units _____

Cord _____

Maximum boreholes per delay _____ Maximum loaded pounds per delay _____

Number of decks per borehole _____ Weight of explosives per deck _____

Distance, direction, and address of closest structure from blast site _____ ft.

Distance: _____ ft. Direction: _____ Address: _____

Calculated scaled distance $W = (D/(55/60/65))^2 =$ _____ maximum lb. Per delayed allowed in (USBM)

Distance, direction, and address of seismographs from the blast site.

Distance: _____ ft. Direction: _____ Address: _____

Calibration dates of seismographs used:

Number _____ Date _____ Number _____ Date _____

Method used to measure distances (Laser RF, Optical RF, GPS, Tape, Wheel, Map)?

Other Method: _____

STRICKEN GRAPHIC))

PROPOSED

SAMPLE FORMAT FOR A BLAST RECORD

(Minimum Record Requirements)

Blast/Record Date _____ Blast # _____ Time of Blast _____ AM PM

Employer: _____

Blast-Site Location: _____

Blast Crew Members:

General Weather Conditions (Clouds & Ceiling, Humidity, Wind Speed/Direction, Temperature, etc.):

Type & Condition of Rock Blasted:

Number of Boreholes	Diameter _____ in.	Depth _____ ft.	Backfill _____
Borehole Water Depth	Burden _____ ft.	Spacing _____	
Number of Rows	Stemming _____ ft.	Stemming Material _____	

Non-Standard Pattern Details:

**MAKE, TYPE and AMOUNT
Of Explosives Used**

_____ lb.
 _____ lb.
 _____ lb.
 _____ lb.
 _____ lb.
 _____ lb.

Total Pounds in Blast = _____ lb.

DETONATORS

Electric None

Manufacturer _____
 Length _____
 Delay Periods _____
 # of Units _____

Cord _____

Maximum boreholes per delay _____ Maximum loaded pounds per delay _____

Number of decks per borehole _____ Weight of explosives per deck _____

Distance, direction, and address of closest structure from blast site _____ ft.

Distance: _____ ft. Direction: _____ Address: _____

Calculated scaled distance $W = (D/(55/60/65))^2 =$ _____ Maximum lb. Per delay allowed in (USBM)

Distance, direction, and address of seismographs from the blasts site.

Distance: _____ ft. Direction: _____ Address: _____

Calibration dates of seismographs used:

Number _____ Date _____ Number _____ Date _____

Method used to measure distances (Laser RF, Optical RF, GPS, Tape, Wheel, Map)?
 _____ Other Method: _____

PROPOSED

((STRICKEN GRAPHIC _____

BLASTING RECORD

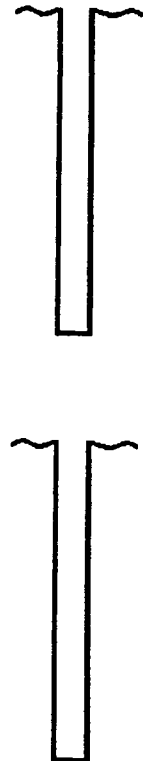
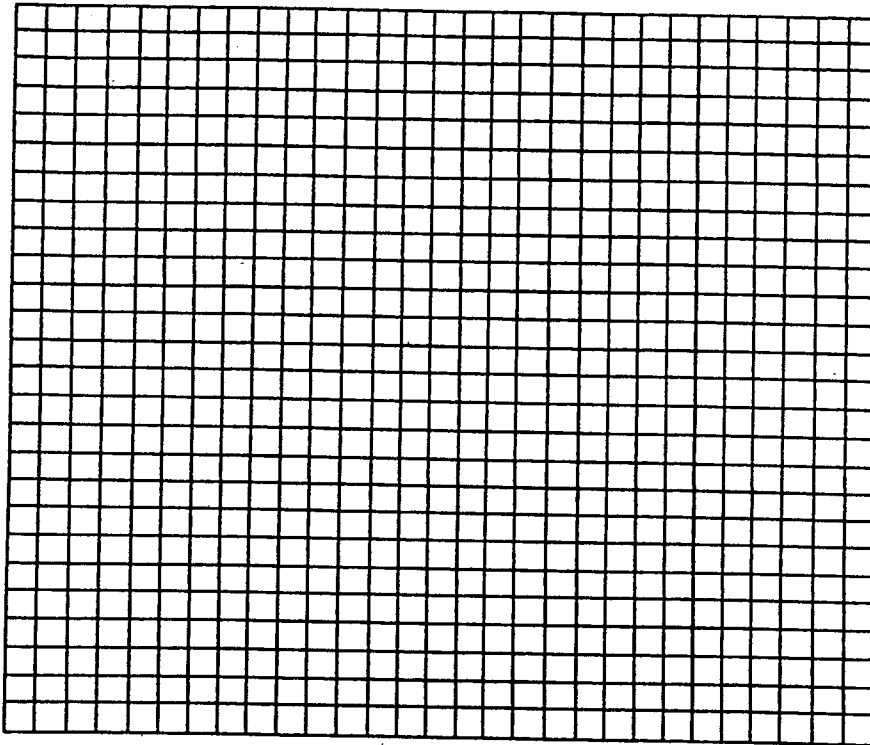
SKETCH OF BLAST LAYOUT

IDENTIFY SHOT LOCATION BY STATION OR BY DIRECTION AND DISTANCE TO KNOWN STRUCTURE OR OBJECT.
SHOW NORTH ARROW. SHOW DELAY NUMBER BY HOLE AND WIRING/CORD/TUBING HOOKUP.

BLAST LOCATION &
BLAST NUMBER _____

DATE: ___/___/___

TYPICAL HOLES



SHOW: Depth, Stemming, Decks, Water, Primer Locations, Subdrilling, etc.

BLAST COMMENTS including fragmentation, muckpile configuration, and flyrock (use additional paper if needed)

SIGNATURE (Blaster in charge): _____ Date _____

STRICKEN GRAPHIC))

PROPOSED

BLASTING RECORD

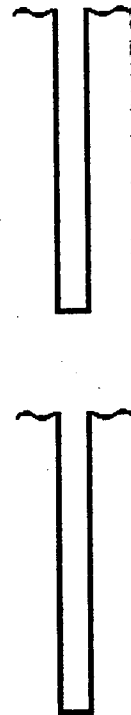
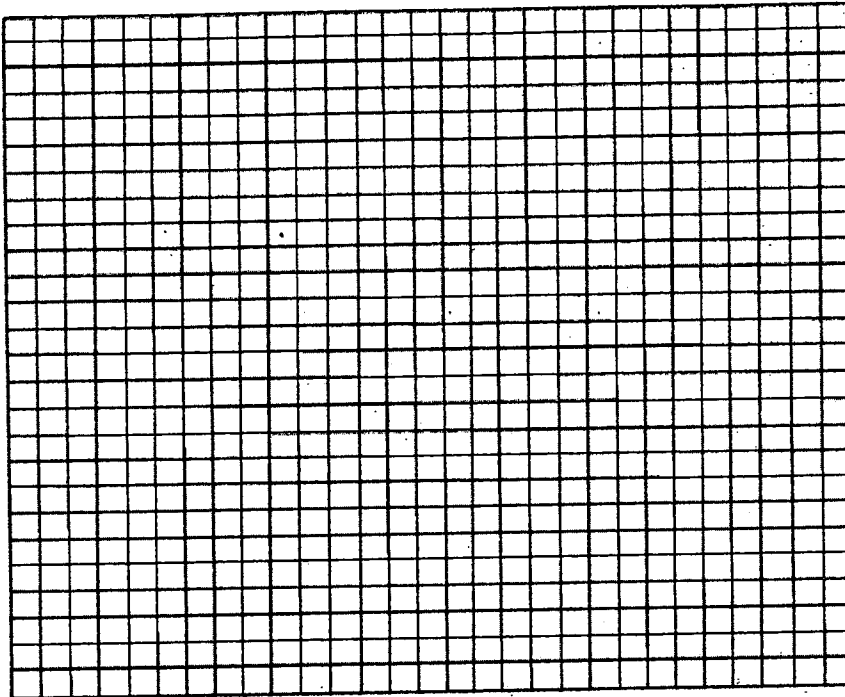
SKETCH OF BLAST LAYOUT

IDENTIFY SHOT LOCATION BY STATION OR BY DIRECTION AND DISTANCE TO KNOWN STRUCTURE OR OBJECT.
SHOW NORTH ARROW. SHOW DELAY NUMBER BY HOLE AND WIRING/CORD/TUBING HOOKUP.

BLAST LOCATION &
BLAST NUMBER _____

DATE: ___/___/___

TYPICAL HOLES



SHOW: Depth, Stemming, Decks, Water, Primer Locations, Subdrilling, etc.

BLAST COMMENTS including fragmentation, muckpile configuration, and flyrock (use additional paper if needed)

SIGNATURE (Blaster in charge): _____ **Date:** _____

License Number: _____ **Expiration Date:** _____

PROPOSED

WSR 05-01-178

PROPOSED RULES

CASCADIA COMMUNITY COLLEGE

[Filed December 21, 2004, 2:17 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-22-125.

Title of Rule and Other Identifying Information: WAC 132Z-104-010 Board of trustees meetings, 132Z-108-040 Application for adjudicative proceeding, 132Z-112-101 - 132Z-112-230, values pursuant to students rights and responsibilities, 132Z-115-010 - 132Z-115-240, student code of conduct, 132Z-133-010 Organization, operation, information, 132Z-134-010 Rules coordinator, and 132Z-276-101 - 132Z-276-120, public records.

Hearing Location(s): Cascadia Community College, 18345 Campus Way N.E., Room 261, Bothell, WA 98011, on January 26, 2005, at 10:00 a.m.

Date of Intended Adoption: February 16, 2005.

Submit Written Comments to: Dede Gonzales, Cascadia Community College, 18345 Campus Way N.E., Bothell, WA 98011, e-mail dgonzales@cascadia.ctc.edu, fax (425) 352-8313, by January 21, 2005.

Assistance for Persons with Disabilities: Contact Enrollment Services at (425) 352-8359 by January 21, 2005.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Housekeeping changes in nature in accordance with Executive Order 97-02, with the exception of hazing sanctions, this will become a new WAC 132Z-115-240.

Reasons Supporting Proposal: The WAC are being updated to include college's current address; and/or to correct policy for compliance purposes.

Statutory Authority for Adoption: Executive Order 97-02 and RCW 28B.10.902 and 28B.20.903.

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

Name of Proponent: Cascadia Community College, public.

Name of Agency Personnel Responsible for Drafting and Enforcement: Dr. David Wain Coon, 18345 Campus Way N.E., (425) 352-8810; Implementation: Dr. Brinton Sprague, 18345 Campus Way N.E., (425) 352-8810.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Chapters 132Z-104, 132Z-108, 132Z-112, 132Z-115, 132Z-133, 132Z-134, and 132Z-276 WAC do not impose a disproportionate impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. Chapters 132Z-104, 132Z-108, 132Z-112, 132Z-115, 132Z-133, 132Z-134, and 132Z-276 WAC are not considered significant legislative rules by Cascadia Community College.

December 20, 2004

Dede Gonzales

Executive Assistant to the
President/Rules Coordinator

AMENDATORY SECTION (Amending WSR 96-14-098, filed 7/2/96, effective 8/2/96)

WAC 132Z-104-010 Time and place of board meetings. The board of trustees shall hold one regular meeting on the ~~((second Monday))~~ third Wednesday of each month and such special meetings as may be requested by the chair of the board or by a majority of the members of the board and announced in accordance with law.

~~((All regular and special meetings of the board of trustees shall be held at the Shoreline Community College Northshore Center, 22002 26th Ave. SE, Suite 101, Bothell, WA 98021, unless scheduled elsewhere, and are open to the general public, except for lawful executive sessions.~~

~~No official business may be conducted by the board of trustees except during a regular or special meeting.)~~ Place and time will be published annually with the Code Revisers Office.

AMENDATORY SECTION (Amending WSR 96-14-098, filed 7/2/96, effective 8/2/96)

WAC 132Z-108-040 Application for adjudicative proceeding. An application for adjudicative proceeding shall be in writing. An application shall include the signature of the applicant, the nature of the matter for which an adjudicative proceeding is sought, and an explanation of the facts involved.

Application forms are available at the following address:

Cascadia Community College
~~((e/o Shoreline Community College
Northshore Center
22002 26th Ave. SE, Suite 101))~~
18345 Campus Way N.E.
Bothell, WA ((98021)) 98011

Written application for an adjudicative proceeding should be submitted to the above address within twenty calendar days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

AMENDATORY SECTION (Amending WSR 00-20-037, filed 9/28/00, effective 10/29/00)

WAC 132Z-112-010 Values pursuant to student rights and responsibilities. Cascadia Community College, a state supported institution of higher education is a learning-centered college, maintained for the purpose of providing ~~((tø))~~ all learners knowledge and skills for the achievement of their academic, professional, technical, and personal goals. As a public institution of higher education, the college also exists to provide students with the capacity for critical judgment and an independent search for truth toward both optimal individual development and the well being of the entire learning community.

Inherent in the college's mission, vision, and goals are certain rights and freedoms which provide to students the support and respect needed for learning and personal development. Admission to Cascadia Community College provides these rights to students but also assumes that students accept the responsibility to conduct themselves in a manner

PROPOSED

that does not interfere with the purposes of the college in providing education for all of its learners.

AMENDATORY SECTION (Amending WSR 00-20-037, filed 9/28/00, effective 10/29/00)

WAC 132Z-112-020 Freedom of inquiry and expression. As a public institution of higher education in the state of Washington, Cascadia Community College recognizes and supports the following principles regarding freedom of expression.

(*) Individual freedom of expression is a fundamental tenet of any free and democratic society.

(*) Freedom of expression shall be interpreted to include all forms of written and oral expression, and all forms of dramatic and artistic expression.

(*) The college is dedicated to upholding the individual freedom of expression as it is protected by the First Amendment to the Constitution of the United States and that no act shall be undertaken by the college to abridge that freedom.

(*) As an institution dedicated to freedom of thought and expression, the college shall support expression of divergent viewpoints in order to foster broad-mindedness and a willingness to learn from others.

In keeping with these principles and the college's right to place reasonable restraints on the time, place and manner of expression, the college shall observe the following general guidelines and appropriate general procedures to ensure the responsible exercise of freedom of expression.

(1) **Freedom of expression.** It is the right of any member of the college community to express any point of view and to be free from harassment in such expression(;;). It is the responsibility of those expressing opinions to respect the rights and property of others, to refrain from disrupting the normal operations of the college and to maintain lawful conduct.

The right of free speech and expression does not include activity that may endanger the safety of any member of this college community or visitors, or damage any of the facilities. Moreover, modes of expression (including electronic transmissions) that are unlawful or indecent or that are grossly offensive on matters such as race, color, national and ethnic origin, religion, sexual orientation, (~~sex~~) gender, age, disability, or veteran status are inconsistent with accepted norms of conduct of the college and are subject to the sanctions described in the Code of student conduct and disciplinary procedures (chapter 132Z-115 WAC).

(2) **Sponsoring organizations.** It is the right of all recognized college organizations and units to sponsor lecturers, entertainers, or exhibitions of their choice as approved by the college(;;). It is the responsibility of the sponsoring organization or unit to make adequate preparation as deemed necessary by the college for the orderly conduct of such events.

(3) **Campus speakers.** Student organizations officially recognized by the college may invite speakers to the campus to address their own membership and other interested students and (~~faculty~~) employees if suitable space is available and there is no interference with the regularly scheduled program of the college. Although properly allowed by the college, the appearance of such speakers on the campus implies

neither approval nor disapproval of them or their viewpoints. In the case of speakers who are candidates for political office, equal opportunities shall be available to opposing candidates if desired by them. Political candidates seeking to use facilities to discuss campaign issues with nonstudents shall pay normal facility rental fees. Speakers are subject to the normal considerations for law and order and to the specific limitations imposed by the state constitution, which prohibits state support for religious worship, exercise or instruction.

In order to (~~insure~~) ensure an atmosphere of open exchange and to (~~insure~~) ensure that the educational objectives of the college are not obscured, the president, in a case attended by strong emotional feeling, may prescribe conditions for the conduct of the meeting, such as requiring that a designated member of the faculty serve as chair, or requiring permission for comments and questions from the floor. Likewise, the president may encourage the appearance of one or more additional speakers at any meeting or at a subsequent meeting so that other points of view may be expressed. The president may designate representatives to recommend conditions such as time, manner, and place for the conduct of particular meetings.

(4) **Audiences.** It is the right of all members of the college community to attend any public event sponsored by any recognized campus organization or unit, once applicable admission fees have been paid(;;). It is the responsibility of all who attend such events to respect the rights and property of others.

(5) **Facilities.** It is the right of any recognized campus organization or unit to schedule the use of appropriate college facilities free from discrimination on the basis of viewpoints to be expressed at the event; it is the responsibility of such an organization or unit to provide sufficient evidence to the college administration that adequate provision has been made for the health, safety and welfare of the general public.

(6) **Distribution of information.** Handbills, leaflets, newspapers and similar materials may be sold or distributed free of charge by any student or students, or by members of recognized student organizations, or by college employees during their off-work hours on or in college facilities at locations specifically designated by the (~~vice president for student learning~~) director of communications and marketing provided such distribution or sale does not interfere with the ingress or egress of persons or interfere with the free flow of vehicular or pedestrian traffic.

Such handbills, leaflets, newspapers and related matter must bear identification as to the publishing agency and distributing organization or individual.

All nonstudents shall register with the (~~vice president of student learning~~) director of communications and marketing prior to the distribution of any handbill, leaflet, newspaper or related matter. Such distribution or sale must not interfere with the free flow of vehicular or pedestrian traffic.

Any person or persons who violates these provisions will be subject to disciplinary action.

PROPOSED

AMENDATORY SECTION (Amending WSR 00-20-037, filed 9/28/00, effective 10/29/00)

WAC 132Z-112-030 Student records—Family educational rights and privacy. Cascadia Community College implements this policy in compliance with the Family Educational Rights and Privacy Act (20 U.S.C. & 1232g) and its implementing regulation (34 C.F.R. § 99). The act requires Cascadia Community College to provide students with access to their own education records, to permit students to challenge their records on the grounds that they are inaccurate, misleading, or otherwise in violation of the student's privacy or other right, to obtain written consent before releasing certain information and to notify the student of these rights.

(1) Definitions. For the purposes of this policy, the following definitions of terms apply:

(a) "Student" means any individual who is or has been in attendance at Cascadia Community College and for whom the college maintains education records.

(b) "Education records" are defined as those records, files and documents (in handwriting, print, tapes, film, microfiche or other medium) maintained by Cascadia Community College, which contain information directly related to the individual student. Education records include only the following:

(i) Records pertaining to admission, advisement, registration, grading, and progress toward a degree.

(ii) Assessment information used for advisement purposes.

(iii) Information concerning payment of fees.

(iv) Financial aid information.

(v) Information regarding students participating in student government or athletics.

(c) "Directory Information" means the student's name, address, telephone number, date and place of birth, major field of study, eligibility for and participation in officially recognized activities, organizations, and sports, weight and height of members of athletic teams, dates of attendance, honor roll, degrees and awards received, and the most recent previous educational agency or institution attended by the student. Directory information may be disclosed at the discretion of the college and without the consent of the student unless he or she elects to prevent disclosure as provided for in this chapter.

(d) "Written consent" means a written authorization for disclosure of student education records which:

(i) Is signed;

(ii) Is dated;

(iii) Specifies the records to be disclosed; and

(iv) Specifies to whom disclosure is authorized.

(e) "Personally identifiable" means data or information which includes: The name of the student, the student's parent(s), or other family members; a personal identifier such as the student's Social Security number or student number; or a list of personal characteristics which would make the student's identity easily traceable.

(2) Annual notification of rights. Cascadia Community College will notify students of their rights under the Family Educational Rights and Privacy Act of 1974 by publication in the college catalog and schedule of classes. The college shall

make available upon request a copy of the policy governing release of student records.

(3) Procedure to inspect education records.

(a) Students may inspect and review their education records upon request to the vice-president for student success.

(b) Students must submit to the vice-president a written request which identifies as precisely as possible the record or records he or she wishes to inspect.

(c) The vice-president for student success or designee will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access must be given within forty-five days or less from the receipt of the request.

(4) Disclosure of education records.

(a) In addition to "directory information," the college may, at its discretion, make disclosures from education records of students to the following listed parties:

(i) College officials, including administrative, clerical staff and faculty. Access or release of records to the above is permissible only when the information is required for advisement, counseling, recordkeeping, reporting, or other legitimate educational interest consistent with their specific duties and responsibilities;

(ii) Officials of another school in which the student seeks or intends to enroll;

(iii) Authorized federal, state, or local officials as required by law;

(iv) Authorized parties in connection with financial aid for which the student has applied or received;

(v) Appropriate parties in a health or safety emergency;

(vi) Accrediting organizations to carry out their functions; and

(vii) To comply with a judicial order or a lawfully issued subpoena.

(b) The college shall not permit access to or the release of education records or personally identifiable information contained therein, other than "directory information," without the written consent of the student, to any party other than the above.

(c) Education records released to third parties shall be accompanied by a statement indicating that the information cannot be subsequently released in a personally identifiable form to other parties without obtaining the consent of the student. The college is not precluded from permitting third-party disclosure to other parties listed in (a)(i) through (vii) of this subsection.

(5) Limits on rights to review and inspect and obtain copies of education records.

(a) When a record contains information about more than one student, the student may inspect and review only the records which relate to him or her.

(b) Cascadia Community College reserves the right to refuse to permit a student to inspect the following records:

(i) The financial statement of the student's parents;

(ii) Letters and statements of recommendation for which the student has waived his or her right of access, or which were placed in file before January 1, 1975;

PROPOSED

(iii) Records connected with an application to attend Cascadia Community College if that application was denied; and

(iv) Those records which are excluded from the Federal Rights and Privacy Act definition of education records.

(c) Cascadia Community College reserves the right to deny transcripts or copies of records not required to be made available by the Federal Educational Rights and Privacy Act in any of the following situations:

(i) The student has an unpaid financial obligation to the college;

(ii) There is an unresolved disciplinary action against the student.

(6) Record of request and disclosures.

(a) The college shall maintain a record of requests for and disclosures of personally identifiable information in the education records of each student. The record maintained under this section shall be available for inspection and review.

(b) The college shall maintain the record with the education records of the student as long as the records are maintained.

(c) The disclosure record must include:

(i) The names of parties who have received personally identifiable information;

(ii) The interest the parties had in requesting or obtaining the information; and

(iii) The names and interests of additional parties to which the reviewing educational agency or institution may disclose or redisclose the information.

(d) The following parties may inspect the record of requests and disclosures relating to a student:

(i) The student;

(ii) The college officials who are responsible for the custody of the records; and

(iii) Persons authorized to audit the recordkeeping procedures of the college.

(e) The college is not required to maintain a record if the request was from, or the disclosure was to:

(i) The student;

(ii) A school official;

(iii) A party with written consent from the student; or

(iv) A party seeking directory information.

(7) Disclosure of directory information. Directory information may be disclosed at the discretion of the college and without the consent of the student unless the student elects to prevent disclosure by filing a written request to prevent disclosure. The request continues in effect according to its terms unless it is revoked in writing by the student.

(8) Requests for corrections, hearings, adding statements to education records. Students have the right to request to have records corrected that they believe are inaccurate, misleading, or in violation of their privacy rights. Following are the procedures for the correction of records:

(a) A student must submit a written request to amend his or her education record to the vice-president for student success or designee. The request must identify the part of the record he/she wants changed and specify why the record is believed to be inaccurate, misleading or in violation of his or her privacy or other rights.

(b) The vice-president for student success or designee will forward the request to the appropriate college official for determination.

(c) A student whose request for amendment of his or her education record has been denied may request a hearing by submitting a written request to the vice-president for student success within ten days following the denial. The written request must be signed by the student and shall indicate the reasons why the records should be amended. The vice-president for student success or designee shall convene a hearing to include the student and the appropriate college official, and shall notify the student of the hearing within thirty days after receipt of a properly filed request. In no case will the notification be less than ten days in advance of the date, time and place of the hearing.

(d) The hearing shall be a brief adjudicative proceeding as provided in RCW 34.05.482 and 34.05.485 through RCW 34.05.494 and shall be conducted by the vice-president for student success or designee. At the hearing, the student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records.

(e) The vice-president for student success or designee will prepare a written decision, within thirty days after the conclusion of the hearing, based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision. A copy of the decision shall be made available to the student.

(f) If the vice-president for student success or designee decides the information is inaccurate, misleading, or in violation of the student's right of privacy, the custodian of the record will amend the record and notify the student, in writing, that the record has been amended.

(g) If the vice-president for student success or designee decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, he/she will notify the student in writing that the student has a right to place in the record a rebuttal statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.

(h) The student's rebuttal statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the contested portion of the education record is disclosed, the statement will also be disclosed.

(9) Fees for copies. Copies of student records shall be made at the expense of the requesting party at actual cost for copying as posted at the admissions/records office.

(10) Waiver. A student may waive any of his or her rights under this chapter by submitting a written, signed, and dated waiver to the office of the vice-president for student success. Such a waiver shall be specific as to the records and persons or institutions covered. A waiver continues in effect according to its terms unless revoked in writing which is signed and dated.

(11) Type and location of education records.

Types

Admission records

Custodian

Vice-president for student success or designee

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Types	Custodian
Cumulative academic records, testing records, registration and payment of tuition records	Vice-president for student success or designee
Student government	Vice-president for student learning or designee
Participation records in student government	Vice-president for student learning or designee
Financial aid records	Vice-president for student success or designee
Student employment records	Director of human resources
Athletic participation records	Vice-president for student <u>((learning)) success</u> or designee

AMENDATORY SECTION (Amending WSR 00-20-037, filed 9/28/00, effective 10/29/00)

WAC 132Z-112-040 Financial assistance for students—Scholarships. Detailed information concerning the criteria, eligibility, procedures for application, and other information regarding scholarships at Cascadia Community College is located in the office of ~~((the vice-president for student success))~~ student financial services on the Cascadia Community College campus.

AMENDATORY SECTION (Amending WSR 00-20-037, filed 9/28/00, effective 10/29/00)

WAC 132Z-112-050 Financial assistance for students—Financial aid. Federal, state, and private financial aid applications and information may be obtained at the following address:

~~((Office of Financial Aid))~~
Student Financial Services Office
 Cascadia Community College
~~((19017 120th Avenue NE, Suite 102))~~
18345 Campus Way N.E.
 Bothell, WA 98011~~((9510))~~

NEW SECTION

WAC 132Z-112-060 Student rights. Cascadia Community College endorses the following rights for each student within the limitations of statutory law and college policy, which are deemed necessary to achieve the mission, values and learning outcomes of the college.

NEW SECTION

WAC 132Z-112-070 Academic freedom. 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.

Students are free to pursue appropriate learning objectives from among the college's curricula, programs and services, subject to the limitations of RCW 28B.50.090 (3)(b).

Students have the right to a learning environment, which is free from unlawful discrimination and sexual harassment.

Students are protected from academic evaluation, which is arbitrary, prejudice or capricious, and are responsible for meeting the standards of academic performance established by each of their instructions.

NEW SECTION

WAC 132Z-112-080 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.

Students who believe they have been discriminated against are encouraged to follow the Cascadia conflict resolution procedure described herein.

NEW SECTION

WAC 132Z-112-090 Due process. Students have the right to due process. No disciplinary action may be imposed without notice to the accused of the nature of the charges. A student accused of violating code of conduct is entitled to procedural due process as set forth in these provisions.

NEW SECTION

WAC 132Z-112-100 Right of assembly. Students have the right of assembly upon college facilities that are generally available to the public provided such assemblies:

- (1) Are conducted in an orderly manner;
- (2) Do not unreasonably interfere with vehicular or pedestrian traffic;
- (3) Do not unreasonably interfere with classes, scheduled meetings or ceremonies, or regular functions of the college;
- (4) Do not cause destruction or damage to college property.

NEW SECTION

WAC 132Z-112-110 Conflict resolution. Students have the right to express and resolve misunderstandings, alleged violation of a college policy, procedure or regulation or alleged inequitable treatment, or retaliation according to the stated conflict resolution procedures set forth in these provisions.

Conflict resolution procedure.

The purpose of the student conflict resolution procedure is to provide each student with an informal or formal option to express and resolve any misunderstanding and to address the perception of unfair treatment by a faculty member, or member of the college staff. First, the student may follow an informal procedure. Second, if the informal procedure does not resolve the issue/concern, the student may initiate a formal procedure and request a hearing before the conflict resolution council.

The student may waive his or her right to have the matter resolved informally. In either case, the student must initiate proceedings with the college within twenty days of the occurrence which gave rise to the concern/issue. The conflict resolution procedure promotes constructive dialogue and understanding. Most concerns/issues are resolved by direct, courteous and respectful communication.

Concerns/issues excluded: Students may not use this process for resolving disciplinary outcomes of summary suspension or other disciplinary procedures; grade appeals; for challenging federal and state laws; or those rules and regulations, policies and procedures adopted by the college, and/or the state board for community and technical colleges.

Students should follow the following conflict resolution procedure to resolve concerns/issues as described in the purpose section:

Informal conflict resolution procedure.

A student who believes a college faculty or staff member has treated him or her unfairly or has a concern/issue shall first discuss it directly with the individual. The purpose of this discussion should be to clarify the perceived concern/issue and request specific action.

If the concern/issue is not resolved or if the student is apprehensive about talking directly with the staff or faculty member involved, the student may request an appointment with the appropriate dean for student learning for issues relating to classroom instruction, or administrator or designee for issues relating to staff. The dean or administrator may act as a mediator to resolve the concern/issue in a prompt and fair manner.

Formal conflict resolution procedure.

(1) In the event resolution is not achieved through the informal procedure, the student may initiate a formal procedure by writing a letter to the appropriate dean for student learning for issues related to classroom instruction or the appropriate unit administrator or designee for issues related to staff within twenty working days after the incident. The letter must include a:

- Detailed description of the issue/concern, including dates and times;
- Summary of the actions taken by the student to resolve the concern/issue; and
- Proposed solution.

(2) The appropriate unit administrator or designee shall attempt to resolve the concern/issue by:

Serving as an intermediary between the student and the faculty or staff member and after a review of the facts of the situation and talking with the appropriate faculty or staff involved, the unit administrator or designee will decide how to best resolve the issue/concern promptly and fairly.

The unit administrator or designee handling the case will notify the student in writing of the decision within ten working days.

NEW SECTION

WAC 132Z-112-120 Student responsibilities. Students who choose to attend Cascadia Community College also choose to actively participate in the learning process offered by the college. The college is responsible for provid-

ing an educational environment rich in the high quality resources needed by students to attain their learning outcomes and achieve their educational goals. In return, the college has the expectation that each student will assume the responsibility to:

- Become knowledgeable of the college's mission, values and vision; adhere to policies, practices, procedures, and rules of the college and its departments;
- Practice personal and academic integrity;
- Respect the dignity, rights and property of all persons;
- Strive to learn from difference in people, ideas and opinions;
- Participate actively in the learning process, both in and out of the classroom;
- Participate actively in the advising process;
- Refrain from and discourage behaviors that undermine the respect all Cascadia community members deserve;
- Abide by the standards set forth in the student right and responsibilities.

NEW SECTION

WAC 132Z-115-005 Student code of conduct. Introduction and overview.

Admission to Cascadia Community College carries with it the expectation that students will conduct themselves as responsible members of the college community. Cascadia has adopted policies governing student conduct, including disciplinary procedures and procedures for resolving conflicts related to student discipline. The student conduct system is designed to protect the rights of each individual to support the community values and to assist students in conducting themselves as responsible members of the college community.

Students are strongly encouraged to become familiar with the code of conduct to enhance understanding of disciplinary procedures and appeal processes. Violations of the code of conduct are treated seriously and may result in disciplinary actions that may include suspension and/or dismissal. Details of the disciplinary process are provided in the sections that follow and students should read those sections carefully. To assist in understanding the process, the following overview is provided:

Violation or alleged violation of code of conduct.

• If a student is found to have violated, or alleged to have violated, the college's code of conduct, the matter is normally referred to the vice-president for student success or designee. In some cases, a matter will not be referred to the vice-president if another staff member has successfully addressed the violation with the student in question.

• If a matter is referred to the vice-president or designee, he/she investigates the allegation, meets with the student, and makes a determination about the validity of the complaint and the severity of the offense. The vice-president may dismiss the charge or impose a sanction which may result in a warning, reprimand, probation, suspension, summary suspension or expulsion.

Appeals process.

• If a student wishes to appeal the decision of the vice-president or designee, he/she must submit a written request

for an appeal within ten calendar days of the notice of the disciplinary action.

- Appeals are heard by the conflict resolution council (CRC), a body consisting of one administrator, one faculty member, and one student. The CRC will arrange for a hearing as soon as possible. Students may bring witnesses to this hearing.

- After hearing the appeal, the CRC makes a recommendation to the college president. The president may uphold the recommendation of the CRC or change the decision. The president's decision is not subject to appeal.

AMENDATORY SECTION (Amending WSR 00-20-037, filed 9/28/00, effective 10/29/00)

WAC 132Z-115-010 Purpose of the disciplinary system. ~~((Human beings grow and mature in communities.))~~ Participating in a community requires that individuals depend upon the knowledge, integrity, and decency of others. In turn, the best communities help individuals mold habits and values that will enable them to achieve the highest personal satisfaction, including the satisfaction associated with helping to ~~((make))~~ create a better global community. Cascadia Community College is maintained by the state of Washington for the provision of programs of instruction in higher education and related community services. Like any other institution having its own special purposes, the college must maintain conditions conducive to the effective performance of its functions. Consequently, it has special expectations regarding the conduct of the various participants in the college community.

This *Code of Student Conduct* protects ~~((the unique, diverse community of Cascadia Community College. It fosters))~~ the college's commitment to excellence and equity, and affirms institutional values.

The student conduct system was created to protect the rights of each individual, to support the community values and to assist students in modifying their behavior to become responsible members of the community. Admission to the college carries with it the ~~((prescription))~~ expectation that the student will ~~((conduct himself or herself as a responsible member of the college community. This includes an expectation that the student will))~~ obey appropriate laws, will comply with the rules of the college and its departments, and will maintain a high standard of integrity and honesty. If a student does not accept her/his responsibilities within the college community, corrective action must be taken. This is accomplished through an educational process, ~~((whose goal is to provide))~~ with the goal of providing a learning environment ~~((for))~~ where students ~~((to))~~ can grow and learn respect for others, to understand how their behaviors affect the community and to change inappropriate behaviors. Sanctions for violations of college rules or conduct that interferes with the operation of college affairs will be dealt with by the college ~~((, and the college may impose sanctions independently of any action taken by civil or criminal authorities))~~. In the case of minors, misconduct may be referred to parents or legal guardians.

Students registered via the Washington on-line virtual campus will follow the policies and procedures that govern student conduct, disciplinary policies and procedures for

resolving conflicts regarding student conduct which are in place at the enrolling college. Washington on-line virtual campus students are responsible for being familiar with the student rights and responsibilities and code of conduct at the enrolling college(s).

AMENDATORY SECTION (Amending WSR 00-20-037, filed 9/28/00, effective 10/29/00)

WAC 132Z-115-020 Jurisdiction and authority for student discipline. All rules in this chapter concerning student rights and responsibilities, conduct and discipline apply to every student enrolled at the college whenever the student is engaged in or present at a college-related activity whether occurring on or off college facilities, and to an enrolled student whose behavior is detrimental to the college wherever occurring.

The board of trustees, acting pursuant to RCW 28B.50.140(14), has delegated by written order to the president of the college the authority to administer disciplinary action. Pursuant to this authority, the president, or designee, shall be responsible for the administration of the disciplinary procedures provided for herein. However, all disciplinary action in which there is a recommendation that a student be suspended shall be reviewed by the president or ~~((acting president))~~ his/her designee.

Jurisdiction and authority for discipline of students registered through the Washington on-line virtual campus will rest with the enrolling college; however, administrators and faculty of the teaching college and/or Washington on-line virtual campus staff may be included in investigations prior to final decisions regarding a discipline situation. All appeals will be handled according to the policies of the enrolling college.

AMENDATORY SECTION (Amending WSR 00-20-037, filed 9/28/00, effective 10/29/00)

WAC 132Z-115-050 Free movement on campus. The president or designee is authorized in the instance of any event that he or she deems impedes the movement of persons or vehicles or which ~~((he or she))~~ he/she deems to disrupt the ingress or egress of persons from the college facilities, to prohibit the entry of, or withdraw the license of, or privileges of, a person or persons or any group of persons to enter onto or remain upon any portion of the college facility.

AMENDATORY SECTION (Amending WSR 00-20-037, filed 9/28/00, effective 10/29/00)

WAC 132Z-115-060 Standards of classroom behavior. ~~((Cascadia Community College is an institution of learning and predicated on the existence of an environment of honesty and integrity. As members of the academic community, faculty, students, and administrative officials share responsibility for maintaining this environment. It is essential that all members of the academic community subscribe to the ideal of academic honesty and integrity and accept individual responsibility for their work. This statement on academic honesty has been developed to promote and ensure a climate~~

~~of academic honesty and personal integrity among students and other members of the college community.~~

~~Academic honesty is vital to the very fabric and integrity of the college. All students must comply with an appropriate and sound academic honesty policy and code of honest behavior. All members of the college community are responsible for knowing and understanding the statement on academic honesty. The statement and procedures will be made readily available to all students and faculty to ensure understanding of the academic honesty system and its proper functioning.~~

~~The entire college community works together to operate the academic honesty system. Where suspected violations of the academic honesty system occur, appropriate procedures are designed to protect the academic process and integrity while ensuring due process. The academic honesty system is an academic process, not a court of law.~~

~~(1) Academic dishonesty: Honest assessment of student performance is of crucial importance to all members of the academic community. Acts of dishonesty are serious breaches of honor and shall be dealt with in the following manner:~~

~~(a) It is the responsibility of the college administration and teaching faculty to provide reasonable and prudent security measures designed to minimize opportunities for acts of academic dishonesty which occur at the college.~~

~~(b) Any student who, for the purpose of fulfilling any assignment or task required by a faculty member as part of the student's program of instruction, shall knowingly tender any work product that the student fraudulently represents to the faculty member as the student's work product, shall be deemed to have committed an act of academic dishonesty. Acts of academic dishonesty shall be cause for disciplinary action.~~

~~(c) Any student who aids or abets the accomplishment of an act of academic dishonesty, as described in (b) of this subsection, shall be subject to disciplinary action.~~

~~(d) This section shall not be construed as preventing an instructor from taking immediate disciplinary action when 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 action 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.) (1) Admission to Cascadia Community College carries with it the presumption that students will conduct themselves with high standards of academic honesty and integrity.~~

Hallmarks of academic integrity include:

Submitting work that reflects original thoughts and ideas;

Clearly citing other people's work when using it to inform your own;

Seeking permission to use other people's creative work;

Fully contributing to group work and projects.

Students who choose not to uphold the hallmarks of integrity are therefore considered engaging in academic dishonesty.

Academic dishonesty is defined as any act of course-related dishonesty including, but not limited to, cheating or plagiarism.

(a) Cheating includes, but is not limited to, using, or attempting to use, any material, assistance, or source which has not been authorized by the instructor to satisfy any expectation or requirements in an instructional course, or obtaining, without authorization, test questions or answers or other academic material that belong to another.

(b) Plagiarism includes, but is not limited to, using another person's ideas, words or other work in an instructional course without properly crediting that person.

(c) Academic dishonesty also includes, but is not limited to, submitting in an instructional course either information that is known to be false (while concealing that falsity) or work that is substantially the same as that previously submitted in another course (without the current instructor's approval).

(d) Academic dishonesty also includes taking credit for the work of others when working in groups or otherwise.

Any act of cheating and/or plagiarism is strictly prohibited and will be subject to disciplinary action. Where suspected violations of the academic honesty policy occur, appropriate procedures are designed to protect the academic process and integrity while ensuring due process. Students are expected to adhere to guidelines on academic honesty as stated by individual instructors in their course syllabi, provided those guidelines do not contradict policies and procedures established in the student code of conduct. All documented violations of the academic honesty policy will be reported to the vice-president for student success, who shall maintain a record of violations. Students who violate the academic honesty policy twice will be placed on disciplinary probation. Students who violate the academic honesty policy subsequently (a third time) will be placed on disciplinary suspension.

(2) 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.

(a) Any student who, by any act of misconduct, substantially disrupts any college class by engaging in any conduct that renders it difficult or impossible to maintain the decorum of the faculty member's class shall be subject to disciplinary action.

(b) The instructor of each course offered by the college is 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 that a student shall have the right to appeal such disciplinary action to the vice-president for student success; provided further that, in the event a student appeals to the vice-president for student success the decision by the instructor to remove a student from a single class session, the decision of the vice-president on the appeal shall be final and not subject to appeal to the conflict resolution council.

AMENDATORY SECTION (Amending WSR 00-20-037, filed 9/28/00, effective 10/29/00)

WAC 132Z-115-080 Definitions. (~~When used in the code:~~) The definitions set forth in this section shall apply throughout this chapter. The following words and phrases shall mean:

(1) (~~The term~~) "Academic dishonesty" means any course-related dishonesty including, but not limited to, cheating or plagiarism.

(2) "Aggravated violation" means a violation that resulted or foreseeably could have resulted in significant damage to persons or property or which otherwise posed a substantial threat to the stability and continuance of normal college or college-sponsored activities.

~~((2) The term "group" means persons who are associated with each other but who have not complied with college requirements for registration or organization.~~

(3) ~~The terms "institution" and~~) (3) "Assembly" means 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 persons or group of persons.

(4) "Board of trustees" means the five member trustees of Cascadia Community College appointed by the governor of the state of Washington, District No. 30.

(5) "College" means Cascadia Community College which includes the main campus, off-campus classes, and all of its areas, elements, and programs.

~~((4) The term "reckless" means conduct that one should reasonably be expected to know would create a substantial risk of harm to persons or property or that would otherwise be likely to result in interference with normal college operations and/or college-sponsored activities.~~

(5) ~~The term "student" means any person who is enrolled at the college and for whom the college maintains current educational records, as defined by the Family Rights and Privacy Act of 1974, and related regulations.~~

(6) ~~The terms "college premises" and~~) (6) "College community" means all college employees designated as members of the administration by the board of trustees and students.

(7) "College facilities or premises" means buildings or grounds owned, leased, operated, controlled, or supervised by the college, including all appurtenances affixed thereon or attached thereto.

~~((7) "Board" means the board of trustees of Cascadia Community College.~~

(8) "Liquor" means the definition of liquor as contained within RCW 66.04.010.

(9) "Drugs" means a narcotic drug as defined in RCW 69.50.101, a controlled substance as defined in RCW 69.50.201 through 69.50.212, or a legend drug as defined in RCW 69.41.010.

(10) "President" means the chief executive officer of the college appointed by the board of trustees.

(11) "Disciplinary action" means the warning, reprimand, summary suspension, suspension and/or expulsion, probation, of a student for the violation of a rule adopted under this policy.) (8) "College president" means the chief

executive officer of the college appointed by the board of trustees.

(9) "Controlled substances" means the definition of controlled substances as defined in RCW 69.50.201 as now law or hereafter amended.

(10) "Disciplinary action" means an oral or written warning, reprimand, probation, summary suspension, suspension and/or expulsion, of a student for the violation of a rule adopted under this policy.

(11) "Disciplinary official" means the president, Cascadia student conflict resolution council, the vice-president for student success or designee.

(12) "Disciplinary warning" means oral or written notice of violation of college rules.

(13) "Disciplinary probation" means formal action placing conditions upon the student's continued attendance because of violation of college rules or failure to satisfy the college's expectations regarding conduct.

(14) "Drugs" means a narcotic drug as defined in RCW 69.50.101, a controlled substance as defined in RCW 69.50.201 through 69.50.212, or a legend drug as defined in RCW 69.41.010.

(15) "Employee" means any classified or exempt staff, faculty, administrator, student worker or volunteer.

(16) "Expulsion" means dismissal from the college and termination of student status, for an indefinite period of time or permanently, for violation of college rules or for failure to meet the college standards of conduct.

(17) "Group" means persons who are associated with each other but who have not complied with college requirements for registration or organization.

(18) "Harassment" means any malicious act, which causes harm to any person's physical or mental well-being.

(19) "Hazing" means any method of initiation into a student organization, association, or living group, or any pastime or amusement engaged in with respect to an organization or living group 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 Cascadia Community College.

(20) "Liquor" means the definition of liquor as contained within RCW 66.04.010.

(21) "Reprimand" means formal action after censoring a student for violation of college rules for failure to satisfy the college's expectations regarding conduct.

(22) "Restitution" means repayment to the college or to an affected party for damages resulting from a violation of this code.

(23) "Sexual harassment" means unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct directed at persons because of his/her sex where:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's academic standing or employment; or

(b) Submission to or rejection of such conduct by an individual is used as the basis for academic decisions or employment 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 work-

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ing or learning environment. Examples of behaviors that may constitute harassment include, but are not limited to:

(i) Unwelcome verbal harassment of a sexual nature or abuse;

(ii) Unwelcome pressure for sexual activity;

(iii) Unwelcome sexually motivated or inappropriate patting, pinching or physical contact;

(iv) Unwelcome sexual behavior or words, including demands for sexual favors accompanied by implied or overt threats concerning an individual's educational status;

(v) Unwelcome behavior, verbal or written words or symbols directed at an individual because of gender;

(vi) The use of authority to emphasize the sexuality of a student in a manner that prevents or impairs the student's full enjoyment of educational benefits, climate or opportunities.

(24) "Student" means any person who is enrolled at the college and for whom the college maintains current educational records, as defined by the Family Rights and Privacy Act of 1974, and related regulations.

(25) "Summary suspension" means temporary dismissal from the college and temporary termination of a student's status for a period of time not to exceed ten days.

(26) "Suspension" means temporary dismissal from the college and temporary termination of student status for violation of college rules or regulations or for failure to meet college standards of conduct.

AMENDATORY SECTION (Amending WSR 00-20-037, filed 9/28/00, effective 10/29/00)

WAC 132Z-115-090 Code of conduct. Cascadia Community College expects that its students while within college facilities or attending a college-sponsored activity, will adhere to high standards of honor and good citizenship and that they will conduct themselves in a responsible manner that reflects credit on themselves and the college. The following misconduct is subject to disciplinary action:

(1) Intentionally or recklessly endangering, threatening, or causing physical harm to any person or oneself, or intentionally or recklessly causing reasonable apprehension of such harm.

(2) Assault, physical abuse, verbal abuse, threat(s), intimidation, harassment, or other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of any student, any college officer or employee, or any other person who is on college property or is participating in a college activity.

(3) Sexual assault or sexual harassment as defined in college policy under Article ((8)) 6, "Equal Opportunity, Non-discrimination and Nonharassment."

(((3))) (4) Intentionally or recklessly interfering with normal college or college-sponsored activities including, but not limited to, studying, teaching, research, college administration, or fire, police, or emergency services.

(((4))) (5) Unauthorized entry or use of college facilities.

(((5))) (6) Knowingly violating the term of any disciplinary sanction imposed in accordance with the code.

(((6))) (7) Intentionally and substantially interfering with the freedom of expression of others.

~~(((7)) Theft of property or services; knowing possession of stolen property;))~~ (8) Intentional violations of college ~~((regulations,))~~ rules ~~((or)),~~ policies, and procedures or any action listed above, or prohibited conduct by a student's guest.

~~((9))~~ ~~((Actions violating college rules, policies and procedures or any actions listed above or prohibited conduct by a student's guest.~~

~~((10))~~ Smoking in classrooms, the library and other areas so posted by college officials.

~~(((11)))~~ (10) The possession, use, sale or distribution of any alcoholic beverage or illegal drug on the college campus; ~~((the use of illegal drugs by any student attending a college-sponsored event, even though the event does not take place at the college; the use of alcohol by any student attending such events on noncollege property when that use does not conform to state law))~~ or while attending a college-sponsored event on noncollege property.

~~(((12)))~~ (11) Engaging in lewd, indecent, or obscene behavior.

~~(((13)))~~ (12) Where the student presents an imminent danger to college property or to himself or herself or other students or persons in college facilities on or off campus, or to the education process of the college.

~~(((14)))~~ (13) Academic dishonesty, including cheating, plagiarism, or knowingly furnishing false information to the college.

~~(((15)))~~ (14) The intentional making of false statements or filing of false charges against the college and members of the college community.

~~(((16)))~~ (15) Forgery, alteration, or misuse of college documents, records, funds, or instruments of identification.

~~(((17)) Theft from or damage to college premises or property, or theft of or damage to property of a member of the college community or college premises.~~

~~((18)))~~ (16) Attempted or actual damage to, or theft or misuse of, real or personal property or money of:

(a) The college or state;

(b) Any student or college officer, employee, or organization; or

(c) Any other person or organization lawfully present on college property, or in possession of such property or money after it has been stolen.

(17) Failure to comply with the direction of college officials acting in the legitimate performance of their duties.

~~(((19)))~~ (18) Possession of firearms, licensed or unlicensed, (except where possessed by commissioned police officers as prescribed by law((:

~~((20)) Failure to comply with the college's Systems and Technology Acceptable Use Policy (BP9: 1.101), and/or misuse of computing equipment and services and facilities, including use of electronic mail and the internet)))~~ explosives, dangerous chemicals or other dangerous weapons or instrumentalities on campus, except for authorized purposes.

(19) 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.

(20) Hazing in any form as described in WAC 132Z-115-240 and RCW 28B.10.900.

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(21) Refusal to provide positive identification and evidence of student enrollment to any college employee in the lawful discharge of his/her duties.

(22) Failure to comply with the college's Information Technology Acceptable Use Policy (BP1: 4.10 through 4.16), and/or misuse of computing equipment and services and facilities, including use of electronic mail and the internet.

(23) Violation of parking regulations.

(24) Behavior that disrupts classes, laboratories, offices, services, meetings or ceremonies including:

(a) Threats of disruption and bomb threats;

(b) Damaging, defacing or abusing college facilities, equipment or property.

AMENDATORY SECTION (Amending WSR 00-20-037, filed 9/28/00, effective 10/29/00)

WAC 132Z-115-110 Disciplinary ((process)) terms.

~~((1) Any infractions of college rules, policies or regulations may be referred by any college faculty or staff member to the vice president for student success or designee. That official shall then follow the appropriate procedures for any disciplinary action which he or she deems necessary relative to the alleged misconduct. In addition, a student may appeal disciplinary action taken by an instructor or faculty member pursuant to the provisions in this code.~~

~~(2) The disciplinary official may take whatever action deemed appropriate within the framework of these rules. If the student concludes that any sanctions imposed are inappropriate, the student may appeal to the conflict resolution council.~~

~~(3) If a referral or an appeal is made to the conflict resolution council, the committee shall hold a hearing, reach conclusion, and recommend sanctions to the vice president for student success. The student may appeal the matter to the president of the college.~~

~~(4) The president of the college or his/her designee, after reviewing the case, may reverse, sustain or modify any sanctions. The decision of the president is final.)~~ The definitions set forth in this section apply throughout.

(1) **Disciplinary warning** means oral or written notice of violation of college rules.

(2) **Reprimand** means formal action after censuring a student for violation of college rules 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.

(3) **Disciplinary probation** means formal action placing conditions upon the student's continued attendance because of violation of college rules or failure to satisfy the college's expectations regarding conduct. The disciplinary official placing the student on probation will specify, in writing, the period of probation and the conditions, such as limiting the student's participation in extracurricular activities. 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.

(4) **Summary suspension** means temporary dismissal from the college and temporary termination of a student's status for a period of time not to exceed ten days which occurs prior to invocation of the formal hearing procedures specified in these rules due to a necessity to take immediate disciplinary action, where a student presents an imminent danger to the college property, or to himself or herself or other students or persons in college facilities on or off campus, or to the educational process of the college. (Pursuant to the summary suspension procedures set forth in WAC 132Z-115-120 (6) through (13).)

(5) **Suspension** means temporary dismissal from the college and temporary termination of student status for violation of college rules or for failure to meet college standards of conduct.

(6) **Expulsion** means dismissal from the college and termination of student status for violation of college rules or for failure to meet the college standards of conduct for an indefinite period of time or permanently.

(7) **Restitution** means repayment to the college or to an affected party for damages resulting from a violation of this code.

AMENDATORY SECTION (Amending WSR 00-20-037, filed 9/28/00, effective 10/29/00)

WAC 132Z-115-120 Procedures for resolving disciplinary violations. (1) ~~((The vice president for student success is responsible for initiating disciplinary proceedings. The vice president for student success may delegate this responsibility to members of his/her staff, and he/she may also establish committees or other hearing bodies to advise or act for him/her in disciplinary matters.~~

~~(2) In order that any informality in disciplinary proceedings not mislead a student as to the seriousness of the matter under consideration, the student involved shall be informed at the initial conference or hearing of the sanctions that may be involved.~~

~~(3) Upon initiation of disciplinary proceedings, the vice president for student success or designee shall provide written notification to the student, either in person or by delivery via regular mail to the student's last known address, specifying the violations with which the student is charged. The vice president for student success or designee shall set a time and place for meeting with the student to inform the student of the charges, the evidence supporting the charges, and to allow the student an opportunity to be heard regarding the charges and evidence.~~

~~(4) After considering the evidence in a case and interviewing the student or students involved, the vice president for student success or designee may take any of the following actions:~~

~~(a) Terminate the proceeding, exonerating the student or students;~~

~~(b) Dismiss the case after whatever counseling and advice may be appropriate; not subject to the appeal rights provided in this code;~~

(c) Dismiss the case after verbally admonishing the student, not subject to the appeal rights provided in this code;

(d) Direct the parties to make a reasonable attempt to achieve a mediated settlement;

(e) Impose disciplinary sanctions directly, subject to the student's right of appeal as described in this chapter. The student shall be notified in writing of the action taken except that disciplinary warnings may be given verbally;

(f) Refer the matter to the conflict resolution council requesting their recommendation for appropriate action. The student shall be notified in writing that the matter has been referred to the conflict resolution council.

(5) This section shall not be construed as preventing the appropriate official from summarily suspending a student.

(6) If the vice president for student success or his or her designee(s) has cause to believe that any student:

(a) Has committed a felony; or

(b) Has violated any provision of this chapter; and

(c) Presents an imminent danger either to himself or herself, other persons on the college campus or to the educational process; that student shall be summarily suspended and shall be notified by certified and regular mail at the student's last known address, or shall be personally served.

Summary suspension is appropriate only where (c) of this subsection can be shown, either alone or in conjunction with (a) or (b) of this subsection.

(7) During the summary suspension period, the suspended student shall not enter campus other than to meet with the vice president of student success or to attend the hearing. However, the vice president of student success or the college president may grant the student special permission to enter a campus for the express purpose of meeting with faculty, staff, or students in preparation for a probable cause hearing.

(8) When the president or his/her designee exercises the authority to summarily suspend a student, he/she shall cause notice thereof to be served upon that student by registered or certified mail at the student's last known address, or by causing personal service of such notice upon that student. The notice shall be entitled "notice of summary suspension proceedings" and shall state:

(a) The charges against the student including reference to the provisions of the student code or the law involved; and

(b) That the student charged must appear before the designated disciplinary officer at a time specified in the notice for a hearing as to whether probable cause exists to continue the summary suspension.

The hearing shall be held as soon as practicable after the summary suspension.

(9) The summary suspension hearing shall be considered an emergency adjudicative proceeding. The proceeding must be conducted as soon as practicable with the vice president for student success presiding. At the summary suspension hearing, the vice president shall determine whether there is probable cause to believe that continued suspension is necessary and/or whether some other disciplinary action is appropriate.

(10) If the vice president for student success, following the conclusion of the summary suspension proceedings, finds that there is probable cause to believe that:

(a) The student against whom specific violations of law or of provisions of this chapter are alleged has committed one or more of such violations; and

(b) That summary suspension of said student is necessary for the protection of the student, other students or persons on college facilities, college property, the educational process, or to restore order to the campus; and

(c) Such violation or violations of the law or of provisions of this chapter constitute grounds for disciplinary action, then the vice president may, with the written approval of the president, continue to suspend such student from the college and may impose any other disciplinary action as appropriate.

(11) A student who is suspended or otherwise disciplined pursuant to the above rules shall be provided with a written copy of the vice president for student success' findings of fact and conclusions, as expressly concurred in by the president, which constituted probable cause to believe that the conditions for summary suspension existed. The student suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension by personal service or by registered mail to said student's last known address within three working days following the conclusion of the summary suspension hearing. The notice of suspension shall state the duration of the suspension or nature of other disciplinary action and the conditions under which the suspension may be terminated.

(12) The vice president for student success is authorized to enforce the suspension of the summarily suspended student in the event the student has been served pursuant to the notice requirement and fails to appear at the time designated for the summary suspension proceeding.

(13) Any student aggrieved by an order issued at the summary suspension proceeding may appeal to the conflict resolution council. No such appeal shall be entertained, however, unless:

(a) The student has first appeared at the student hearing in accordance with subsection (9) of this section;

(b) The student has been officially notified of the outcome of the hearing;

(c) Summary suspension or other disciplinary sanction has been upheld; and

(d) The appeal conforms to the standards set forth in WAC 132Z-115-220.

The conflict resolution council shall, within five working days, conduct a formal hearing in the manner described in WAC 132Z-115-140.)) Any infractions of college rules, policies or regulations may be referred by any college faculty or staff member to the vice-president for student success or designee. The vice-president for student success may delegate this responsibility to a member of his/her staff, and he/she may also establish committees or other hearing bodies to advise or act for him/her in disciplinary matters.

(2) In order that any informality in disciplinary proceedings not mislead a student as to the seriousness of the matter under consideration, the student involved shall be informed at the initial conference or hearing of the sanctions that may be involved.

(3) Upon initiation of disciplinary proceedings, the vice-president for student success or designee shall provide written notification to the student, either in person or by delivery

via certified mail to the student's last known address, specifying the violations with which the student is charged. The vice-president for student success or designee shall set a time and place for meeting with the student to inform the student of the charges, the evidence supporting the charges, and to allow the student an opportunity to be heard regarding the charges and evidence.

(4) After considering the evidence in a case and interviewing the student or students involved, the vice-president for student success or designee may take any of the following actions:

(a) Terminate the proceeding, exonerating the student or students;

(b) Dismiss the case after whatever counseling and advice may be appropriate (not subject to the appeals rights provided in this code);

(c) Dismiss the case after verbally admonishing the student (not subject to the appeals rights provided in this code);

(d) Direct the parties to make a reasonable attempt to achieve a mediated settlement;

(e) Impose other disciplinary sanctions directly, subject to the student's right of appeal as described in this chapter. The student shall be notified in writing of the action taken except that disciplinary warnings may be given verbally;

(f) Refer the matter to the conflict resolution council requesting their recommendation to the president for appropriate action. The student shall be notified in writing that the matter has been referred to the conflict resolution council.

(5) This section shall not be construed as preventing the appropriate official from summarily suspending a student.

AMENDATORY SECTION (Amending WSR 00-20-037, filed 9/28/00, effective 10/29/00)

WAC 132Z-115-130 (~~Cascadia conflict resolution council.~~) **Summary suspension.** ((The Cascadia conflict resolution council will hear cases referred under this code.

(1) ~~The Cascadia conflict resolution council, convened by the vice-president for student success or designee for disciplinary action, will hear and make recommendations on all disciplinary cases referred to it or appealed to it by students. The conflict resolution council will be composed of the following persons:~~

(a) ~~A member appointed by the president of the college who shall serve as the chair;~~

(b) ~~A member of the faculty, appointed by faculty;~~

(c) ~~A student, appointed by the student body president.~~

(2) ~~None of the above named persons shall sit on any case in which he or she has been or will be a complainant or witness, in which he or she has a direct or personal interest, or in which he or she has acted previously in an advisory or official capacity. Decisions in this regard, including the selection of alternates, shall be made by the conflict resolution council as a whole. The conflict resolution council chairperson will be elected by the members of the conflict resolution council.~~

(3) ~~The conflict resolution council may recommend to the vice-president for student success that the student involved:~~

(a) ~~Be exonerated with all proceedings terminated and with no sanctions imposed;~~

(b) ~~Be disqualified from participation in any school-sponsored athletic events or activities;~~

(c) ~~Be given a disciplinary warning;~~

(d) ~~Be given a reprimand;~~

(e) ~~Be placed on disciplinary probation;~~

(f) ~~Be responsible for restitution for damages resulting from the violation;~~

(g) ~~Be given a suspension;~~

(h) ~~Be expelled.~~) (1) If the vice-president for student success or his/her designee(s) has cause to believe that any student:

(a) Has committed a felony; or

(b) Has violated any provision of this chapter; and

(c) Presents an imminent danger either to himself or herself or other persons on the college campus or to the educational process, that student shall be summarily suspended and shall be notified by certified mail at the student's last known address, or shall be personally served. Summary suspension is appropriate only where (c) of this subsection can be shown, either alone or in conjunction with (a) or (b) of this subsection.

(2) If the vice-president for student success, following the conclusion of the summary suspension proceedings, finds that there is probable cause to believe that:

The student against whom specific violations of law or of provisions of this chapter are alleged has committed one or more of such violations; and

That summary suspension of said student is necessary for the protection of the student, other students or persons on college facilities, college property, the educational process, or to restore order to the campus; and

Such violation or violations of the law or of provisions of this chapter constitute grounds for disciplinary action, then the vice-president may, with the written approval of the president, continue to suspend such student from the college and may impose any other disciplinary action as appropriate.

(3) A student who is suspended or otherwise disciplined pursuant to the above rules shall be provided with a written copy of the vice-president for student success' findings of fact and conclusions, as expressly concurred to by the president, which constituted probable cause to believe that the conditions for summary suspension existed. The student suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension by personal service or by certified mail to the student's last known address within three working days following the conclusion of the summary suspension hearing. The notice of suspension shall state the duration of the suspension or nature of other disciplinary action and the conditions under which the suspension may be terminated.

(4) The vice-president for student success is authorized to enforce the suspension of the summarily suspended student in the event the student has been served pursuant to the notice requirement and fails to appear at the time designated for the summary suspension proceeding.

(5) Any student aggrieved by an order issued at the summary suspension proceeding may appeal to the conflict reso-

lution council. No such appeal shall be entertained, however, unless:

The student has first appeared at the student hearing in accordance with WAC 132Z-115-110(4);

(a) The student has been officially notified of the outcome of the hearing;

(b) Summary suspension or other disciplinary sanction has been upheld; and

(c) The appeal conforms to the standards set forth in WAC 132Z-115-180. The conflict resolution council shall, within five working days, conduct a formal hearing in the manner described in WAC 132Z-115-150.

AMENDATORY SECTION (Amending WSR 00-20-037, filed 9/28/00, effective 10/29/00)

WAC 132Z-115-140 Cascadia conflict resolution council ((procedural guidelines)). ((1) The chair of the conflict resolution council shall set the time, place and available seating capacity for a hearing.

(2) All proceedings of the conflict resolution council will be conducted with reasonable dispatch and terminated as soon as fairness to all parties involved permits.

(3) The conflict resolution council chairperson shall enforce general rules of procedures for conducting hearings consistent with these procedural guidelines.

(4) The student shall be given notice of the date, time and place of the hearing, the charges, a list of witnesses who will appear, and a description of any documentary or other physical evidence that will be presented at the hearing. This notice shall be given to the student in writing and shall be provided in sufficient time to permit him/her to prepare a defense.

(5) The student or his/her representative shall be entitled to hear and examine the evidence against him or her and be informed of the identity of its sources; and shall be entitled to present evidence in his or her own behalf and question witnesses as to factual matters. The student shall be able to obtain information or to request the presence of witnesses or the production of other evidence relevant to the issues at the hearing.

(6) Hearings conducted by the conflict resolution council may be held in closed session at the discretion of the council, 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 persons are disruptive of the proceedings, the chairperson of the conflict resolution council may exclude such persons from the hearing room.

(7) 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 conflict resolution council's recommendation for disciplinary action.

(8) The failure of a student to cooperate with the hearing procedures, however, shall not preclude the conflict resolution council from making its findings of fact, reaching conclusions and imposing sanctions. Failure of the student to cooperate may be taken into consideration by the conflict resolution council in recommending penalties.

(9) The student may be represented by counsel and/or accompanied by an advisor of his/her choice. If counsel is present for the student, the college may also have counsel present to assist the council.

(10) An adequate summary of the proceedings will be kept. As a minimum, such summary would include a tape recording of testimony. Such record will be available for inspections and copying in the office of the vice president for student success during regular business hours.

(11) The student will be provided with a copy of the findings of fact and the conclusions of the conflict resolution council.

(12) If the council's proceedings were to hear a disciplinary matter pursuant to the request of the vice president for student services, the council's recommendation shall be forwarded to the vice president for student success for disposition of the matter.

(13) The vice president for student success or designee shall notify the student of his or her decision.

(14) The student will also be advised of his/her right to present, within ten calendar days, a written statement of appeal to the president of the college before action is taken on the decision of the conflict resolution council.

(15) If the council's proceedings were to hear a student's appeal, the council's recommendation shall be forwarded to the vice president for student success.

(16) The vice president for student success or designee shall notify the student of his or her decision.

(17) The student will also be advised of his/her right to present, within ten calendar days, a written statement of appeal to the president of the college before action is taken on the decision of the conflict resolution council.

(18) The president of the college or his/her designated representative, after reviewing the case, including the decision by the vice president for student success, the report and recommendation of the conflict resolution council and any statement filed by the student, shall either indicate his/her approval of the decision by the vice president for student success by sustaining the 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 the decision. The president or designee shall then notify the vice president for student success, the student, and the conflict resolution council. The president's decision shall be final.) The Cascadia conflict resolution council will hear cases referred under this code.

(1) The Cascadia conflict resolution council, convened by the vice-president for student success or designee for disciplinary action, will hear and make recommendations to the president on all disciplinary cases referred to it or appealed to it by students. The conflict resolution council will be composed of the following persons:

(a) A member appointed by the president of the college who shall serve as the chair;

(b) A member of the faculty, appointed by faculty;

(c) A student, appointed by the student body president.

(2) None of the above-named persons shall sit on any case in which he or she has been or will be a complainant or witness, in which he or she has a direct or personal interest, or in which he or she has acted previously in an advisory or offi-

cial capacity. Decisions in this regard, including the selection of alternates, shall be made by the conflict resolution council as a whole. The conflict resolution council chairperson will be elected by the members of the conflict resolution council.

(3) The conflict resolution council may recommend to the president that the student involved:

(a) Be exonerated with all proceedings terminated and with no sanctions imposed;

(b) Be disqualified from participation in any school-sponsored events or activities;

(c) Be given a disciplinary warning;

(d) Be given a reprimand;

(e) Be placed on disciplinary probation;

(f) Be responsible for restitution for damages resulting from the violation;

(g) Be given a suspension;

(h) Be expelled.

AMENDATORY SECTION (Amending WSR 00-20-037, filed 9/28/00, effective 10/29/00)

WAC 132Z-115-150 ((Disciplinary terms.)) Conflict resolution council procedural guidelines. ((The definitions set forth in this section apply throughout.

(1) Disciplinary warning means oral or written notice of violation of college rules.

(2) Reprimand means formal action after censuring a student for violation of college rules 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.

(3) Disciplinary probation means formal action placing conditions upon the student's continued attendance because of violation of college rules or failure to satisfy the college's expectations regarding conduct. The disciplinary official placing the student on probation will specify, in writing, the period of probation and the conditions, such as limiting the student's participation in extracurricular activities. 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.

(4) Summary suspension means temporary dismissal from the college and temporary termination of a student's status for a period of time not to exceed ten days which occurs prior to invocation of the formal hearing procedures specified in these rules due to a necessity to take immediate disciplinary action, where a student presents an imminent danger to the college property, or to himself or herself or other students or persons in college facilities on or off campus, or to the educational process of the college. (Pursuant to the summary suspension procedures set forth in WAC 132Z-115-120 (6) through (13).)

(5) Suspension means temporary dismissal from the college and temporary termination of student status for violation

of college rules or for failure to meet college standards of conduct.

(6) Expulsion means dismissal from the college and termination of student status for violation of college rules or for failure to meet the college standards of conduct for an indefinite period of time or permanently.

(7) Restitution means repayment to the college or to an affected party for damages resulting from a violation of this code.) The chair of the conflict resolution council shall set the time, place and available seating capacity for a hearing.

All proceedings of the conflict resolution council will be conducted with reasonable dispatch and terminated as soon as fairness to all parties involved permits.

The conflict resolution council chairperson shall enforce general rules of procedures for conducting hearings consistent with these procedural guidelines.

The student shall be given notice of the date, time and place of the hearing, the charges, a list of witnesses who will appear, and a description of any documentary or other physical evidence that will be presented at the hearing. This notice shall be given to the student in writing and shall be provided in sufficient time to permit him/her to prepare a defense.

The student or his/her representative shall be entitled to hear and examine the evidence against him or her and be informed of the identity of its sources; and shall be entitled to present evidence in his or her own behalf and question witnesses as to factual matters. The student shall be able to obtain information or to request the presence of witnesses or the production of other evidence relevant to the issues at the hearing.

Hearings conducted by the conflict resolution council may be held in closed session at the discretion of the council, although the student involved may request that the council allow the student to invite particular persons or requests an open hearing. If at any time during the conduct of the hearing persons allowed by the council to be invited are disruptive of the proceedings, the chairperson of the conflict resolution council may exclude such persons from the hearing room.

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 conflict resolution council's recommendation for disciplinary action.

The failure of a student to cooperate with the hearing procedures, however, shall not preclude the conflict resolution council from making its findings of fact, reaching conclusions and imposing sanctions. Failure of the student to cooperate may be taken into consideration by the conflict resolution council in recommending penalties.

The student may be represented by counsel and/or accompanied by an advisor of his/her choice. If counsel is present for the student, the college may also have counsel present to assist the council.

An adequate summary of the proceedings will be kept. As a minimum, such summary would include a tape recording of testimony. Such record will be available for inspections and copying in the office of the vice-president for student success during regular business hours, unless barred by state or federal law.

The student will be provided with a copy of the findings of fact and the conclusions of the conflict resolution council.

If the council's proceedings were to hear a student's appeal, the council's recommendation shall be forwarded to the president, along with findings of fact, conclusions of law and any commentary on witnesses' credibility.

The president of the college or his/her designated representative, after reviewing the case, including the decision by the vice-president for student success, the report and recommendation of the conflict resolution council and any statement filed by the student, and the whole record before the conflict resolution council or such portions of it as are cited by the parties, shall either indicate his/her approval of the original decision by the vice-president for student success by sustaining the decision, shall give directions as to what other disciplinary action shall be taken by modifying the decision, or shall nullify previous sanctions imposed by reversing the decision. The president or designee shall then notify the vice-president for student success, the student, and the conflict resolution council. The president's decision shall be final.

AMENDATORY SECTION (Amending WSR 00-20-037, filed 9/28/00, effective 10/29/00)

WAC 132Z-115-160 Loss of eligibility in college activities ~~((and athletics))~~. Any student found to have violated the standards of student conduct or chapter 69.41 RCW shall, in lieu of or in addition to, any other disciplinary action which may be imposed, be disqualified from participation in any school-sponsored ~~((athletic))~~ events or activities.

AMENDATORY SECTION (Amending WSR 00-20-037, filed 9/28/00, effective 10/29/00)

WAC 132Z-115-180 Appeals. Disciplinary actions subject to appeal ~~((as specified in board policy))~~ under this code may be appealed as described below. Notice of an appeal by a student shall be made in writing and addressed to the vice-president for student success within ten calendar days of the college's giving of the notice of the disciplinary action.

~~((1))~~ Disciplinary action by a faculty member or other college staff member may be appealed to, and shall be reviewed by, the vice-president for student success.

~~((2))~~ Disciplinary action by the ~~((appropriate disciplinary official))~~ vice-president for student success, the vice-president for student learning, or designee may be appealed to, and shall be reviewed by, the conflict resolution council.

~~((3))~~ Disciplinary recommendation by the conflict resolution council and subsequent action by the vice-president for student success, may be appealed to, and shall be reviewed by, the college president or his/her designee.

~~((4))~~ Disciplinary action by the president shall either indicate approval of the conclusions by sustaining the decision or shall give directions as to what other disciplinary action shall be taken by modifying the decision, or shall nullify previous sanctions imposed by reversing its decision. The president's decision shall be final.) Upon reviewing conflict resolution council recommendations, the president shall either sustain the original disciplinary action, or shall give directions as to what other disciplinary action shall be taken by modifying

the action, or shall nullify previous sanctions by reversing the original disciplinary action. The president's action shall be final.

AMENDATORY SECTION (Amending WSR 00-20-037, filed 9/28/00, effective 10/29/00)

WAC 132Z-115-190 Transcript notations. A temporary encumbrance may be placed on a student's college records by the vice-president for student ~~((learning))~~ success while disciplinary proceedings are pending.

Permanent notation of disciplinary action will be made on the transcript whenever a student is expelled.

AMENDATORY SECTION (Amending WSR 00-20-037, filed 9/28/00, effective 10/29/00)

WAC 132Z-115-200 Refunds and access. ~~((+))~~ There shall be no refund of tuition and/or fees for the quarter in which disciplinary action is taken.

~~((2))~~ 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.

NEW SECTION

WAC 132Z-115-240 Hazing. Cascadia Community College hereby adopts rules to regulate hazing activities within college sponsored organizations, associations, or living groups.

(1) Hazing is prohibited. Hazing is defined as any method of initiation into a student organization, association, or living group, or any pastime or amusement engaged in with respect to such an organization or living group 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 post-secondary institution.

(2) Penalties: Any organization, association, or living group that knowingly permits hazing shall:

(a) Be liable for harm caused to persons or property resulting from hazing.

(b) Be denied recognition by Cascadia Community College as an official organization, association or student living group on the Cascadia Community College campus. If the organization, association or student living group is a corporation, whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages.

(c) A person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships or awards for not less than one academic quarter and up to and including permanent forfeiture, based upon the seriousness of the violation(s).

(d) Hazing violations are also misdemeanors punishable under state criminal law according to RCW 9A.20.021.

(e) The student code of Cascadia Community College may be applicable to hazing violations.

PROPOSED

AMENDATORY SECTION (Amending WSR 96-14-098, filed 7/2/96, effective 8/2/96)

WAC 132Z-133-010 Organization—Operation—Information. (1) Organization. Cascadia Community College is established in Title 28B RCW as a public institution of higher education. The college is governed by a five-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the college. The president establishes the structure of the administration.

(2) Operation. The administrative office is located at the following address:

Cascadia Community College
 ((~~e/o Shoreline Community College Northshore Center~~
~~22002 26th Ave. SE, Suite 101~~)
 18345 Campus Way N.E.
 Bothell, WA ((98021)) 98011

The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays.

(3) Information. Additional information about Cascadia Community College District 30 may be obtained by calling ((~~206~~) 402-3870) 425-352-8000, or by addressing a request to:

Cascadia Community College
 ((~~e/o Shoreline Community College Northshore Center~~
~~22002 26th Ave. SE, Suite 101~~)
 18345 Campus Way N.E.
 Bothell, WA ((98021)) 98011

AMENDATORY SECTION (Amending WSR 96-14-098, filed 7/2/96, effective 8/2/96)

WAC 132Z-134-010 Rules coordinator. The rules coordinator for Cascadia Community College as designated by the president is:

The Executive Assistant to the President
 Cascadia Community College
 ((~~e/o Shoreline Community College Northshore Center~~
~~22002 26th Ave. SE, Suite 101~~)
 18345 Campus Way N.E.
 Bothell, WA ((98021)) 98011

AMENDATORY SECTION (Amending WSR 96-14-098, filed 7/2/96, effective 8/2/96)

WAC 132Z-276-030 Description of central and field organization of Cascadia Community College District No. 30. (1) Cascadia Community College is a state agency established and organized under the authority of chapter 28B.50 RCW for the purpose of implementing the educational goals established by the legislature in RCW 28B.50.020. The administrative office of the district is located on the college campus within the county of ((~~Snohomish~~)) King, Washington. The college campus likewise comprises the central headquarters for all operations of the district.

(2) The district is operated under the supervision and control of a board of trustees. The board of trustees consists of five members appointed by the governor. The board of

trustees normally meets at least once each month, as provided in WAC 132Z-104-010. The board of trustees employs a president, an administrative staff, instructors, and other employees. The board of trustees takes such actions and promulgates such rules, and policies in harmony with the rules established by the state board for community and technical colleges, as are necessary to the administration and operation of the district.

(3) The president of the district is responsible to the board of trustees for the operation and administration of the district.

AMENDATORY SECTION (Amending WSR 96-14-098, filed 7/2/96, effective 8/2/96)

WAC 132Z-276-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the district. For purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to ((~~5:00~~) 4:00) p.m., Monday through Friday, excluding legal holidays and holidays established by the college calendar.

AMENDATORY SECTION (Amending WSR 96-14-098, filed 7/2/96, effective 8/2/96)

WAC 132Z-276-120 Protection of public records. Requests for public records shall be made at the administrative office of the district at ((~~Shoreline Community College Northshore Center, 22002 26th Ave. SE, Suite 101~~)) Cascadia Community College, 18345 Campus Way N.E., Bothell, WA ((98021)) 98011. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designated. Copies of such records may be arranged according to the provisions of WAC 132Z-276-090.

WSR 05-01-207
PROPOSED RULES
SECRETARY OF STATE
 (Elections Division)
 [Filed December 21, 2004, 3:30 p.m.]

Continuance of WSR 04-08-052 [Original Notice].

Preproposal statement of inquiry was filed as WSR 04-08-052.

Title of Rule and Other Identifying Information: Election administration certification requirements.

Hearing Location(s): 520 S.E. Union Avenue, Olympia, WA, on January 25, 2004 [2005], at 2:00 p.m.

Date of Intended Adoption: February 23, 2004 [2005].

Submit Written Comments to: Sheryl Moss, P.O. Box 40232, Olympia, WA 98504, e-mail shermoss@secstate.wa.gov, fax (360) 664-6419, by January 24, 2004 [2005].

Assistance for Persons with Disabilities: Contact Sheryl Moss by January 24, 2004 [2005], (360) 902-4146.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Provide for addi-

tional avenues for maintaining election administrator certification.

Reasons Supporting Proposal: Supported and passed by the Election Administration and Certification Board.

Statutory Authority for Adoption: RCW 29A.04.630.

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

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

Name of Agency Personnel Responsible for Drafting and Implementation: Sheryl Moss, 520 S.E. Union Avenue, Olympia, WA, (360) 902-4146.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required under RCW 19.85.02 [19.85.020] as these rules are being adopted under RCW 34.05.310.

A cost-benefit analysis is not required under RCW 34.05.328. No identified costs associated.

December 21, 2004

Steve Excell

Assistant Secretary of State

[AMENDATORY SECTION (Amending WSR 01-11-111, filed 5/21/01)]

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

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

(2) Participation in an annual minimum of eighteen hours of continuing education, at least six hours of which shall be on election-specific training. This training may be received at any election oriented workshop or conference sponsored by any of the organizations listed in WAC 434-260-220. In addition to receiving credit for participation in election workshops or conferences, election administrators may also receive a maximum of two hours for visiting other county election departments for training purposes and for any other training approved by the elections administration and certification board. A maximum of six hours, of the eighteen required, may be derived from a surplus of hours earned in the previous year.

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.

WSR 05-01-208

PROPOSED RULES

SECRETARY OF STATE

(Elections Division)

[Filed December 21, 2004, 3:30 p.m.]

Continuance of WSR 04-08-051 [Original Notice].

Preproposal statement of inquiry was filed as WSR 04-08-051.

Title of Rule and Other Identifying Information: Help America Vote Act, ballot reconciliation, provisional ballots, WAC 434-253-203, 434-253-204, 434-253-160, 434-253-165, 434-261-110, 434-253-043, 434-253-045, 434-253-047, 434-253-048, and 434-253-049.

Hearing Location(s): 520 S.E. Union Avenue, Olympia, WA, on January 25, 2005, at 2:00 p.m.

Date of Intended Adoption: February 23, 2004.

Submit Written Comments to: Sheryl Moss, P.O. Box 40232, Olympia, WA 98504, e-mail shmoss@sec-state.wa.gov, fax (360) 664-4619, by January 24, 2005.

Assistance for Persons with Disabilities: Contact Sheryl Moss by January 24, 2005, (360) 902-4146.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Provisional ballots WAC are to assist in the implementation of the Help America Vote Act. The ballot reconciliation WAC are to help provide consistency in ballot reconciliation among counties.

Reasons Supporting Proposal: The Help America Vote Act adds many new regulations to the administration of voter registration and elections. Rules need to be adopted to assist in the administration of the act.

Statutory Authority for Adoption: RCW 29A.04.210.

Rule is necessary because of federal law, Help America Vote Act, Section 302.

Name of Agency Personnel Responsible for Drafting and Implementation: Sheryl Moss, 520 S.E. Union Avenue, Olympia, WA, (360) 902-4146.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required under RCW 19.85.02 [19.85.020] as these rules are being adopted under RCW 34.05.310.

A cost-benefit analysis is not required under RCW 34.05.328. No identified costs associated.

December 21, 2004

Steve Excell

Assistant Secretary of State

NEW SECTION

WAC 434-253-203 Poll site ballot reconciliation—Central count optical scan and punchcard. Using the poll site ballot accountability forms, the poll books, and election night precinct results, poll site ballots shall be reconciled in the following manner:

(1) Reconciliation must begin as soon as practical after the election.

(2) Each precinct's results shall be reconciled with the precinct's ballot accountability form. The number of ballots issued should equal the number of ballots counted plus any ballots not counted. Ballots not counted may include, but not be limited to: Provisional ballots, ballots referred to the canvassing board, ballots to be enhanced or duplicated, ballots with write-in votes, spoiled ballots.

(3) Any discrepancies must be investigated. At a minimum, the following areas must be checked until the discrepancy is resolved:

PROPOSED

- (a) Check the accuracy of the ballot accountability form.
- (b) Recount the signatures in the poll book.
- (c) Check the spoiled ballots.
- (d) Check the provisional ballots.
- (e) Count the ballot stubs.
- (f) Check the bins in the ballot counter.
- (g) Check the poll site supplies for ballots.
- (h) Manually count the number of ballots.
- (i) Call the poll workers.

(4) All steps to reconcile each precinct shall be documented, including any discrepancies that cannot be resolved. Reconciliation of all precincts shall be completed and presented to the county canvassing board before the election can be certified.

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.

NEW SECTION

WAC 434-253-204 Precinct or poll site ballot reconciliation—Precinct count optical scan and direct recording devices. Poll site ballots shall be reconciled in the following manner:

(1) Each precinct or poll site ballot counter shall print out results immediately following the closing of the polls. A copy of the results will be posted at the poll site or otherwise made available for public inspection.

(2) The total of votes cast from each counter shall be reconciled with the number of signatures in the poll book(s) prior to transporting to the counting center. The total number of ballots reported on the results printout should equal the number of signatures in the poll book(s). Discrepancies shall be reported and explained by the Inspector.

(3) In a sealed container, the data pack/chip of each ballot counter shall be transported to the counting center with each results printout.

(4) The number of ballots issued should equal the number of ballots counted plus any ballots not counted. Ballots not counted may include, but not be limited to: Provisional ballots, ballots referred to the canvassing board, ballots to be enhanced or duplicated, ballots with write-in votes, any out-sorted ballots, spoiled ballots.

(5) Any discrepancies must be investigated. At a minimum, the following areas must be checked until the discrepancy is resolved:

- (a) Check the accuracy of the ballot accountability form.
- (b) Recount the signatures in the poll book.
- (c) Ballot counter/direct recording device results.
- (d) Check the spoiled ballots.
- (e) Check the provisional ballots.
- (f) Count the ballot stubs.
- (g) Check the poll site supplies for ballots.
- (h) Manually count the number of ballots.
- (i) Call the poll workers.

(6) All steps to reconcile each precinct shall be documented, including any discrepancies that cannot be resolved. Reconciliation of all precincts shall be completed and presented to the county canvassing board before the election may be certified.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-253-160 Ballot accountability((—)) form ((for recording)) poll sites without direct recording devices. Precinct election officials shall maintain accountability for all ballots issued for each precinct. The county auditor shall provide a ballot accountability sheet with each list of registered voters for each precinct or combination of precincts, upon which shall be recorded, at a minimum, the following information:

- (1) Identification of the precinct or combination of precincts;
- (2) The number of ballots issued;
- (3) The number of signatures in the poll book;
- (4) The number of ~~((used))~~ issued ballots which are ~~((special))~~ provisional or challenged;
- ~~((4))~~ (5) The number of issued ballots that are spoiled;
- (6) The number of unused ballots;
- (7) The number of absentees accepted at the poll site.

At the closing of the polls, the ballots of each category enumerated in subsections (1) through ~~((4))~~ (7) of this section shall be counted and recorded on the ballot accountability sheet. The accountability sheet shall be maintained with the precinct list. The precinct election officers shall attest to the accuracy of the ballot accountability sheet by each signing in the spaces provided. The ballot accountability sheet and the precinct list, shall be placed in the appropriate container for return to the counting center or auditor's office. The inspector shall remove and retain a copy of the list of participating voters as the "inspector's copy" for the statutorily required retention period.

Whenever anything occurs at a polling place that the precinct election officers feel may create a discrepancy in accounting for all of the ballots, the election officers shall note such events. The auditor may direct that such comments be included with the ballot accountability form or may be included on a separate comments sheet. If a separate sheet is used, it shall be signed by the precinct election officers.

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.

NEW SECTION

WAC 434-253-165 Ballot accountability form—Precincts with direct recording devices. Precinct election officials shall maintain accountability for all ballots issued for each precinct. The county auditor shall provide a ballot accountability sheet with each list of registered voters for each precinct or combination of precincts, upon which shall be recorded, at a minimum, the following information:

- (1) Identification of the precinct or combination of precincts.
- (2) The number of signatures in the poll book.
- (3) The number of optical scan ballots issued, if applicable.
- (4) The number of ballots listed on each of the individual direct recording devices. The number of optical scan ballots plus the total number of ballots from the direct recording

devices should match the number of signatures in the poll book.

(5) The number of provisional and challenged ballots issued.

(6) The number of absentees accepted at the poll site.

(7) The number of unused optical scan ballots.

(8) The number of spoiled ballots.

(9) List any other irregularities noted throughout election day for each direct recording device.

At the closing of the polls, the ballots of each category enumerated in subsection (1) through (9) of this section shall be recorded on the ballot accountability sheet. The accountability sheet shall be maintained with the precinct list. The precinct election officers shall attest to the accuracy of the ballot accountability sheet by each signing in the spaces provided. The ballot accountability sheet and the precinct list shall be placed in the appropriate container for return to the counting center or auditor's office. The inspector shall remove and retain a copy of the list of participating voters as the "inspector's copy" for the statutorily required retention period.

Whenever anything occurs at a polling place that the precinct election officers feel may create a discrepancy in accounting for all of the ballots, the election officers shall note such events. The auditor may direct that such comments be included with the ballot accountability form or may be included on a separate comments sheet. If a separate sheet is used, it shall be signed by the precinct election officers.

NEW SECTION

WAC 434-261-110 Election results reconciliation.

Immediately following the last ballots counted on election day, precinct results, showing overvotes and undervotes, shall be printed for poll site votes. The results shall be inspected by the county canvassing board, or their designees, for anomalies that may indicate problems with the hardware or programming used to tabulate the votes. Anomalies may include, but are not limited to, an abnormal number of overvotes, undervotes, vote distribution, and voter turnout in any precinct, race, or jurisdiction. This inspection shall be completed within two days of the election.

Additionally, these results shall be used in the reconciliation process required in the Washington Administrative Code, chapter 434-253 WAC.

Reviser's note: The above new section was filed by the agency as WAC 434-261-110. This section is placed among sections forming chapter 434-253 WAC, and therefore should be numbered WAC 434-253-110. Pursuant to the requirements of RCW 34.08.040, the section is published in the same form as filed by the agency..

AMENDATORY SECTION (Amending WSR 02-07-029, filed 3/12/02)

WAC 434-253-043 ((Special)) Provisional ballots—When issued. A ((special)) provisional ballot is a regular ballot issued to a person seeking to vote ((in a polling place)) under the following circumstances:

(1) The name of the voter does not appear in the poll book;

(2) The voter's name is in the poll book but there is an indication that the voter was issued an absentee ballot, and the voter wishes to vote at the polls; or

(3) The voter fails to produce identification when required;

(4) Other circumstances as determined by the precinct election official.

In the polling place after ((After)) the voter signs the poll book, the precinct election officer shall issue ~~((a special ballot outer envelope and a security envelope))~~ a ballot to the voter eligible for a ~~((special))~~ provisional ballot. The voter shall vote the ballot in secrecy and when done, place the ballot in ~~((the))~~ a security envelope, then place the security envelope with the ballot in it in ~~((the special))~~ a provisional ballot outer envelope and return it to the precinct election official. The precinct election official shall ensure that the required information is completed on the outer envelope and have the voter sign it in the appropriate space, and place it in a secure container. (See also WAC 434-240-250 for voters issued an absentee ballot.)

In the case of absentee ballots where the voter was required to produce ID; the ballot shall be considered provisional and processed in the same manner as pollsite provisional ballots.

AMENDATORY SECTION (Amending WSR 02-07-029, filed 3/12/02)

WAC 434-253-045 ((Special)) Provisional ballots—Required information. At a minimum, the following information will be required to be printed on the outer ~~((special))~~ provisional ballot envelope:

(1) Name and signature of voter.

(2) Voter's registered address both present and former if applicable.

(3) Voter's date of birth.

(4) Reason for the ~~((special))~~ provisional ballot.

(5) Precinct and polling place at which voter has voted.

(6) Sufficient space to list disposition of the ballot after review by the county auditor.

Each provisional ballot voter shall be required to sign an oath as required by the Help America Vote Act of 2002, Section 302. The oath may be located on the provisional ballot envelope or on the poll book.

No ~~((special))~~ provisional ballot shall be rejected for lack of the information described in this section as long as the voter provides a valid signature and sufficient information to determine eligibility.

~~((County auditors shall be permitted to use any existing stock of special ballot envelopes in the form specified by state law or administrative rule prior to January 1, 2002. Upon exhaustion of that stock or not later than December 31, 2002, county auditors shall comply with the provision of this regulation when ordering special ballot envelopes.))~~

AMENDATORY SECTION (Amending WSR 02-07-029, filed 3/12/02)

WAC 434-253-047 ((Special)) Provisional ballots—Disposition. ~~((+))~~ Upon receipt of the ~~((special))~~ provisional ballot, including ~~((special))~~ provisional ballots from

other counties or states, the auditor must investigate the circumstances surrounding the ~~((special))~~ provisional ballot prior to certification of the primary or election. ~~((A special provisional ballot cannot be counted if the registered voter did not sign either the poll book or the special ballot envelope.))~~ A provisional ballot cannot be counted unless the voter's name, signature and the date of birth, if available, matches a voter registration record.

Once the provisional ballot has been investigated, disposition of the ballot is as follows:

~~((a))~~ (1) If there is no record of the voter ever having been registered, the voter must be offered the opportunity to register and the ~~((special))~~ provisional ballot will not be counted.

~~((b))~~ (2) If the voter was previously registered and later canceled and the auditor determines that the cancellation was in error, the voter's registration will be immediately restored and the ~~((special))~~ provisional ballot counted.

~~((c))~~ (3) If the auditor determines that the cancellation was not in error, the voter shall be afforded the opportunity to reregister ~~((at the voter's correct address)),~~ and the ~~((special))~~ provisional ballot will not be counted.

~~((2))~~ (4) If the voter is a registered voter but has voted a ballot other than the one which the voter would have received at his or her designated polling place, the auditor must ensure that only those votes for the positions or measures for which the voter was eligible to vote are counted.

~~((3))~~ (5) If the voter is a registered voter in another county or state, the auditor shall forward the ballot and a corresponding voter guide, or other means by which the ballot can be interpreted including rotation if applicable, within five working days after election day to the supervisor of elections for the county for which the voter is resident. If the ~~((special))~~ provisional ballot envelope is not signed by the voter, a copy of the poll book page shall be included. If the county is not known, it shall be forwarded to the secretary of state, or counterpart, for the state in which the voter is resident.

~~((4))~~ (6) If the auditor finds that an absentee voter who voted a ~~((special))~~ provisional ballot at the polls has also voted an absentee ballot in that primary or election, the ~~((special))~~ provisional ballot will not be counted.

(7) If a provisional ballot was voted because a voter failed to produce required identification, the ballot shall be counted if the voter is otherwise eligible.

(8) Provisional ballots voted for reasons not covered by this section shall be determined by the county canvassing board.

~~((5))~~ The auditor will prepare a tally displaying the number of ~~((special))~~ provisional ballots received, the number found valid and counted, the number rejected and not counted, and the reason for not counting the ballots, as part of the canvassing process and presented to the canvassing board prior to the certification of the primary or election.

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.

NEW SECTION

WAC 434-253-048 Provisional ballots—Free access system. Each county shall establish a free access system, as

described by the Help America Vote Act, 42 USC sec. 15482 (a)(5), for provisional ballot voters. The system shall include the following:

(1) The voter may determine if their provisional ballot counted and, if not, why not, without cost to the voter. Examples of a free access system include a toll free telephone number, a website, or a letter sent to every provisional ballot voter.

(2) At the time of voting, provisional voters are given written information that state how information on their ballot will be made available to them. In the case of absentee provisional ballots, notification may be sent to the voter promptly after the county auditor determines that the ballot will be treated as a provisional ballot.

(3) The system shall employ measures to ensure the system is restricted to the individual who cast the ballot and the voter's personal information is secure and confidential.

(4) For provisional ballots sent to other counties, information as to where the ballot was sent and how to find out if their ballot was counted in the voter's home county shall be available without cost to the voter.

(5) For ballots received from another county, a provisional ballot voter shall be able to determine if their ballot was counted and, if not, why not, shall be available without cost to the voter. If needed, the county may send instructions to the voter on how to access the information.

(6) Provisional ballot information shall be available on a county's free access system within one week following the certification of a primary or election.

AMENDATORY SECTION (Amending WSR 02-07-029, filed 3/12/02)

WAC 434-253-049 ((Special)) Provisional ballots—Processing. When the disposition of the ballot determines that the ballot is to be counted, the ballot shall be processed in a manner similar to an absentee ballot as provided in chapter 434-240 WAC except the outer ~~((special))~~ provisional ballot envelopes must be retained separately from the absentee ballot return envelopes. The manual inspection of the ballots as required in WAC 434-261-070 must also be carried out.

WSR 05-01-211

PROPOSED RULES

HORSE RACING COMMISSION

[Filed December 21, 2004, 4:38 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-22-007.

Title of Rule and Other Identifying Information: Chapter 260-08 WAC, Practice and procedure and chapter 260-88 WAC, Appeal to the commission.

Hearing Location(s): Auburn City Council Chambers, 25 West Main, Auburn, WA 98001, on February 10, 2005, at 9:30 a.m.

Date of Intended Adoption: February 10, 2005.

Submit Written Comments to: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, e-mail

ropez@whrc.state.wa.us; fax (360) 459-6461, by February 7, 2005.

Assistance for Persons with Disabilities: Contact Patty Sorby by February 7, 2005, TTY (360) 459-6462.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposal is to make sweeping changes to chapter 260-08 WAC, Practice and procedures, as part of the agency's effort to comply with the Governor's Executive Order 97-02 Regulatory Improvement. The proposal amends one section, dealing with the duties and composition of the Horse Racing Commission, creates four new sections related to (1) the adoption of the rules of procedure in chapter 10-08 WAC, (2) who may preside at commission hears [hearings], (3) how a person may appeal a steward ruling to the commission, and (4) the requirement that a person must exhaust all administrative remedies before filing a petition for judicial review, and repeals seventeen sections no longer applicable. In addition, WAC 260-88-010 is being moved to this chapter allowing the agency to repeal chapter 260-88 WAC, Appeal to the commission.

Reasons Supporting Proposal: Assists the agency to improve the efficiency and fairness of our regulatory process.

Statutory Authority for Adoption: RCW 67.16.020.

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

Name of Proponent: Washington Horse Racing Commission, governmental.

Name of Agency Personnel Responsible for Drafting: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462; **Implementation and Enforcement:** Robert M. Leichner, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

December 20, 2004

R. M. Leichner
Executive Secretary

AMENDATORY SECTION (Amending WSR 93-24-019, filed 11/19/93, effective 12/20/93)

WAC 260-08-005 Horse racing commission—Composition—Duties. The horse racing commission, composed of ~~((three))~~ five members appointed by the governor, is responsible for licensing, regulating and supervising all horse racing meets in the state where the parimutuel system is used. The commission also approves and regulates satellite locations and simulcasting, and licenses and regulates advance deposit wagering. The commission functions through periodic public meetings ~~((held throughout the state))~~ and where required, conducts hearings in accordance with this chapter. Various commission employees, where required, assist the commission with the statutory duties and the enforcement of chapters 260-12 through 260-84 WAC. ~~((The public may obtain information and make submissions at the main commission office as well as the temporary field offices at each of the several licensed tracks when operating.))~~

NEW SECTION

WAC 260-08-671 Adoption of rules of procedure—Model rules. The commission adopts the model rules of procedure as set forth in chapter 10-08 WAC. If there is a conflict between the model rules and this chapter, the rules in this chapter shall govern. Whenever the term "agency" appears in the model rules it means the Washington horse racing commission.

NEW SECTION

WAC 260-08-673 Presiding officer—Who may preside. Pursuant to RCW 34.05.425, the presiding officer in a commission hearing shall be:

- (1) The chair of the commission; or
- (2) One or more administrative law judges assigned by the office of administrative hearings in accordance with chapter 34.12 RCW.

NEW SECTION

WAC 260-08-675 Hearing before the commission. Any person against whom a ruling is made by the stewards may request a hearing before the commission to challenge the ruling. However, a decision concerning the disqualification or nondisqualification of a horse due to a foul or riding infraction during the running of a race is final and will not be reviewed by the commission.

(1) Requests for a hearing before the commission must be filed with an office of the commission within seven days of service of the stewards' ruling.

(2) The request must include: The name, address, telephone number and the signature of the person making the request and a statement of the basis for the challenge to the ruling.

(3) The commission will conduct an adjudicative proceeding according to the provisions of chapter 34.05 RCW, Administrative Procedure Act, and chapter 260-08 WAC, Practice and procedure.

(4) On notification by the commission that a request for a hearing has been filed, the stewards shall forward to the commission the record of the ruling conference.

(5) Any person requesting a hearing before the commission will be heard in person or by counsel. A person appearing before the commission may submit his or her case entirely in writing, provided this is specified at the time of the filing of the request for hearing with the commission and this procedure is given written approval by the commission.

(6) All communications to the commission with respect to a stewards' ruling must be in writing, and all papers filed with the commission shall be the property of the commission.

NEW SECTION

WAC 260-08-677 Exhaustion of administrative remedies. A person may file a petition for judicial review only after exhausting all administrative remedies available within the commission, pursuant to RCW 34.05.534. Administrative remedies at the WHRC consist of commission hearings.

The court may relieve a petitioner of the requirements to exhaust any or all administrative remedies upon a showing that:

- (1) The remedies would be patently inadequate;
- (2) The exhaustion would be futile; or
- (3) The grave irreparable harm that would result from having to exhaust administrative remedies would clearly outweigh the public policy requiring exhaustion of administrative remedies.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 260-08-670	Proceedings before the commission—Application.
WAC 260-08-680	Proceedings—Notice.
WAC 260-08-690	Proceedings—Notice to limited English speaking parties.
WAC 260-08-700	Computation of time.
WAC 260-08-710	Continuances.
WAC 260-08-720	Filing and service of papers.
WAC 260-08-730	Subpoenas.
WAC 260-08-740	Prehearing conference.
WAC 260-08-750	Evidence.
WAC 260-08-760	Testimony under oath or affirmation.
WAC 260-08-770	Reporting-recording.
WAC 260-08-780	Teleconference hearings.
WAC 260-08-790	Cameras—Recording devices.
WAC 260-08-800	Presiding officer.
WAC 260-08-810	Initial or final order.
WAC 260-08-820	Petition for rule making—Form, content and filing.
WAC 260-08-830	Consideration and disposition.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 260-88-010	Hearing before the commission.
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WSR 05-01-212

PROPOSED RULES

HORSE RACING COMMISSION

[Filed December 21, 2004, 4:39 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-22-015.

Title of Rule and Other Identifying Information: Chapter 260-75 WAC, Satellite locations.

Hearing Location(s): Auburn City Council Chambers, 25 West Main, Auburn, WA 98001, on February 10, 2005, at 9:30 a.m.

Date of Intended Adoption: February 10, 2005.

Submit Written Comments to: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, e-mail rlopez@whrc.state.wa.us, fax (360) 459-6461, by February 7, 2005.

Assistance for Persons with Disabilities: Contact Patty Sorby by February 7, 2005, TTY (360) 459-6462.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To amend WAC 260-75-030 to remove the provisions requiring the class 1 racing association to develop internal control policies and procedures for its satellite locations and to file those policies and procedures with the commission. In addition, a new subsection is being added to WAC 260-75-030 to hold the location manager responsible for the satellite location's compliance with WAC 260-12-250. A new section is being added, WAC 260-75-040, outlining enforcement and penalties for violations of chapter 260-75 WAC.

Reasons Supporting Proposal: Part of agency's regulatory reform effort.

Statutory Authority for Adoption: RCW 67.16.020.

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

Name of Proponent: Washington Horse Racing Commission, governmental.

Name of Agency Personnel Responsible for Drafting: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462; Implementation and Enforcement: Robert M. Leichner, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

December 21, 2004

R. M. Leichner

Executive Secretary

AMENDATORY SECTION (Amending WSR 04-19-045, filed 9/13/04, effective 10/14/04)

WAC 260-75-030 Satellite location (~~policies and procedures~~)). (1) ~~((Each class 1 association shall develop internal control policies and procedures for its satellite locations. These procedures shall include controls for satellite location assets including maintaining a log of daily cash balances. The policies and procedures shall be filed with the commission.~~

(2)) Each satellite location shall have a location manager designated by the host racing association.

(2) All location managers and mutuel clerks shall be licensed by the commission. The host association shall not activate any terminal for any person that is not currently licensed or approved by the commission.

(3) The location managers shall be responsible to ensure the satellite location is in compliance with WAC 260-12-250.

(4) All satellite locations shall be periodically inspected by the commission (~~to ensure that the internal control policies and procedures are followed~~).

NEW SECTION

WAC 260-75-040. Enforcement and penalties. (1)

Any violations of this chapter shall be referred to the commission. The commission shall have sole authority to ensure compliance with these rules, conduct hearings on violations, and determine penalties for violations.

(2) The approval to operate a satellite location and/or the license of location managers and mutuel clerks may be suspended or revoked and/or fines may be imposed, if the commission finds violations of any of the requirements of chapter 67.16 RCW or Title 260 WAC or failure to comply with any conditions on the operation of the satellite location imposed by the commission.

(3) The commission shall provide an opportunity for an adjudicative proceeding prior to denial, suspension or revocation of approval of a satellite location or of a license, or the imposition of fines, and shall provide a class 1 racing association a hearing on refusal of approval or withdrawal of approval of the agreement between the association and the satellite location.

WSR 05-01-213

PROPOSED RULES

HORSE RACING COMMISSION

[Filed December 21, 2004, 4:39 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-22-012.

Title of Rule and Other Identifying Information: Repealing WAC 260-56-030 Costs and expenses.

Hearing Location(s): Auburn City Council Chambers, 25 West Main, Auburn, WA 98001, on February 10, 2005, at 9:30 a.m.

Date of Intended Adoption: February 10, 2005.

Submit Written Comments to: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, e-mail rlopez@whrc.state.wa.us, fax (360) 459-6461, by February 7, 2004 [2005].

Assistance for Persons with Disabilities: Contact Patty Sorby by February 7, 2005, TTY (360) 459-6462.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To repeal WAC 260-56-030 Costs and expenses, to eliminate the need for licensees to pay a fee before a protest will be heard.

Reasons Supporting Proposal: The Washington Horse Racing Commission does not have the authority to assess such a cost.

Statutory Authority for Adoption: RCW 67.16.020.

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

Name of Proponent: Washington Horse Racing Commission, governmental.

Name of Agency Personnel Responsible for Drafting: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462; Implementation and Enforcement: Robert M. Leichner, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

December 20, 2004

R. M. Leichner

Executive Secretary

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 260-56-030

Costs and expenses.

WSR 05-01-214

PROPOSED RULES

HORSE RACING COMMISSION

[Filed December 21, 2004, 4:40 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-22-008.

Title of Rule and Other Identifying Information: WAC 260-12-160 Denial of admission to grounds—Narcotics offenders, and 260-36-120 Denial, suspension, and revocation—Grounds.

Hearing Location(s): Auburn City Council Chambers, 25 West Main, Auburn, WA 98001, on February 10, 2005, at 9:30 a.m.

Date of Intended Adoption: February 10, 2005.

Submit Written Comments to: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, e-mail rlopez@whrc.state.wa.us, fax (360) 459-6461.

Assistance for Persons with Disabilities: Contact Patty Sorby by February 7, 2005, TTY (360) 459-6462.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal will repeal WAC 260-12-160, and amend WAC 260-36-120 by specifying under what conditions persons convicted for felony drug-related crimes will be denied a license or have an existing license suspended/revoked.

Reasons Supporting Proposal: Assist the agency in meeting its regulatory responsibilities in chapters 67.16 and 67.17 RCW.

Statutory Authority for Adoption: RCW 67.16.020.

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

Name of Proponent: Washington Horse Racing Commission, governmental.

Name of Agency Personnel Responsible for Drafting: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462; Implementation and Enforcement: Robert M. Leichner, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

December 20, 2004

R. M. Leichner

Executive Secretary

AMENDATORY SECTION (Amending WSR 04-07-075, filed 3/15/04, effective 4/15/04)

WAC 260-36-120 Denial, suspension, and revocation—Grounds. (1) The commission or its designee may refuse to issue or may deny a license to an applicant, or may suspend or revoke a license issued, or may order disciplinary measures, if the applicant or licensee:

- (a) Has been convicted of a felony;
- (b) Has been convicted of violating any law regarding gambling or a controlled substance;
- (c) Has pending misdemeanor or gross misdemeanor criminal charges;
- (d) Has failed to meet the minimum qualifications required for the license for which they are applying;
- (e) Has failed to disclose or states falsely any information required in the application;
- (f) Has been found in violation of statutes or rules governing racing in this state or other jurisdictions;
- (g) Has disciplinary charges pending in this state or other racing jurisdiction;
- (h) Has been or is currently excluded from association grounds by a recognized racing jurisdiction;
- (i) Has had a license denied, by any racing jurisdiction;
- (j) Is a person whose conduct or reputation may adversely reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meeting;
- (k) Demonstrates financial irresponsibility by accumulating unpaid obligations, defaulting in obligations or issuing drafts or checks that are dishonored or payment refused;
- (l) Has violated any of the alcohol or substance abuse provisions outlined in chapter 260-34 WAC;
- (m) Has violated any of the provisions of chapter 67.16 RCW; or
- (n) Has violated any provisions of Title 260 WAC.

(2) The commission or its designee shall deny the application for license or suspend or revoke an existing license if the applicant or licensee:

- (a) Has been convicted of any felony crimes against a person;
- (b) Has been convicted of any felony property crime within the past ten years;

(c) Has been convicted of any felony drug crime involving the sale, manufacture, or distribution of any drug as defined in chapter 69.41 RCW or any felony crime involving a controlled substance classified in Schedule I, II or III in chapter 69.50 RCW.

(d) Has been convicted of any felony drug crime involving the possession or use of any drug as defined in chapter 69.41 RCW or any felony crime involving a controlled substance classified in Schedule IV or V in chapter 69.50 RCW within the past ten years.

(e) Has five or more convictions for gross misdemeanors within the last three years;

~~((f))~~ (f) Is subject to current prosecution or pending charges for any felony crime;

~~((e))~~ (g) Has a felony conviction under appeal;

~~((f))~~ (h) Is currently suspended or revoked in Washington or by another recognized racing jurisdiction;

~~((g))~~ (i) Is certified under RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order; or

~~((h))~~ (j) Has any outstanding arrest warrants.

(3) An appeal of a license denial based on this policy shall be filed as outlined in WAC 260-88-010. In considering an appeal from a decision by the board of stewards denying a license pursuant to subsection (2) of this section, the commission may only reverse the denial on a showing by the appellant of mitigating information and that the best interests of horse racing would not be compromised by granting or reinstating a license.

(4) A license suspension or revocation shall be reported in writing to the applicant and the Association of Racing Commissioners International, Inc. whereby other member racing jurisdictions shall be advised.

(5) A recognized racing jurisdiction shall include members of the Association of Racing Commissioners International (RCI) and the North American Pari-Mutuel Regulators Association (NAPRA), and any other racing authority with which the commission has a written reciprocity agreement.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 260-12-160

Denial of admission to grounds—Narcotics offenders.

WSR 05-01-224

PROPOSED RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Docket No. A-021178 and TO-030288—Filed December 22, 2004, 10:12 a.m.]

Supplemental Notice to WSR 04-18-129.

Preproposal statement of inquiry was filed as WSR 02-20-105, 02-22-030, and 03-07-034.

Title of Rule and Other Identifying Information: This rule making would establish rules relating to reporting of transactions between regulated utility and transportation companies and their subsidiaries to the commission. The supplemental notice would revise the original rules to permit the reporting of certain transactions after the issuance of securities of those utility and transportation companies that are investment grade.

Hearing Location(s): Commission Hearing Room 206, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on February 1, 2005, at 1:30 p.m.

Date of Intended Adoption: February 1, 2005.

Submit Written Comments to: Carole J. Washburn, Secretary, P.O. Box 47250, Olympia, WA 98504, e-mail records@wutc.wa.gov, fax (360) 586-1150, by January 19, 2005. Please include Docket No. A-021178 and TO-030288 in your communication.

Assistance for Persons with Disabilities: Contact Mary DeYoung by Friday, January 28, 2005, TTY (360) 586-8203 or (360) 664-1133.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This supplemental proposal would revise sections in chapters 480-73, 480-90, 480-100, 480-110, and 480-120 WAC relating to issuing securities. In addition, this supplemental proposal would revise sections in chapters 480-70, 480-73, 480-90, 480-92, 480-100, 480-110, and 480-120 WAC relating to transferring cash or assuming obligations. Finally, this supplemental proposal is intended to consider the changes to the rules listed below to the supplemental CR-102, and to renounce the entire proposal submitted at WSR 04-18-129 for comment by interested persons.

Affected WACs are:

WAC 480-70-077 Transferring cash or assuming obligations.

1. Provides a reporting requirement based on corporate credit/issuer rating.
2. Grammar changes.

WAC 480-73-060 Definitions.

1. Provides definitions for "Business days," "Investment grade," and "Securities."

WAC 480-73-170 Issuing securities.

1. Provides a reporting requirement based on corporate credit/issuer rating.

WAC 480-73-180 Transferring cash or assuming obligations.

1. Provides a reporting requirement based on corporate credit/issuer rating.
2. Grammar changes.

WAC 480-90-242 Issuing securities.

1. Provides definitions for "Investment grade" and "Securities."
2. Provides a reporting requirement based on corporate credit/issuer rating.

WAC 480-90-244 Transferring cash or assuming obligations.

1. Provides a reporting requirement based on corporate credit/issuer rating.
2. Grammar changes.

WAC 480-92-055 Reporting requirements—Special reports.

1. Provides a reporting requirement based on corporate credit/issuer rating.
2. Grammar changes.

WAC 480-100-242 Issuing securities.

1. Provides definitions for "Investment grade" and "Securities."
2. Provides a reporting requirement based on corporate credit/issuer rating.

WAC 480-100-244 Transferring cash or assuming obligations.

1. Provides a reporting requirement based on corporate credit/issuer rating.
2. Grammar changes.

WAC 480-110-456 Definitions.

1. Provides definitions for "Business days," "Investment grade," and "Securities."

WAC 480-110-525 Issuing securities.

1. Provides a reporting requirement based on corporate credit/issuer rating.

WAC 480-110-535 Transferring cash or assuming obligations.

1. Provides a reporting requirement based on corporate credit/issuer rating.
2. Grammar changes.

WAC 480-120-331 Filing information.

1. Corrects WAC reference.

WAC 480-120-365 Issuing securities.

1. Provides definitions for "Investment grade" and "Securities."
2. Provides a reporting requirement based on corporate credit/issuer rating.

WAC 480-120-369 Transferring cash or assuming obligations.

1. Provides a reporting requirement based on corporate credit/issuer rating.
2. Grammar changes.

See proposal submitted at WSR 04-18-129.

Reasons Supporting Proposal: Revised rule language would result in a substantial change from the CR-102 proposal filed at WSR 04-18-129. The revisions proposed in this supplemental CR-102 will permit the commission to focus on those companies most likely to experience financial difficulties and at the same time, will reduce the requirements for those companies least likely to experience financial difficulties.

Statutory Authority for Adoption: RCW 80.01.040 and 80.04.160.

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

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

Name of Agency Personnel Responsible for Drafting: Sharyn Bate, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1295; Implementation and Enforcement: Carole J. Washburn, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1174.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed corrections and changes to rules will not result in or impose an increase in costs. Because there will not be any increase in costs resulting from the proposed rule changes, a small business economic impact statement is not required under RCW 19.85.030(1).

A cost-benefit analysis is not required under RCW 34.05.328. The commission is not an agency to which RCW 34.05.328 applies. The proposed rule is not a significant legislative rule of the sort referenced in RCW 34.05.328(5).

December 22, 2004

Carole J. Washburn
Executive Secretary

PART ((4)) I—GENERAL ADMINISTRATIVE RULES

AMENDATORY SECTION (Amending General Order No. R-479, Docket No. A-010648 [TG-990161], filed 3/23/01, effective 4/23/01)

WAC 480-70-041 Definitions, general. (See WAC 480-70-226 (Tariffs, definitions used in) for definition of terms used primarily in tariff filings.) Unless the language or context indicates that a different meaning is intended, the following words, terms and phrases mean:

"Affiliated interest" means a person or corporation as defined in RCW 81.16.010.

"Application docket" means a commission publication listing applications requesting operating authority, and commission action taken on applications for temporary authority.

"Biomedical waste" means the following types of waste:

"Animal waste" means waste animal carcasses, body parts, and bedding of animals that are known to be infected with, or that have been inoculated with, human pathogenic microorganisms infectious to humans.

"Biosafety level 4 disease waste" means waste contaminated with blood, excretions, exudates, or secretions from humans or animals who are isolated to protect others from highly communicable infectious diseases that are identified as pathogenic organisms assigned to biosafety level 4 by the Centers for Disease Control, National Institute of Health, *Biosafety in Microbiological and Biomedical Laboratories*, current edition.

"Cultures and stocks" means wastes infectious to humans and includes specimen cultures, cultures and stocks of etiologic agents, wastes from production of biologicals and serums, discarded live and attenuated vaccines, and laboratory waste that has come into contact with cultures and stocks

of etiologic agents or blood specimens. Such waste includes, but is not limited to, culture dishes, blood specimen tubes, and devices used to transfer, inoculate, and mix cultures.

"Human blood and blood products" means discarded waste human blood and blood components, and materials containing free-flowing blood and blood products.

"Pathological waste" means waste human source biopsy materials, tissues, and anatomical parts that emanate from surgery, obstetrical procedures, and autopsy. "Pathological waste" does not include teeth, human corpses, remains, and anatomical parts that are intended for interment or cremation.

"Sharps waste" means all hypodermic needles, syringes with needles attached, IV tubing with needles attached, scalpel blades, and lancets that have been removed from the original sterile package.

Note: Certificates issued prior to the effective date of these rules may contain the terms "biohazardous waste" or "infectious waste" in describing services authorized. From the effective date of these rules, those permits shall be understood to allow the transportation of "biomedical waste."

"Biohazardous or biomedical waste generator" means any person, by site, whose act or process produces infectious waste, or whose act first caused an infectious waste to become subject to regulation. In the case where more than one person, e.g., doctors with separate medical practices, are located in the same building, each individual business entity is a separate generator for the purposes of these rules.

"Biohazardous or biomedical waste transporter" means any person who transports infectious waste over the highways in a quantity equal to or exceeding one hundred pounds per month for compensation.

"Biosolids" means municipal sewage sludge that is a primarily organic, semisolid product resulting from the wastewater treatment process.

"Business of transporting solid waste for collection and/or disposal for compensation" means those carriers who are primarily in the specialized business of solid waste for collection and/or disposal.

"Cancellation" means an act by the commission to terminate a solid waste collection company certificate; or an act by a carrier to discontinue the application of a tariff, a tariff supplement, or a tariff item.

"Certificate" means the certificate of public convenience and necessity issued by the Washington utilities and transportation commission under the provisions of chapter 81.77 RCW for the operation of solid waste collection companies.

"Certificated authority" means the territory and services granted by the commission and described in a company's certificate of public convenience and necessity.

"City regulation" means regulation of the operations of a solid waste collection company by a city through issuance of a contract.

"Classes of companies":

"Class A company" means a traditional solid waste collection company with an annual gross operating revenue from regulated, intrastate operations of five million dollars or more.

"Class B company" means a traditional solid waste collection company with an annual gross operating revenue

from regulated, intrastate operations of less than five million dollars.

"Class C company" means a solid waste collection company that does not provide traditional residential or commercial solid waste operations. This class includes specialized carriers generally hauling specific waste products for specific customers or providing only on-call or nonscheduled service.

"Classes of service" means either commercial, specialized, drop box, or residential service.

"Company" means a solid waste collection company.

"Commercial authority" means authority to provide solid waste collection service to business, institutional, or industrial generators.

"Commercial recycling service" means transportation of recyclable commodities from a buy-back center, drop box, or from a commercial or industrial generator of recyclable materials when those recyclable materials are being transported for use other than landfill disposal or incineration. Commercial recycling is regulated under chapter 81.80 RCW.

"Commercial service" means solid waste collection service provided to a business, institutional, or industrial generator.

"Commission" means the Washington utilities and transportation commission.

"Common carrier" means any person who transports solid waste by motor vehicle for compensation.

"Construction debris" or **"construction waste"** means solid waste resulting from the building or renovation of buildings, roads and other man-made structures. Construction debris includes, but is not limited to, materials such as plasterboard, cement, dirt, wood, and brush.

"Contract carrier" means a person holding a certificate issued by the commission authorizing transportation of solid waste for collection and/or disposal under special and individual contracts or agreements.

"Control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a company, whether through the ownership of voting shares, by contract, or otherwise.

"Demolition waste" or **"demolition debris"** means solid waste resulting from the demolition or razing of buildings, roads and other man-made structures. Demolition waste includes, but is not limited to, concrete, brick, bituminous concrete, wood and masonry, composition roofing and roofing paper, steel, and minor amounts of other metals like copper.

"Disinfect" means to cleanse by destroying harmful microorganisms.

"Disposal site" means the location where any final treatment, utilization, processing, or deposit of solid waste occurs. This term includes, but is not limited to, landfills, transfer stations, and incinerators.

"Dump truck operator" means a carrier holding a permit under chapter 81.80 RCW engaged in the operation of dump trucks and similar vehicles used in the transportation of sand, gravel, dirt, debris, and other similar commodities except solid waste. Dump truck operations are usually conducted during the daytime; are local in character; are some-

what seasonal, especially in connection with building or construction projects; and the value of the commodity transported is usually low.

"Filing" means any application, petition, tariff proposal, annual report, comment, complaint, pleading, or other document submitted to the commission.

"Garbage" means those materials of solid waste that are putrescible.

"Garbage and refuse." Whenever the phrase "garbage and refuse" is used as a qualifying phrase, it means either garbage or refuse, or both garbage and refuse.

"Hazardous waste" means any material that is subject to the Hazardous Waste Manifest Requirements of the U.S. Environmental Protection Agency specified in 40 CFR Part 262.

"Incineration" means to reduce the volume of solid waste by use of an enclosed device using controlled flame combustion.

"Incinerator" means a site where solid waste is reduced in volume by use of an enclosed device using controlled flame combustion.

"Landfill" means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land-treatment facility.

"Land-treatment facility" means the site on which the practice of applying dangerous waste onto or incorporating dangerous waste into the soil surface so that it will degrade or decompose takes place. The term does not include applying waste onto or into the soil surface for the purpose of soil sweetening or soil amendment.

"Leachate" means water or other liquid that has been contaminated by dissolved or suspended materials due to contact with solid waste or gases.

"Motor vehicle" means any truck, trailer, semi-trailer, tractor or any self-propelled or motor-driven vehicle used on any public highway of this state for the purpose of transporting solid waste for collection and/or disposal.

"Multiple-family residence" or **"multifamily residence"** means any structure housing two or more dwelling units.

"Multifamily service" means residential service provided to multifamily structures or locations including, but not limited to, duplexes, apartments, mobile home courts, and condominiums.

"Nonputrescible" means not capable of being readily decomposed by microorganisms.

"Occasional" means occurring at irregular and infrequent intervals. The term is qualitative, not quantitative, in that the term applies to services that are only performed from time-to-time, not that the solid waste hauling is only a small part of services offered.

"Packer" means a device or vehicle specially designed to compress loose materials.

"Person" means an individual, firm, corporation, association, partnership, lessee, receiver, trustee, consortium, joint venture, or commercial entity.

"Private carrier" means a person who transports solid waste in the person's own vehicle purely as an incidental adjunct to some other established private business owned or operated by that person in good faith.

EXCEPTION: A person who transports solid waste from residential sources in a vehicle designed or used primarily for the transport of solid waste is not a private carrier.

"Private motor vehicle" means a vehicle owned or operated by a private carrier.

"Private road" means a road not normally available for use by the public.

"Public highway" means every street, road, or highway in this state normally available for use by the public.

"Putrescible" means capable of being readily decomposed by microorganisms.

"Recyclable materials" means materials that are transported for recycling, reprocessing, reclamation, or for any process that extracts or modifies the commodity for reuse or another commercially valuable purpose.

"Recycling" means transforming or remanufacturing materials into usable or marketable materials for use other than landfill disposal or incineration.

"Refuse" means those materials of solid waste that are not putrescible.

"Residence" means the regular dwelling place of an individual or individuals.

"Residential authority" means authority to provide solid waste collection from residences.

"Residential recycling service" means collection of those solid wastes that are separated for recycling or reuse, such as paper, plastic, metals, and glass, that are identified as recyclable materials pursuant to a local comprehensive solid waste plan.

"Residential service" means solid waste collection from residences.

"Sewer sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials, generated from a wastewater treatment system, that does not meet the requirements of chapter 70.95J RCW, and is transported to a site for disposal.

"Shipping paper" means a shipping order, bill of lading, manifest, or other shipping document serving a similar purpose and containing the information required in WAC 480-70-401 (Payment options).

"Small business" means any company that has fifty or fewer employees.

"Solid waste" or **"solid wastes"** means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to:

- Garbage;
- Rubbish;
- Refuse;
- Swill;
- Ashes;
- Industrial wastes;
- Sewage sludge;
- Demolition and construction wastes;
- Abandoned vehicles or parts of abandoned vehicles;

and

- Source-separated recyclable materials collected from single and multifamily residences.

"Solid waste collection" means collecting solid waste from residential or commercial customers and transporting the solid waste, using a motor vehicle, for collection and/or

disposal over the highways of the state of Washington for compensation.

"Solid waste collection company" means every common carrier, including a contract carrier, who provides solid waste collection service.

"Source separation" means the separation of different kinds of solid waste at the place where the waste originates.

"Specialized solid waste collection company" means a company providing other than traditional solid waste collection service. Specialized companies generally haul specific waste products for specific customers, provide only on-call or nonscheduled service, or provide accessorial services not normally provided by traditional solid waste collection companies.

"State" means the state of Washington.

"Subsidiary" means any company in which the solid waste company owns directly or indirectly five percent or more of the voting securities, unless the solid waste company demonstrates it does not have control.

"Suspension" means an act by the commission to temporarily withhold a solid waste collection company's certificated authority; or an act by the commission to withhold approval of a company's tariff filing.

"Tariff" means a document issued by a company, and approved by the commission, containing the services provided, the rates and charges the company bills its customers for those services, and the rules describing how the rates and charges apply.

"Tariff service territory" means a company-defined geographic division of its certificated authority in which a specific tariff applies.

"Third-party waste broker" means a person or company acting on behalf of a generator of solid waste, usually an industrial or commercial generator, to arrange for collection and/or disposal of solid waste.

"Traditional solid waste collection company" means a company engaged in collecting and removing solid waste and recyclable materials from private homes, and/or removing solid waste from commercial establishments, industrial facilities, and other sites. Solid waste is normally picked up on a daily, weekly, or other regular basis. Drivers are usually assigned designated routes to collect curbside residential solid waste or transport cans or containers for commercial businesses. Unless the company's certificate is restricted against doing so, a traditional solid waste collection company may also perform specialized solid waste collection service.

"Transfer station" means a staffed, fixed supplemental facility used by persons and route collection vehicles to deposit solid wastes into transfer trailers for transportation to a disposal site. The definition does not usually include detachable containers. However, in counties with a population of less than seventy thousand, and in any county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand that is located east of the crest of the Cascade mountain range, if detachable containers are securely fenced, staffed by an attendant during all hours when the detachable container is open to the public, and tipping fees that cover the cost of providing the containers and the use of the facility are charged, then such detachable con-

tainers constitute a transfer station. (Refer to RCW 36.58.-030.)

"Treatment" means incineration, sterilization, or other method, technique, or process that changes the character or composition of a biomedical waste so as to minimize the risk of transmitting an infectious disease by making it noninfectious. Any waste, except sharps, that has been treated is not considered biohazardous or biomedical waste, and may be considered to be solid waste for purposes and handling.

"Vehicle" means every device capable of transporting solid waste on a public highway. The term "vehicle" does not include devices moved by human or animal power or used exclusively on stationary rails or tracks.

"Yard waste" or **"yard debris"** means plant material commonly created in the course of maintaining yards and gardens and through horticulture, gardening, landscaping, or similar activities. Yard waste includes, but is not limited to, grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, and vegetable garden debris.

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

AMENDATORY SECTION (Amending General Order R-510, Docket No. A-010648, filed 11/24/03, effective 1/1/04)

WAC 480-70-051 Exemptions from rules in chapter 480-70 WAC. ~~((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 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 purpose of the rule.~~

~~(5) The commission will issue an order granting or denying the request or setting it for hearing pursuant to chapter 480-07 WAC.) The commission may grant an exemption from the provisions of any rule in this chapter in the same manner and consistent with the standards and according to the procedures set forth in WAC 480-07-110 (Exceptions from and modifications to the rules in this chapter; special rules).~~

PART ((2)) II—ACCOUNTING REQUIREMENTS, REPORTING REQUIREMENTS AND REGULATORY FEES

NEW SECTION

WAC 480-70-077 Transferring cash or assuming obligations. (1) At least five business days, as defined in WAC 480-07-120 (Office hours), before a Class A company, whose corporate credit/issuer rating is not in one of the four highest rating categories of either Standard & Poor's L.L.C. or Moody's Investment Securities Inc. or its subsidiary transfers cash to any of its affiliated interests or subsidiaries or assumes an obligation or liability of any of its affiliated interests or any of its subsidiaries, the company must report to the commission an estimate of the amount to be transferred and the terms of the transaction when the transaction will exceed thresholds as described in (a) or (b) of this subsection.

(a) The company must report if the cumulative transactions to a subsidiary or affiliated interest for the prior twelve months exceed a threshold of five percent, which is based on the prior calendar year gross operating revenue from Washington intrastate operations subject to commission jurisdiction.

(b) When the threshold in (a) of this subsection has been reached, the company must report each subsequent transaction exceeding a threshold of one percent for the prior twelve-month period, which is based on the prior calendar year gross operating revenue from Washington intrastate operations subject to commission jurisdiction.

(2) The reporting requirements in subsection (1) of this section do not include payments for:

- (a) Federal and state taxes;
- (b) Goods, services, or commodities;
- (c) Transactions, attributed to the regulated entity, previously approved or ordered by the commission, other regulatory agencies, or the court; or
- (d) Dividends to the extent the level of such dividends over a twelve-month period does not exceed the larger of:
 - (i) Net income during such period; or
 - (ii) The average level of dividends over the preceding three years; or
- (e) Sweep or cash management accounts used to transfer funds to or from a subsidiary or affiliate as part of the customary and routine cash management functions between or among the utility and its subsidiary or affiliate.

NEW SECTION

WAC 480-70-078 Affiliated interest—Contracts or arrangements. Prior to the effective date of any contract or arrangement described in RCW 81.16.020, each solid waste collection company must file a verified copy or a verified summary, if unwritten, of contracts or arrangements with affiliated interests. Prior to the effective date of any modification or amendment, the company must file verified copies of the modifications or amendments to the contracts or arrangements. If the contract or arrangement is unwritten, the company must file a verified summary of any modification or amendment. The commission may institute an investigation

PROPOSED

and disapprove the contract or arrangement if the commission finds the company has failed to prove that it is reasonable and consistent with the public interest.

NEW SECTION

WAC 480-70-079 Affiliated interest and subsidiary transactions report. (1) By June 1 of each year each Class A company must file a report summarizing all transactions that occurred between the company and its affiliated interests, and the company and its subsidiaries, during the period January 1 through December 31 of the preceding year.

(2) The information required in this subsection must be for total company and for total state of Washington. The report must include a corporate organization chart of the company and its affiliated interests and subsidiaries.

(3) When total transactions with an affiliated interest or a subsidiary are less than one hundred thousand dollars for the reporting period, the company must provide the name of the affiliated interest or subsidiary participating in the transactions and the total dollar amounts of the transactions. When total transactions with an affiliated interest or subsidiary equal or exceed one hundred thousand dollars for the reporting period, the company must provide:

(a) A balance sheet and income statement for such affiliated interest;

(b) A description of the products or services provided to or from the company and each such affiliated interest or subsidiary;

(c) A description of the pricing basis or costing method, and procedures for allocating costs for such products or services, and the amount and accounts charged during the year;

(d) A description of the terms of any loans between the company and each such affiliated interest or subsidiary and a listing of the year-end loan amounts and maximum loan amounts outstanding during the year;

(e) A description of the terms and total amount of any obligation or liability assumed by the company for each such affiliated interest or subsidiary;

(f) A description of the activities of each such affiliated interest or subsidiary with which the company has transactions; and

(g) A list of all common officers and directors between the solid waste company and each such affiliated interest or subsidiary, along with their titles in each organization.

(4) The company is obligated to file verified copies of affiliated interest contracts and arrangements as stated in WAC 480-70-078 (Affiliated interests—Contracts or arrangements).

PART ((3)) III—CERTIFICATES

PART ((4)) IV—INSURANCE

PART ((5)) V—EQUIPMENT AND DRIVERS

PART ((6)) VI—COMPLIANCE

PART ((7)) VII—TARIFFS, RATES, AND RATE FILINGS

PART ((8)) VIII—CONSUMER RULES

PART ((9)) IX—BIOMEDICAL WASTE RULES

PART ((10)) X—HAZARDOUS WASTE RULES

PART ((11)) XI—ADOPTION BY REFERENCE

Chapter 480-73 WAC

PART I—GENERAL PROVISIONS

NEW SECTION

WAC 480-73-010 Application of rules. The rules in this chapter apply to hazardous liquid pipeline companies regulated as common carriers under Title 81 RCW. The purpose of these rules is to address the economic regulation of liquid pipeline companies regulated as common carriers.

NEW SECTION

WAC 480-73-020 Exemptions from rules in chapter 480-73 WAC. The commission may grant an exemption from the provisions of any rule in this chapter in the same manner and consistent with the standards and according to the procedures set forth in WAC 480-07-110 (Exceptions from and modifications to the rules in this chapter; special rules).

NEW SECTION

WAC 480-73-030 Additional requirements. (1) These rules do not relieve any company from any of its duties and obligations under the laws of the state of Washington.

(2) The commission retains the authority to impose additional or different requirements on any company in appropriate circumstances, consistent with the requirements of law.

NEW SECTION

WAC 480-73-040 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

NEW SECTION

WAC 480-73-050 Tariffs. (1) Each pipeline company must file tariffs in accordance with the requirements set out in chapter 480-149 WAC titled Tariff Circular No. 6.

(2) In addition to the tariff filing requirements in subsection (1) of this section, the tariff must include the pipeline company's nomination and proration policies and procedures.

NEW SECTION

WAC 480-73-060 Definitions. "Affiliated interest" means a person or corporation as defined in RCW 81.16.010.

PROPOSED

"**Business days**" means the same as defined in WAC 480-07-120 (Office hours).

"**Control**" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a company, whether through the ownership of voting shares, by contract, or otherwise.

"**Hazardous liquid pipeline companies**" or "**pipeline company**" means any hazardous liquid pipeline company regulated as a common carrier under Title 81 RCW.

"**Investment grade**" means a pipeline company whose corporate credit/issuer rating is in one of the four highest rating categories of either Standard & Poor's L.L.C. or Moody's Investment Service Inc.

"**Nominations**" means the method a shipper uses to reserve pipeline capacity for shipments.

"**Proration**" means the method the carrier uses to allocate space to shippers when nominations exceed the pipeline capacity.

"**Securities**" means stocks, stock certificates, other evidence of interest or ownership, bonds, notes, or other evidence of indebtedness, or any obligation or liability as guarantor.

"**Subsidiary**" means any company in which the pipeline company owns directly or indirectly five percent or more of the voting securities, unless the pipeline company demonstrates it does not have control.

PART II—FINANCIAL RECORDS AND REPORTING RULES

NEW SECTION

WAC 480-73-110 Filing information. (1) **Filing.** The commission records center will accept any filing under WAC 480-73-170 (Issuing securities) delivered in person, by mail, telefacsimile, or electronic mail message. The commission records center will accept all other reports required in Part II in person, by mail, or when procedures are in place, electronic mail message.

(2) **Commission may require additional information.** The commission may require information in addition to that specified by statute or in this chapter.

(3) **Information by reference.** When any information required to support a filing is on file with the commission, it is sufficient to make specific reference to the information indicating the proceeding, report, or other filing that contains the referenced information.

(4) **When information is unavailable.** If any required information is unavailable at the time of the filing, the filing must include the reason why the information is not available and state when it will be available.

NEW SECTION

WAC 480-73-120 Additional reports. Part II does not supersede any reporting requirement specified in a commission order or limit the commission's ability to request additional information.

NEW SECTION

WAC 480-73-130 Accounting system requirements. (1) Each pipeline company must use the uniform system of accounts applicable to pipeline companies as published by the Federal Energy Regulatory Commission (FERC) in Title 18 of the Code of Federal Regulations (18 CFR), Part 352 - Uniform System of Accounts Prescribed for Oil Pipeline Companies Subject to the Provisions of the Interstate Commerce Act. Information about the Code of Federal Regulations regarding the version adopted and where to obtain it is set out in WAC 480-73-999 (Adoption by reference).

(2) Each pipeline company having multistate operations must maintain records in such detail that the costs of property located and business done in Washington can be readily ascertained in accordance with geographic boundaries.

(3) Any deviation from the uniform system of accounts, as prescribed by the FERC, will be accomplished only after due notice and order of this commission.

(4) This rule does not supersede any commission order regarding accounting treatments.

NEW SECTION

WAC 480-73-140 Expenditures for political or legislative activities. (1) For ratemaking purposes, the commission will not allow recovery of either direct or indirect expenditures by a pipeline company for political or legislative activities.

(2) For purposes of this rule, political or legislative activities include, but are not limited to:

(a) Encouraging support or opposition to ballot measures, legislation, candidates for a public office, or current public office holders;

(b) Soliciting support for or contributing to political action committees;

(c) Gathering data for mailing lists that are generated for the purposes of encouraging support for or opposition to ballot measures, legislation, candidates for public office, or current office holders, or encouraging support for or contributions to political action committees;

(d) Soliciting contributions or recruiting volunteers to assist in the activities set forth in (a) through (c) of this subsection.

(3) Political or legislative activities do not include activities directly related to appearances before regulatory or local governmental bodies necessary for the pipeline company's operations.

NEW SECTION

WAC 480-73-150 Retaining and preserving records and reports. Each pipeline company must retain records and reports in accordance with the 18 CFR, Part 356, Preservation of Records for Oil Pipeline Companies, which the commission adopts by reference. Information about the Code of Federal Regulations regarding the version adopted and where to obtain it is set out in WAC 480-73-999 (Adoption by reference).

PROPOSED

NEW SECTION

WAC 480-73-160 Annual reports. (1) Each pipeline company must use the commission's annual report form and attach FERC Form No. 6 promulgated by the Federal Energy Regulatory Commission in 18 CFR, Part 357 (Annual, Special or Periodic Reports), for purposes of annual reporting to this commission. Information about the FERC Form No. 6 regarding the version adopted and where to obtain it is set out in WAC 480-73-999 (Adoption by reference).

(2) Each pipeline company must also submit to the commission, in essentially the same format and content as the FERC Form No. 6, a report that documents the costs incurred and the property necessary to provide service to its customers and the revenues obtained in the state of Washington.

(3) Combination and multistate pipeline companies must submit with the annual report their cost allocation methods necessary to develop results of operations in the state of Washington. Approval of cost allocation methods for rate-making purposes is accomplished only by commission order.

(4) The pipeline company must submit the annual report for the preceding calendar year by May 1 of each year.

(5) Economic regulatory fees. An economic regulatory fee is an annual assessment paid by each company to cover the costs of economic regulation of the industry. The economic regulatory fee is separate from the pipeline safety fee identified in WAC 480-75-240 (Annual pipeline safety fee methodology). The maximum economic regulatory fee is set by statute at one-tenth of one percent of the first fifty thousand dollars of gross operating revenue plus two-tenths of one percent of any gross operating revenue in excess of fifty thousand dollars.

(a) The maximum economic regulatory fee is assessed each year, unless the commission issues an order establishing the economic regulatory fee at an amount less than the statutory maximum.

(b) The minimum economic regulatory fee that a pipeline company must pay is twenty dollars.

(c) The twenty-dollar minimum economic regulatory fee is waived for any pipeline company that reports less than twenty thousand dollars in gross operating revenue.

(d) A pipeline company must pay its economic regulatory fee by May 1 each year.

(e) The commission does not grant extensions for payment of regulatory fees.

(f) If a company does not pay its economic regulatory fee by May 1, the commission will assess an automatic late fee of two percent of the amount due, plus one percent interest for each month the fee remains unpaid.

(g) The commission may issue penalty assessments or take other administrative action if a company fails to pay its regulatory fee.

NEW SECTION

WAC 480-73-170 Issuing securities. (1) **Pipeline company rated investment grade.** Within five business days after a pipeline company that is rated investment grade issues a security, it must file with the commission:

(a) A description of the purposes for which the issuance was made, including a certification by an officer authorized

to do so, that the proceeds from any such financing was for one or more of the purposes allowed by RCW 81.08.030;

(b) A description of the issuance, including the estimated terms of financing; and

(c) A statement as to why the transaction was in the public interest.

(2) **Pipeline company not rated investment grade.** At least five business days before a pipeline company that is not rated investment grade issues a security, it must file with the commission:

(a) A description of the purposes for which the issuance will be made, including a certification by an officer authorized to do so, that the proceeds from any such financing is for one or more of the purposes allowed by RCW 81.08.030;

(b) A description of the proposed issuance, including the estimated terms of financing; and

(c) A statement as to why the transaction is in the public interest.

Before issuance of the proposed security, the company must file with the commission the terms of financing.

(3) Filing a Registration Statement with the Securities and Exchange Commission using a shelf registration process does not constitute undertaking the issuance of a security, and therefore a filing with the commission is not required under the provisions of RCW 81.08.040. A shelf registration filing is defined under the General Rules and Regulations promulgated under the Securities Act of 1933, Rule 415 - Delayed or Continuous Offering and Sale of Securities.

(4) An authorized representative must sign and date the filing and include a certification or declaration that the information is true and correct under penalty of perjury as set forth in chapter 9A.72 RCW. The certificate or declaration must be in substantially the following form:

"I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

(5) Within sixty days after the issuance of any securities, except for dividend reinvestment and employee benefit plans, a pipeline company must file with the commission a verified statement:

(a) Outlining the final terms and conditions of the transaction; and

(b) Setting forth actual proceeds from the issuance and the disposition of proceeds stating the final amount to be used for each purpose allowed by RCW 81.08.030.

NEW SECTION

WAC 480-73-180 Transferring cash or assuming obligations. (1) At least five business days before a pipeline company that is not rated investment grade or its subsidiary transfers cash to any of its affiliated interests or subsidiaries or assumes an obligation or liability of any of its affiliated interests or any of its subsidiaries, the company must report to the commission an estimate of the amount to be transferred and the terms of the transaction when the transaction will exceed thresholds as described in (a) or (b) of this subsection.

(a) The company must report if the cumulative transactions to a subsidiary or affiliated interest for the prior twelve

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months exceed a threshold of five percent, which is based on the prior calendar year gross operating revenue.

(b) When the threshold in (a) of this subsection has been reached, the company must report each subsequent transaction exceeding a threshold of one percent for the prior twelve-month period, which is based on the prior calendar year gross operating revenue.

(2) The reporting requirements in subsection (1) of this section do not include payments for:

- (a) Federal and state taxes;
- (b) Goods, services, or commodities;
- (c) Transactions, attributed to the regulated entity, previously approved or ordered by the commission, other regulatory agencies, or the court; or
- (d) Dividends to the extent the level of such dividends over a twelve-month period does not exceed the larger of:
 - (i) Net income during such period; or
 - (ii) The average level of dividends over the preceding three years; or

(e) Payments for sweep or cash management accounts. The foregoing provisions will have no application to sweep and cash management account transfers used to transfer funds to or from a subsidiary or affiliate as part of the customary and routine cash management functions between or among the pipeline company and its subsidiary or affiliate.

NEW SECTION

WAC 480-73-190 Affiliated interests—Contracts or arrangements. Prior to the effective date of any contract or arrangement described in RCW 81.16.020, each pipeline company must file a verified copy or a verified summary, if unwritten, of contracts or arrangements with any affiliated interest. Prior to the effective date of any modification or amendment, the company must file verified copies of the modifications or amendments to the contracts or arrangements. If the contract or arrangement is unwritten, the company must file a verified summary of any modification or amendment. The commission may institute an investigation and disapprove the contract or arrangement if the commission finds the company has failed to prove that it is reasonable and consistent with the public interest.

NEW SECTION

WAC 480-73-200 Securities report. Each pipeline company that has issued securities must file with the commission an annual securities transaction report. The report is due ninety days from the end of the company's reporting period, whether a fiscal or calendar year. At a minimum, the report must contain:

- (1) A schedule of the securities issued during the reporting period including a detailed description of the final agreements;
- (2) A description of the use of proceeds stating the amounts used for each purpose allowed by RCW 81.08.030;
- (3) The level of expenses for each of the securities transactions for the reporting period;
- (4) A schedule of securities retired, refunded, repurchased, or otherwise removed from the company's capitalization; and

(5) A schedule of securities scheduled to mature in the fiscal or calendar year following the reporting period.

NEW SECTION

WAC 480-73-210 Affiliated interest and subsidiary transactions report. (1) By June 1 of each year, each pipeline company must file a report summarizing all transactions, except transactions provided at tariff rates, which occurred between the company and each of its affiliated interests, and the company and each of its subsidiaries, during the period January 1 through December 31 of the preceding year.

(2) The information required in this section must be provided for total company and for total state of Washington. The report must include a corporate organization chart of the company and its affiliated interests and subsidiaries.

(3) When total transactions with an affiliated interest or a subsidiary are less than one hundred thousand dollars for the reporting period, the company must provide the name of the affiliated interest or subsidiary participating in the transactions and the total dollar amounts of the transactions. When total transactions with an affiliated interest or subsidiary equal or exceed one hundred thousand dollars for the reporting period, the company must provide:

- (a) A balance sheet and income statement for such affiliated interest;
- (b) A description of the products or services provided to or from the company and each such affiliated interest or subsidiary;
- (c) A description of the pricing basis or costing method, and procedures for allocating costs for such products or services, and the amount and accounts charged during the year;
- (d) A description of the terms of any loans between the company and each such affiliated interest or subsidiary and a listing of the year-end loan amounts and maximum loan amounts outstanding during the year;
- (e) A description of the terms and total amount of any obligation or liability assumed by the company for each such affiliated interest or subsidiary;
- (f) A description of the activities of each such affiliated interest or subsidiary with which the company has transactions; and
- (g) A list of all common officers and directors between the pipeline company and each such affiliated interest or subsidiary, along with their titles in each organization.

(4) The company is obligated to file verified copies of affiliated interest contracts and arrangements as stated in WAC 480-73-190 (Affiliated interest—Contracts and arrangements).

PART III—ADOPTION BY REFERENCE

NEW SECTION

WAC 480-73-999 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, is published by the United States Government Printing Office.

(2) The commission adopts the version in effect on April 1, 2003.

(3) This publication is referenced in WAC 480-73-130 (Accounting system requirements), WAC 480-73-150 (Retaining and preserving records and reports), and WAC 480-73-160 (Annual reports).

(4) Copies of 18 CFR are available from the U.S. Government Printing Office in Pittsburgh, Pennsylvania.

PART ((4)) I—GENERAL ((RULES)) PROVISIONS

AMENDATORY SECTION (Amending General Order R-510, Docket No. A-010648, filed 11/24/03, effective 1/1/04)

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 480-07 WAC.) The commission may grant an exemption from the provisions of any rule in this chapter in the same manner and consistent with the standards and according to the procedures set forth in WAC 480-07-110 (Exceptions from and modifications to the rules in this chapter; special rules).~~

AMENDATORY SECTION (Amending Docket No. UG-990294, General Order No. R-484, filed 5/3/01, effective 6/3/01)

WAC 480-90-023 Definitions. "Affiliated interest" means a person or corporation as defined in RCW 80.16.010.

"**Applicant**" means any person, corporation, partnership, government agency, or other entity that applies for service with a gas utility or who reapplies for service at a new or existing location after service has been discontinued.

"**British thermal unit**" (Btu) means the quantity of heat required to raise the temperature of one pound of water at 60° Fahrenheit and standard pressure, one degree Fahrenheit.

"**Business day**" means Monday through Friday, 8:00 a.m. until 5:00 p.m., except for official state holidays.

"**Commission**" means the Washington utilities and transportation commission.

"**Control**" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a company, whether through the ownership of voting shares, by contract, or otherwise.

"**Customer**" means any person, corporation, partnership, government agency, or other entity that applied for, has been accepted for, and is currently receiving service.

"**Cubic foot of gas**" means a volumetric unit of measure used in sales and testing.

"**Sales volume**" means a cubic foot of gas for billing purposes is the amount of gas that occupies a volume of one cubic foot under the temperature and pressure conditions existing in the customer's meter. Temperature and/or pressure recording or compensating devices may be used to reflect temperature or pressure base conditions for computing the volume sold. Temperature and/or pressure compensation factors may be used to compute the volume of gas sold as provided in the utility's tariff.

"**Testing volume**" means a cubic foot of gas for testing purposes is the amount that occupies a volume of one cubic foot at a temperature of 60° Fahrenheit and pressure of 14.73 pounds per square inch absolute.

"**Gas**" means any fuel or process gas, whether liquid petroleum gas, manufactured gas, natural gas, or any mixture of these.

"**Liquefied petroleum gas**" means a gas consisting of vapors of one or more of the paraffin hydrocarbons, or a combination of one or more of these vapors with air.

"**Manufactured gas**" means any gas produced artificially by any process.

"**Natural gas**" means a mixture of gaseous hydrocarbons (chiefly methane) and nonhydrocarbons that occur naturally in the earth.

"**Subsidiary**" means any company in which the gas utility owns directly or indirectly five percent or more of the voting securities, unless the utility demonstrates it does not have control.

"**Therm**" means a unit of heat equal to 100,000 Btus.

"**Gas utility**" (utility) means any business entity (e.g., corporation, company, association, joint stock association, or partnership) or person, including a lessee, trustee, or court appointed receiver, that meets the three following conditions:

Owns, controls, operates, or manages any gas plant in Washington state;

Manufactures, transmits, distributes, sells, or furnishes gas to the public for compensation; and

Is subject to the commission's jurisdiction.

Terms used in this chapter and defined in the public service laws of Washington state (i.e., principally Title 80 RCW) have the same meaning here as in the statutes. Terms not defined in these rules or the applicable statutes have the meaning generally accepted in the gas industry, or their ordi-

nary meaning if there is no meaning generally accepted in the gas industry.

PART ((3)) II—CONSUMER RULES

PART ((3)) III—FINANCIAL RECORDS AND REPORTING RULES

Subpart A: General Rules

NEW SECTION

WAC 480-90-207 Filing information. (1) **Filing.** The commission records center will accept any filing under WAC 480-90-242 (Issuing securities) delivered in person, by mail, telefacsimile, or electronic mail message. The commission records center will accept all other reports required in Part III in person, by mail, or when procedures are in place, electronic mail message.

(2) **Commission may require additional information.** The commission may require pertinent information in addition to that specified by statute or in this chapter.

(3) **Information by reference.** When any information required to support a filing is on file with the commission, it is sufficient to make specific reference to the information indicating the proceeding, report, or other filing that contains the referenced information.

(4) **When information is unavailable.** If any required information is unavailable at the time of the filing, the filing must include the reason why the information is not available and state when it will be available.

NEW SECTION

WAC 480-90-209 Additional reports. Part III does not supersede any reporting requirement specified in a commission order or limit the commission's ability to request additional information.

Subpart B: Financial Transaction Reporting Requirements

NEW SECTION

WAC 480-90-242 Issuing securities. For the purpose of this section:

"Investment grade" means a gas utility whose corporate credit/issuer rating is in one of the four highest rating categories of either Standard & Poor's L.L.C. or Moody's Investment Service Inc.

"Securities" means stocks, stock certificates, other evidence of interest or ownership, bonds, notes, or other evidence of indebtedness, or any obligation or liability as guarantor.

(1) **Gas utility rated investment grade.** Within five business days after a gas utility that is rated investment grade issues a security, it must file with the commission:

(a) A description of the purposes for which the issuance was made, including a certification by an officer authorized to do so, that the proceeds from any such financing was for one or more of the purposes allowed by RCW 80.08.030;

(b) A description of the issuance, including the estimated terms of financing; and

(c) A statement as to why the transaction was in the public interest.

(2) **Gas utility not rated investment grade.** At least five business days before a gas utility that is not rated investment grade issues a security, it must file with the commission:

(a) A description of the purposes for which the issuance will be made, including a certification by an officer authorized to do so, that the proceeds from any such financing is for one or more of the purposes allowed by RCW 80.08.030;

(b) A description of the proposed issuance, including the estimated terms of financing; and

(c) A statement as to why the transaction is in the public interest.

Before issuance of the proposed security, the utility must file with the commission the terms of financing.

(3) A commission order is not required for such a filing. The utility may request a written order affirming that the utility has complied with the requirements of RCW 80.08.040. The utility must submit the request for a commission order, along with the information required in either subsection (1) or (2) of this section, at least fifteen business days before the requested effective date for the order.

(4) Filing a Registration Statement with the Securities and Exchange Commission using a shelf registration process does not constitute undertaking the issuance of a security, and therefore a filing with the commission is not required under the provisions of RCW 80.08.040. A shelf registration filing is defined under the General Rules and Regulations promulgated under the Securities Act of 1933, Rule 415 - Delayed or Continuous Offering and Sale of Securities.

(5) An authorized representative must sign and date the filing and include a certification or declaration that the information is true and correct under penalty of perjury as set forth in chapter 9A.72 RCW. The certificate or declaration must be in substantially the following form:

"I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct."

(6) Filings under this section may be submitted with portions designated confidential pursuant to WAC 480-07-160 (Confidential information).

(7) Within sixty days after the issuance of any securities, except for dividend reinvestment and employee benefit plans, a utility must file with the commission a verified statement:

(a) Outlining the final terms and conditions of the transaction; and

(b) Setting forth actual proceeds from the issuance and the disposition of proceeds stating the final amount to be used for each purpose allowed by RCW 80.08.030.

NEW SECTION

WAC 480-90-244 Transferring cash or assuming obligations. (1) At least five business days before a gas utility that is not rated investment grade or its subsidiary transfers cash to any of its affiliated interests or subsidiaries or

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assumes an obligation or liability of any of its affiliated interests or any of its subsidiaries, the utility must report to the commission an estimate of the amount to be transferred and the terms of the transaction when the transaction will exceed thresholds described in (a) or (b) of this subsection.

(a) The utility must report if the cumulative transactions to a subsidiary or affiliated interest for the prior twelve months exceed a threshold of two percent, which is based on the utility's common shareholders equity.

(b) When the threshold in (a) of this subsection has been reached, the utility must report each subsequent transaction exceeding a threshold of one percent for the prior twelve-month period, which is based on the utility's common shareholders equity.

A utility's common shareholder equity is determined according to the latest annual report filed pursuant to WAC 480-100-252 (Federal Energy Regulatory Commission (FERC) Form No. 1). Information about the FERC Form No. 1 regarding the version adopted and where to obtain it is set out in WAC 480-100-999 (Adoption by reference).

(2) The reporting requirements in subsection (1) of this section do not include payments for:

(a) Federal and state taxes;

(b) Goods, services, or commodities, including fuel supplies (e.g., gas, coal, or oil);

(c) Transactions, attributed to the regulated entity, previously approved or ordered by the commission, other regulatory agencies, or the court;

(d) Dividends to the extent the level of such dividends over a twelve-month period does not exceed the larger of:

(i) Net income during such period; or

(ii) The average level of dividends over the preceding three years; or

(e) Sweep or cash management accounts used to transfer funds to or from a subsidiary or affiliate as part of the customary and routine cash management functions between or among the utility and its subsidiary or affiliate.

NEW SECTION

WAC 480-90-245 Affiliated interests—Contracts or arrangements. Prior to the effective date of any contract or arrangement described in RCW 80.16.020, each gas utility must file a verified copy or a verified summary, if unwritten, of contracts or arrangements with any affiliated interest. Prior to the effective date of any modification or amendment, the utility must file verified copies of the modifications or amendments to the contracts or arrangements. If the contract or arrangement is unwritten, the utility must file a verified summary of any modification or amendment. The commission may institute an investigation and disapprove the contract or arrangement if the commission finds the utility has failed to prove that it is reasonable and consistent with the public interest.

NEW SECTION

WAC 480-90-248 Transfers of property. Before selling, leasing, or assigning any of its property or facilities which are necessary or useful in the performance of its duties to the public, or before acquiring property or facilities of

another public utility, a gas utility must obtain from the commission an order authorizing such transaction in accordance with chapter 80.12 RCW (Transfers of property) and chapter 480-143 WAC (Commission general—Transfers of property).

Subpart C: Annual Reporting Requirements

NEW SECTION

WAC 480-90-252 Federal Energy Regulatory Commission (FERC) Form No. 2. (1) Each gas utility must use the annual report form (FERC Form No. 2) promulgated by the Federal Energy Regulatory Commission in Title 18 of the Code of Federal Regulations, Part 141, for purposes of this report to the commission. Data required by RCW 80.04.080 (Annual reports), but not included in the FERC Form No. 2, must also be submitted with the annual report. The utility must submit the annual report for the preceding calendar year, along with the regulatory fee, by May 1st of each year. If not presented in the prescribed FERC Form No. 2, the annual report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales. Information about the FERC Form No. 2 regarding the version adopted and where to obtain it is set out in WAC 480-90-999 (Adoption by reference).

(2) Each utility must also submit to this commission, in essentially the same format and content as the FERC Form No. 2, a report that documents the costs incurred and the property necessary to furnish utility service to its customers and the revenues obtained in the state of Washington. The report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales.

(3) Combination and multistate utilities must submit with the annual report their cost allocation methods necessary to develop results of operations for the state of Washington. Approval of cost allocation methods for rate-making purposes is accomplished only by commission order.

(4) The total utility results of operations reported by each utility in its annual report to the commission must agree with the results of operations shown on the utility's books and records.

NEW SECTION

WAC 480-90-257 Commission basis report. (1) Commission basis reports are due within four months of the end of a utility's fiscal year.

(2) The intent of the commission basis report is to depict the gas operations of a gas utility under normal temperature and power supply conditions during the reporting period. The commission basis report must include:

(a) Booked results of gas operations and rate base, and all the necessary adjustments as accepted by the commission in the utility's most recent general rate case or subsequent orders;

(b) Results of operations adjusted for out-of-period, non-operating, nonrecurring, and extraordinary items or any other item that materially distorts reporting period earnings and rate base; and

(c) Booked revenues and power supply expenses adjusted to reflect operations under normal temperature and power supply conditions before the achieved return on rate base is calculated.

(3) Commission basis reports should not include adjustments that annualize price, wage, or other cost changes during a reporting period, nor new theories or approaches that have not been previously addressed and resolved by the commission.

(4) Each utility must submit the basis of any cost allocations and the allocation factors necessary to develop the commission basis results of gas operations for the state of Washington.

NEW SECTION

WAC 480-90-262 Securities report. Each gas utility that has issued securities must file with the commission an annual securities transaction report. The report is due five months from the end of the utility's reporting period, whether a fiscal or calendar year. At a minimum, the report must contain:

(1) A schedule of the securities issued during the reporting period including a detailed description of the final agreements;

(2) A description of the use of proceeds stating the amounts used for each purpose allowed by RCW 80.08.030;

(3) The level of expenses for each of the securities transactions for the reporting period;

(4) A schedule of securities retired, refunded, repurchased, or otherwise removed from the utility's capitalization; and

(5) A schedule of securities scheduled to mature in the fiscal or calendar year following the reporting period.

NEW SECTION

WAC 480-90-264 Affiliated interest and subsidiary transactions report. (1) Each gas utility must file an annual report summarizing all transactions that occurred between the utility and its affiliated interests, and the utility and its subsidiaries. The report is due one hundred twenty days from the end of the utility's fiscal or calendar year (reporting period). The report must include a corporate organization chart of the utility and its affiliated interests and subsidiaries.

(2) When total transactions with an affiliated interest or a subsidiary are less than one hundred thousand dollars for the reporting period, the utility must provide the name of the affiliated interest or subsidiary participating in the transactions and the total dollar amounts of the transactions. When total transactions with an affiliated interest or subsidiary equal or exceed one hundred thousand dollars for the reporting period, the utility must provide:

(a) A balance sheet and income statement for such affiliated interest;

(b) A description of the products or services provided to or from the utility and each such affiliated interest or subsidiary;

(c) A description of the pricing basis or costing method, and procedures for allocating costs for such products or services, and the amount and accounts charged during the year;

(d) A description of the terms of any loans between the utility and each such affiliated interest or subsidiary and a listing of the year-end loan amounts and maximum loan amounts outstanding during the year;

(e) A description of the terms and total amount of any obligation or liability assumed by the utility for each such affiliated interest or subsidiary;

(f) A description of the activities of each such affiliated interest or subsidiary with which the utility has transactions; and

(g) A list of all common officers and directors between the gas utility and each such affiliated interest or subsidiary, along with their titles in each organization.

(3) The report required in this section supersedes the reporting requirements contained in previous commission orders authorizing affiliated interest transactions pursuant to chapter 80.16 RCW.

(4) The utility is obligated to file verified copies of affiliated interest contracts and arrangements as stated in WAC 480-90-245 (Affiliated interest—Contracts and arrangements).

NEW SECTION

WAC 480-90-268 Essential utilities services contracts report. (1) When the annual value to a vendor exceeds one and one-half percent of total company sales to ultimate customers as reported in the utility's most recent Federal Energy Regulatory Commission (FERC) Form No. 2 (or combined Forms No. 1 and No. 2 for combined utilities), each gas utility must report the total contracts with that vendor for essential utility services specifying the relevant terms of the contract or contracts, along with anticipated associated charges. Information about the FERC Form No. 2 regarding the version adopted and where to obtain it is set out in WAC 480-90-999 (Adoption by reference).

(2) The report of essential service vendors is due one hundred twenty days from the end of each reporting period, whether a fiscal or calendar year.

(3) For each vendor the report must include:

(a) The parties to the contract;

(b) The type of contract;

(c) The essential obligations of each party to the contract;

(d) The length of the contract;

(e) The budgeted annual dollar value of the contract during the reporting period; and

(f) The actual payments for services rendered under the contract during the reporting period.

(4) Essential utility services are those services necessary to provide gas service such as:

(a) Operation or maintenance of gas system infrastructure;

(b) Operation or maintenance of computer systems;

(c) Purchase of gas for classes of customer service regulated by the commission; and

(d) Construction of gas system infrastructure.

(5) The requirements under this section may be satisfied in whole or in part by cross-reference to the applicable por-

tions of other documents that the utility has on file with the commission.

Subpart D: Quarterly Reporting Requirement

NEW SECTION

WAC 480-90-275 Actual results for Washington operations report. Within forty-five days of the end of each quarter, each gas utility must file a report of actual results for Washington operations. The results of operations report must contain each of the three monthly balances and the latest twelve months' ending balance for all accounts of the uniform system of accounts. The report must include the average customer count and total unit sales per customer class for each reported period.

PART ((4)) IV—GAS METERING AND STANDARDS RULES

PART ((5)) V—ADOPTION BY REFERENCE

AMENDATORY SECTION (Amending General Order No. R-511, Docket No. A-030852, filed 12/22/03, effective 1/22/04)

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, 2003.

(b) This publication is referenced in WAC 480-90-203 (Accounting system requirements) (~~and WAC 480-90-208 (Financial reporting requirements)~~), WAC 480-90-244 (Transferring cash or assuming obligation), WAC 480-90-252 (Federal Energy Regulatory Commission (FERC) Form No. 2), and WAC 480-90-268 (Essential utilities services contracts report).

(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 copy-righted document. Copies are available from NARUC, in Washington, D.C.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 480-90-208 Financial reporting requirements.

WAC 480-90-218 Securities, affiliated interests, and transfers of property.

AMENDATORY SECTION (Amending Order R-458, Docket No. UR-980080, filed 2/5/99, effective 3/8/99)

WAC 480-92-016 ((Waiver.)) Exemptions from rules in chapter 480-92 WAC. ~~((1) The commission may grant a waiver of any rule in this chapter when doing so is consistent with the public interest, the purposes underlying regulation, and sound public policy, and is not inconsistent with applicable statutes.~~

~~((2) To request a rule waiver, a site operator must file a written request with the commission identifying the rule for which a waiver is sought, and giving a full explanation of the reason for requesting the waiver.)) The commission may grant an exemption from the provisions of any rule in this chapter in the same manner and consistent with the standards and according to the procedures set forth in WAC 480-07-110 (Exceptions from and modifications to the rules in this chapter; special rules).~~

AMENDATORY SECTION (Amending Order R-458, Docket No. UR-980080, filed 2/5/99, effective 3/8/99)

WAC 480-92-021 Definitions. The definitions contained in chapter 81.108 RCW and RCW 81.04.010 are incorporated by reference in this section. To the extent that any of the definitions in this chapter differ from statutory definitions, the statutory definitions shall control.

"Affiliated interest" means a person or corporation as defined in RCW 81.16.010.

"Commission" means the Washington utilities and transportation commission.

"Control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a company, whether through the ownership of voting shares, by contract, or otherwise.

"Effective rate" means the highest permissible rate, for the disposal of low-level radioactive waste, calculated as the lowest contract rate plus an administrative fee, if applicable, determined pursuant to RCW 81.108.040.

"Extraordinary volume" means volumes of low-level radioactive waste delivered to a site caused by nonrecurring events, outside normal operations of a generator, that are in excess of twenty thousand cubic feet or twenty percent of the preceding year's total volume at such site, whichever is less.

"Extraordinary volume adjustment" means a mechanism that allocates the potential rate reduction benefits of an extraordinary volume among all generators and the generator responsible for such extraordinary volume as described in RCW 81.108.070.

PROPOSED

"**Generator**" means a person, partnership, association, corporation, or any other entity that, as a part of its activities, produces low-level radioactive waste.

"**Inflation adjustment**" means a mechanism that adjusts the maximum disposal rate by a percentage equal to the change in price levels in the preceding period, as measured by a common, verifiable price index as determined in RCW 81.108.040.

"**Low-level radioactive waste**" means waste material that contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed applicable federal or state standards for unrestricted release. Low-level waste does not include waste containing more than ten nanocuries of transuranic contaminants per gram of material, nor spent reactor fuel, nor material classified as either high-level waste or waste which is unsuited for disposal by near-surface burial under any applicable federal regulations nor naturally occurring or accelerator produced radioactive material.

"**Maximum disposal rate**" the maximum disposal is the rate a site operator may charge generators as provided in RCW 81.108.050.

"**Site**" means a location, structure, or property used or to be used for the storage, treatment, or disposal of low-level radioactive waste for compensation within the state of Washington.

"**Site operator**" means a low-level radioactive waste site operating company, which includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, owning, operating, controlling, or managing a low-level radioactive waste disposal site or sites located within the state of Washington.

"**Subsidiary**" means any company in which the low-level waste company owns directly or indirectly five percent or more of the voting securities, unless the low-level waste company demonstrates it does not have control.

"**Volume adjustment**" means a mechanism that adjusts the maximum disposal rate in response to material changes in volumes of waste deposited at the site during the preceding period so as to provide a level of total revenues sufficient to recover the costs to operate and maintain the site.

AMENDATORY SECTION (Amending Order R-458, Docket No. UR-980080, filed 2/5/99, effective 3/8/99)

WAC 480-92-050 Reporting requirements—Annual report. ~~((The commission will distribute an annual report form to site operators each year. The site operator must complete the form, file it with the commission, and pay regulatory fees for the preceding calendar year by May 1.~~

~~A site operator may request in writing prior to May 1, an extension of time to file its annual report, stating the reasons for the request and the extension date. The commission will not grant extensions for payment of regulatory fees.)) An annual report is an end-of-the-year summary of financial and operational activity that each site operator is required to file with the commission.~~

(1) Each year the commission provides an annual report form and instructions to each site operator at its address of

record. Failure to receive the form does not relieve a company of its obligation to complete and file its annual report. A site operator that does not receive an annual report form must contact the commission to request a copy of the form.

(2) A site operator must file a complete, accurate annual report showing all requested information by May 1 of the succeeding year. Information provided on the annual report must agree with source documents maintained at site operator offices.

NEW SECTION

WAC 480-92-055 Reporting requirements—Special reports. (1) **Affiliated interests—Contracts or arrangements.** Prior to the effective date of any contract or arrangement described in RCW 81.16.020, each site operator must file a verified copy or a verified summary, if unwritten, of contracts or arrangements with any affiliated interest. Prior to the effective date of any modification or amendment, the site operator must file verified copies of the modifications or amendments to the contracts or arrangements. If the contract or arrangement is unwritten, the site operator must file a verified summary of any modification or amendment. The commission may institute an investigation and disapprove the contract or arrangement if the commission finds the site operator has failed to prove that it is reasonable and consistent with the public interest.

(2) **Transferring cash or assuming obligations.**

(a) At least five business days, as defined in WAC 480-07-120 (Office hours), before a site operator, whose corporate credit/issuer rating is not in one of the four highest rating categories of either Standard & Poor's L.L.C. or Moody's Investment Service Inc., or its subsidiary transfers cash to any of its affiliated interests or subsidiaries or assumes an obligation or liability of any of its affiliated interests or any of its subsidiaries, the company must report to the commission an estimate of the amount to be transferred and the terms of the transaction when the transaction will exceed thresholds as described in (a)(i) or (ii) of this subsection.

(i) The company must report if the cumulative transactions to a subsidiary or affiliated interest for the prior twelve months exceed a threshold of five percent, which is based on the prior calendar year gross operating revenue from Washington intrastate operations subject to commission jurisdiction.

(ii) When the threshold in (a)(i) of this subsection has been reached, the company must report each subsequent transaction exceeding a threshold of one percent for the prior twelve-month period, which is based on the prior calendar year gross operating revenue from Washington intrastate operations subject to commission jurisdiction.

(b) The reporting requirements in subsection (1) of this section do not include payments for:

(i) Federal and state taxes;

(ii) Goods, services, or commodities;

(iii) Transactions, attributed to the regulated entity, previously approved or ordered by the commission, other regulatory agencies, or the court;

(iv) Dividends to the extent the level of such dividends over a twelve-month period does not exceed the larger of:

PROPOSED

PROPOSED

(A) Net income during such period; or

(B) The average level of dividends over the preceding three years; or

(v) Sweep or cash management accounts used to transfer funds to or from a subsidiary or affiliate as part of the customary and routine cash management functions between or among the site operator and its subsidiary or affiliate.

(3) Affiliated interest and subsidiary transactions report.

(a) By June 1 of each year, each site operator must file a report summarizing all transactions that occurred between the site operator and its affiliated interests, and the site operator and its subsidiaries, during the period January 1 through December 31 of the preceding year. The information required in this subsection must be for total company and for total state of Washington. The report must include a corporate organization chart of the company and its affiliated interests and subsidiaries.

(b) When total transactions with an affiliated interest or a subsidiary are less than one hundred thousand dollars for the reporting period, the site operator must provide the name of the affiliated interest or subsidiary participating in the transactions and the total dollar amounts of the transactions. When total transactions with an affiliated interest or subsidiary equal or exceed one hundred thousand dollars for the reporting period, the site operator must provide:

(i) A balance sheet and income statement for such affiliated interest;

(ii) A description of the products or services provided to or from the company and each such affiliated interest or subsidiary;

(iii) A description of the pricing basis or costing method, and procedures for allocating costs for such products or services, and the amount and accounts charged during the year;

(iv) A description of the terms of any loans between the company and each such affiliated interest or subsidiary and a listing of the year-end loan amounts and maximum loan amounts outstanding during the year;

(v) A description of the terms and total amount of any obligation or liability assumed by the company for each such affiliated interest or subsidiary;

(vi) A description of the activities of each such affiliated interest or subsidiary with which the company has transactions; and

(vii) A list of all common officers and directors between the low-level waste company and each such affiliated interest or subsidiary, along with their titles in each organization.

PART ((1)) I—GENERAL ((RULES)) PROVISIONS

AMENDATORY SECTION (Amending General Order R-510, Docket No. A-010648, filed 11/24/03, effective 1/1/04)

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 480-07 WAC.) The commission may grant an exemption from the provisions of any rule in this chapter in the same manner and consistent with the standards and according to the procedures set forth in WAC 480-07-110 (Exceptions from and modifications to the rules in this chapter; special rules).~~

AMENDATORY SECTION (Amending Docket No. UE-990473, General Order No. R-482, filed 5/3/01, effective 6/3/01)

WAC 480-100-023 Definitions. "Affiliated interest" means a person or corporation as defined in RCW 80.16.010.

"Applicant" means any person, corporation, partnership, government agency, or other entity that applies for service with an electric utility or who reapplies for service at a new or existing location after service has been discontinued.

"Business day" means Monday through Friday, 8:00 a.m. until 5:00 p.m., except for official state holidays.

"Commission" means the Washington utilities and transportation commission.

"Control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a company, whether through the ownership of voting shares, by contract, or otherwise.

"Customer" means any person, corporation, partnership, government agency, or other entity that has applied for, has been accepted, and is currently receiving service.

"Electric utility (utility)" means any business entity (e.g., corporation, company, association, joint stock association, or partnership) or person, including a lessee, trustee, or court appointed receiver that meets the following conditions:

Owns, controls, operates, or manages any electric plant for hire in Washington state; and

Is subject to the commission's jurisdiction.

"Subsidiary" means any company in which the electric utility owns directly or indirectly five percent or more of the voting securities, unless the utility demonstrates it does not have control.

Terms used in this chapter and defined in the public service laws of Washington state (i.e., principally Title 80 RCW) have the same meaning here as in the statutes. Terms

not defined in these rules or the applicable statutes have the meaning generally accepted in the electric industry, or their ordinary meaning if there is no meaning generally accepted in the electric industry.

PART ((2)) II—CONSUMER RULES

PART ((3)) III—FINANCIAL RECORDS AND REPORTING RULES

Subpart A: General Rules

NEW SECTION

WAC 480-100-207 Filing information. (1) **Filing.** The commission records center will accept any filing under WAC 480-100-242 (Issuing securities) delivered in person, by mail, telefacsimile, or electronic mail message. The commission records center will accept all other reports required in Part III in person, by mail, or when procedures are in place, electronic mail message.

(2) **Commission may require additional information.** The commission may require pertinent information in addition to that specified by statute or in this chapter.

(3) **Information by reference.** When any information required to support a filing is on file with the commission, it is sufficient to make specific reference to the information indicating the proceeding, report, or other filing that contains the referenced information.

(4) **When information is unavailable.** If any required information is unavailable at the time of the filing, the filing must include the reason why the information is not available and state when it will be available.

NEW SECTION

WAC 480-100-209 Additional reports. Part III does not supersede any reporting requirement specified in a commission order or limit the commission's ability to request additional information.

Subpart B: Financial Transaction Reporting Requirements

NEW SECTION

WAC 480-100-242 Issuing securities. For the purpose of this section:

"Investment grade" means an electric utility whose corporate credit/issuer rating is in one of the four highest rating categories of either Standard & Poor's L.L.C. or Moody's Investment Service Inc.

"Securities" means stocks, stock certificates, other evidence of interest or ownership, bonds, notes, or other evidence of indebtedness, or any obligation or liability as guarantor.

(1) **Electric utility rated investment grade.** Within five business days after an electric utility that is rated investment grade issues a security, it must file with the commission:

(a) A description of the purposes for which the issuance was made, including a certification by an officer authorized to do so, that the proceeds from any such financing was for one or more of the purposes allowed by RCW 80.08.030;

(b) A description of the issuance, including the estimated terms of financing; and

(c) A statement as to why the transaction was in the public interest.

(2) **Electric utility not rated investment grade.** At least five business days before an electric utility that is not rated investment grade issues a security, it must file with the commission:

(a) A description of the purposes for which the issuance will be made, including a certification by an officer authorized to do so, that the proceeds from any such financing is for one or more of the purposes allowed by RCW 80.08.030;

(b) A description of the proposed issuance, including the estimated terms of financing; and

(c) A statement as to why the transaction is in the public interest.

Before issuance of the proposed security, the utility must file with the commission the terms of financing.

(3) A commission order is not required for such a filing. The utility may request a written order affirming that the utility has complied with the requirements of RCW 80.08.040. The utility must submit the request for a commission order, along with the information required in either subsection (1) or (2) of this section, at least fifteen business days before the requested effective date for the order.

(4) Filing a Registration Statement with the Securities and Exchange Commission using a shelf registration process does not constitute issuance of a security, and therefore a filing with the commission is not required under the provisions of RCW 80.08.040. A shelf registration filing is defined under the General Rules and Regulations promulgated under the Securities Act of 1933, Rule 415 - Delayed or Continuous Offering and Sale of Securities.

(5) An authorized representative must sign and date the filing and include a certification or declaration that the information is true and correct under penalty of perjury as set forth in chapter 9A.72 RCW. The certificate or declaration must be in substantially the following form:

"I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct."

(6) Filings under this section may be submitted with portions designated confidential pursuant to WAC 480-07-160 (Confidential information).

(7) Within sixty days after the issuance of any securities, except for dividend reinvestment and employee benefit plans, a utility must file with the commission a verified statement:

(a) Outlining the final terms and conditions of the transaction; and

(b) Setting forth actual proceeds from the issuance and the disposition of proceeds stating the final amount to be used for each purpose allowed by RCW 80.08.030.

PROPOSED

NEW SECTION

WAC 480-100-244 Transferring cash or assuming obligations. (1) At least five business days before an electric utility that is not rated investment grade or its subsidiary transfers cash to any of its affiliated interests or subsidiaries or assumes an obligation or liability of any of its affiliated interests or any of its subsidiaries, the utility must report to the commission an estimate of the amount to be transferred and the terms of the transaction when the transaction will exceed thresholds described in (a) or (b) of this subsection.

(a) The utility must report if the cumulative transactions to a subsidiary or affiliated interest for the prior twelve months exceed a threshold of two percent, which is based on the utility's common shareholders equity.

(b) When the threshold in (a) of this subsection has been reached, the utility must report each subsequent transaction exceeding a threshold of one percent for the prior twelve-month period, which is based on the utility's common shareholders equity.

A utility's common shareholder equity is determined according to the latest annual report filed pursuant to WAC 480-100-252 (Federal Energy Regulatory Commission (FERC) Form No. 1). Information about the FERC Form No. 1 regarding the version adopted and where to obtain it is set out in WAC 480-100-999 (Adoption by reference).

(2) The reporting requirements in subsection (1) in this section do not include payments for:

(a) Federal and state taxes;

(b) Goods, services, or commodities, including fuel supplies (e.g., gas, coal, or oil);

(c) Transactions, attributed to the regulated entity, previously approved or ordered by the commission, other regulatory agencies, or the court;

(d) Dividends to the extent the level of such dividends over a twelve-month period does not exceed the larger of:

(i) Net income during such period; or

(ii) The average level of dividends over the preceding three years; or

(e) Sweep or cash management accounts used to transfer funds to or from a subsidiary or affiliate as part of the customary and routine cash management functions between or among the utility and its subsidiary or affiliate.

NEW SECTION

WAC 480-100-245 Affiliated interests—Contracts or arrangements. Prior to the effective date of any contract or arrangement described in RCW 80.16.020, each electric utility must file a verified copy or a verified summary, if unwritten, of contracts or arrangements with any affiliated interest. Prior to the effective date of any modification or amendment, the utility must file verified copies of the modifications or amendments to the contracts or arrangements. If the contract or arrangement is unwritten, the utility must file a verified summary of any modification or amendment. The commission may institute an investigation and disapprove the contract or arrangement if the commission finds the utility has failed to prove that it is reasonable and consistent with the public interest.

NEW SECTION

WAC 480-100-248 Transfers of property. Before selling, leasing, or assigning any of its property or facilities which are necessary or useful in the performance of its duties to the public, or before acquiring property or facilities of another public utility, an electric utility must obtain from the commission an order authorizing such transaction in accordance with chapters 80.12 RCW (Transfers of property) and 480-143 WAC (Commission general—Transfers of property).

Subpart C: Annual Reporting RequirementsNEW SECTION

WAC 480-100-252 Federal Energy Regulatory Commission (FERC) Form No. 1. (1) Each electric utility must use the annual report form (FERC Form No. 1) promulgated by the Federal Energy Regulatory Commission in Title 18 of the Code of Federal Regulations, Part 141, for purposes of this report to the commission. Data required by RCW 80.04.080 (Annual reports), but not included in the FERC Form No. 1, must also be submitted with the annual report. The utility must submit the annual report for the preceding calendar year, along with the regulatory fee, by May 1st of each year. If not presented in the prescribed FERC Form No. 1, the annual report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales. Information about the FERC Form No. 1 regarding the version adopted and where to obtain it is set out in WAC 480-100-999 (Adoption by reference).

(2) Each utility must also submit to this commission, in essentially the same format and content as the FERC Form No. 1, a report that documents the costs incurred and the property necessary to furnish utility service to its customers and the revenues obtained in the state of Washington. The report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales.

(3) Combination and multistate utilities must submit with the annual report their cost allocation methods necessary to develop results of operations for the state of Washington. Approval of cost allocation methods for rate-making purposes is accomplished only by commission order.

(4) The total utility results of operations reported by each utility in its annual report to the commission must agree with the results of operations shown on the utility's books and records.

NEW SECTION

WAC 480-100-257 Commission basis report. (1) Commission basis reports are due within four months of the end of a utility's fiscal year.

(2) The intent of the commission basis report is to depict the electric operations of an electric utility under normal temperature and power supply conditions during the reporting period. The commission basis report must include:

(a) Booked results of electric operations and rate base, and all the necessary adjustments as accepted by the commission in the utility's most recent general rate case or subsequent orders;

(b) Results of operations adjusted for out-of-period, non-operating, nonrecurring, and extraordinary items or any other item that materially distorts reporting period earnings and rate base; and

(c) Booked revenues and power supply expenses adjusted to reflect operations under normal temperature and power supply conditions before the achieved return on rate base is calculated.

(3) Commission basis reports should not include adjustments that annualize price, wage, or other cost changes during a reporting period, nor new theories or approaches that have not been previously addressed and resolved by the commission.

(4) Each utility must submit the basis of any cost allocations and the allocation factors necessary to develop the commission basis results of electric operations for the state of Washington.

NEW SECTION

WAC 480-100-262 Securities report. Each electric utility that has issued securities must file with the commission an annual securities transaction report. The report is due five months from the end of the utility's reporting period, whether a fiscal or calendar year. At a minimum, the report must contain:

(1) A schedule of the securities issued during the reporting period including a detailed description of the final agreements;

(2) A description of the use of proceeds stating the amounts used for each purpose allowed by RCW 80.08.030;

(3) The level of expenses for each of the securities transactions for the reporting period;

(4) A schedule of securities retired, refunded, repurchased, or otherwise removed from the utility's capitalization; and

(5) A schedule of securities scheduled to mature in the fiscal or calendar year following the reporting period.

NEW SECTION

WAC 480-100-264 Affiliated interest and subsidiary transactions report. (1) Each electric utility must file an annual report summarizing all transactions that occurred between the utility and its affiliated interests, and the utility and its subsidiaries. The report is due one hundred fifty days from the end of each reporting period, whether a fiscal or calendar year. The report must include a corporate organization chart of the utility and its affiliated interests and subsidiaries.

(2) When total transactions with an affiliated interest or a subsidiary are less than one hundred thousand dollars for the reporting period, the utility must provide the name of the affiliated interest or subsidiary participating in the transactions and the total dollar amounts of the transactions. When total transactions with an affiliated interest or subsidiary equal or exceed one hundred thousand dollars for the reporting period, the utility must provide:

(a) A balance sheet and income statement for such affiliated interest;

(b) A description of the products or services provided to or from the utility and each such affiliated interest or subsidiary;

(c) A description of the pricing basis or costing method, and procedures for allocating costs for such products or services, and the amount and accounts charged during the year;

(d) A description of the terms of any loans between the utility and each such affiliated interest or subsidiary and a listing of the year-end loan amounts and maximum loan amounts outstanding during the year;

(e) A description of the terms and total amount of any obligation or liability assumed by the utility for each such affiliated interest or subsidiary;

(f) A description of the activities of each such affiliated interest or subsidiary with which the utility has transactions; and

(g) A list of all common officers and directors between the electric utility and each such affiliated interest or subsidiary, along with their titles in each organization.

(3) The report required in this section supersedes the reporting requirements contained in previous commission orders authorizing affiliated interest transactions pursuant to chapter 80.16 RCW.

(4) The utility is obligated to file verified copies of affiliated interest contracts and arrangements as stated in WAC 480-100-245 (Affiliated interest—Contracts and arrangements).

NEW SECTION

WAC 480-100-268 Essential utilities services contracts report. (1) When the annual transactions with a vendor exceed one and one-half percent of total company sales to ultimate customers as reported in the utility's most recent Federal Energy Regulatory Commission (FERC) Form No. 1 (or combined Forms No. 1 and No. 2 for combined utilities), each electric utility must report the total contracts with that vendor for essential utility services specifying the relevant terms of the contract or contracts, along with anticipated associated charges. Information about the FERC Form No. 1 regarding the version adopted and where to obtain it is set out in WAC 480-100-999 (Adoption by reference).

(2) The report of essential service vendors is due one hundred twenty days from the end of each reporting period, whether a fiscal or calendar year.

(3) For each vendor the report must include:

(a) The parties to the contract;

(b) The type of contract;

(c) The essential obligations of each party to the contract;

(d) The length of the contract;

(e) The budgeted annual dollar value of the contract during the reporting period; and

(f) The actual payments for services rendered under the contract during the reporting period.

(4) Essential utility services are those services necessary to provide electric service such as:

PROPOSED

- (a) Operation or maintenance of electric system infrastructure;
 - (b) Operation or maintenance of computer systems;
 - (c) Purchase of electricity for classes of customer service regulated by the commission; and
 - (d) Construction of electric system infrastructure.
- (5) The requirements under this section may be satisfied in whole or in part by cross-reference to the applicable portions of other documents that the utility has on file with the commission.

Subpart D: Quarterly Reporting Requirement

NEW SECTION

WAC 480-100-275 Actual results for Washington operations report. Within sixty days of the end of each quarter, each electric utility must file a report of actual results for Washington operations. The results of operations report must contain each of the three monthly balances and the latest twelve months' ending balance for all accounts of the uniform system of accounts. The report must include the average customer count and total unit sales per customer class for each reported period.

PART IV—LEASE OF UTILITY FACILITIES

PART ((4)) V—METERING RULES

PART ((5)) VI—SAFETY AND STANDARDS RULES

NEW SECTION

WAC 480-100-282 Application for approval of lease of utility facilities. Under the provisions of RCW 80.04.520, the applicant must certify that the requested approval of lease of utility facilities is necessary to exempt any owner of the facilities from being a public utility company under the Public Utility Holding Company Act of 1935.

NEW SECTION

WAC 480-100-287 Form of lease application. A filing for approval of lease of utility facilities must be submitted in the following form:

Before The Washington Utilities And Transportation Commission

**In the Matter of
the Application
of (insert name)
for an Order
Approving the
Lease of Utility
Facilities.**

No. . . .
(Number to be
inserted by Com-
mission)

Application is hereby made to the Washington Utilities and Transportation Commission for an order authorizing the

lease of utility facilities. The following general information and exhibits are furnished in support:

GENERAL INFORMATION

1. Name of applicant.
2. Address of principal office of applicant.
3. Name and address of attorney or agent.
4. State or states under which applicant is organized and form of organization.
5. A general description of the property owned by applicant and the field of its operations.

EXHIBIT "A"

A statement by applicant certifying that the requested approval is necessary or appropriate to exempt any owner of the facilities from being a public utility company under the federal Public Utility Holding Company Act of 1935.

EXHIBIT "B"

Detailed unconsolidated balance sheet as of three months before the date the application is filed, and a pro forma balance sheet as of the same date showing the effect of the proposed lease. Indicate separately the amount of intangibles and the amount reflected in plant acquisition adjustment account if such items are included in the fixed capital or utility plant accounts of the balance sheet.

EXHIBIT "B-1"

(A) Detailed income and profit-and-loss statement for the twelve months ended as of the date of the balance sheet submitted as Exhibit "B."

(B) Reconciliation of the retained earnings account for the period covered by the income and profit-and-loss statement. Retained earnings should be segregated from other surplus accounts.

EXHIBIT "C"

1. A description of the property to be leased.
2. The historical or original cost of the property to be leased and the related accrued depreciation. (Estimated in both cases if actual amounts are not known.)
3. The amount of contributions in aid of construction.
4. Terms of the lease.

EXHIBIT "D"

Economic and financial justification for entering into the proposed lease including a lease versus purchase analysis.

EXHIBIT "E"

Show such other facts that may be pertinent to the application.

The undersigned applicant requests that the Washington Utilities and Transportation Commission enter an order granting this application.

Dated this _____ day of _____, 20____.

By _____
(Applicant/Title)

PART ((6)) VII—ADOPTION BY REFERENCE

AMENDATORY SECTION (Amending General Order No. R-511, Docket No. A-030852, filed 12/22/03, effective 1/22/04)

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, 2003.

(b) This publication is referenced in WAC 480-100-203 (Accounting system requirements) ~~((and WAC 480-100-208 (Financial reporting requirements)))~~, WAC 480-100-244 (Transferring cash or assuming obligation), WAC 480-100-252 (Federal Energy Regulatory Commission (FERC) Form No. 1), and WAC 480-100-268 (Essential utilities services contracts report).

(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.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 480-100-208 Financial reporting requirements.

WAC 480-100-218 Securities, affiliated interests, and transfers of property.

PART I—GENERAL RULES

AMENDATORY SECTION (Amending Order R-467, Docket No. UW-980082, filed 11/30/99, effective 12/31/99)

WAC 480-110-205 Application of rules. The rules in this chapter apply to any water company that distributes, sells, or supplies water, and that meets requirements for commission regulation or jurisdiction under RCW 80.04.010 and WAC 480-110-255 (Jurisdiction). This includes investor-owned water companies that meet the jurisdictional threshold of serving one hundred or more customers or receive average revenue of four hundred twenty-nine dollars or more per customer per year.

AMENDATORY SECTION (Amending General Order R-510, Docket No. A-010648, filed 11/24/03, effective 1/1/04)

WAC 480-110-215 Exemptions from rules in chapter 480-110 WAC. ~~((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 480-07 WAC.)~~ The commission may grant an exemption from the provisions of any rule in this chapter in the same manner and consistent with the standards and according to the procedures set forth in WAC 480-07-110 (Exceptions from and modifications to the rules in this chapter; special rules).

AMENDATORY SECTION (Amending Order R-467, Docket No. UW-980082, filed 11/30/99, effective 12/31/99)

WAC 480-110-225 ~~((Saving clause))~~ Additional requirements. ~~((The commission may impose additional or different requirements on any water company in response to a complaint or on its own motion. These rules do not relieve~~

PROPOSED

any water company from any of its duties and obligations under the laws of the state of Washington.) (1) These rules do not relieve any company from any of its duties and obligations under the laws of the state of Washington.

(2) The commission retains the authority to impose additional or different requirements on any company in appropriate circumstances, consistent with the requirements of law.

NEW SECTION

WAC 480-110-227 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

AMENDATORY SECTION (Amending Order R-467, Docket No. UW-980082, filed 11/30/99, effective 12/31/99)

WAC 480-110-235 Definition of control. (1) For purposes of determining commission jurisdiction over a water company as defined in RCW 80.04.010, "control" means the water system operator or manager has discretion over the property or finances or operations of a water company which is normally exercised by an owner. Factors indicating control include, but are not limited to, whether the operator or manager:

- (a) May authorize the purchase or sale of all or part of the water system or its water rights;
- (b) May authorize capital additions or improvements to the system;
- (c) May accept contributed plant;
- (d) May authorize the expenditure or acquisition of funds ~~((which))~~ that encumber any asset of the company;
- (e) May authorize the expenditure of funds for nonwater company purposes;
- (f) Receives compensation of a type or amount having no reasonable relationship to the work performed or to be performed.

(2) Control does not include management by a satellite agency as defined in chapter 70.116 RCW if the satellite agency is not an owner of the water company.

AMENDATORY SECTION (Amending Order R-467, Docket No. UW-980082, filed 11/30/99, effective 12/31/99)

WAC 480-110-245 Glossary. "Applicant" means any person, partnership, firm, corporation, municipality, cooperative organization, governmental agency, etc., that has completed a water company's application for water service.

"Commission" means the Washington utilities and transportation commission.

"Contributions in aid of construction" means any money, services or property received by a water company to fund capital investments at no cost to the company with no obligation to repay.

"Customer" means:

- Anyone who has paid water company fees and/or has an accepted application for service; or
- Anyone whose service connection is installed and is currently paying a ready-to-serve charge; or

- Anyone who is actually receiving water service from the company with the knowledge of the company.

"Extension" means the water mains and equipment necessary to extend the company's transmission and distribution infrastructure. An extension may also be called a distribution extension, a main extension, or a line extension.

"Facilities charge" means a one-time fee that a new customer must pay, consistent with WAC 480-110-455 (Water company funding mechanisms), before the company will connect the customer's property to the water system.

"Initial tariff" means:

- The tariff filed by a water company when it first becomes subject to the jurisdiction of the commission; or
- The tariff filed by a water company that was formerly subject to commission jurisdiction, and has once again become jurisdictional. It does not mean a tariff filed to add a newly acquired system or company to the tariff of a currently jurisdictional company.

"Jurisdictional customer" means anyone who is actually receiving water service.

"Potential customer" means anyone to whom the water company has given a letter agreeing to provide service; and

- The letter is currently enforceable and has not expired by its own terms; and
- The property is not yet receiving any type of service.

"Primary contaminants" means substances that, when present in drinking water at levels exceeding designated maximum contaminant levels (MCL), may adversely affect the health of consumers. These MCLs are established as water quality "primary standards" and are based on chronic, non-acute, or acute human health effects.

"Rate increase filing" means any filing by the company that would:

- Increase gross annual revenues of the company from activities regulated by the commission; or
- Restructure tariffs so that one class of customer would provide more gross revenue than under the prior tariff structure. The term does not mean filings designed only to recover governmentally imposed taxes or periodic rate adjustments that have been authorized by commission order.

"Ready-to-serve charge" means the charge assessed by the water company when:

- The water company has the ability to provide water service;
- The water company has committed to provide water service; and
- There is an installed service connection at the customer's property.

"Reconnect charge" means the charge specified in the company's tariff for restoring water service that has been disconnected:

- At the customer's request; or
- For nonpayment; or
- For failure to comply with the company's rules.

"Service area" means the geographic area to which the company intends to provide water service using current plant.

"Service connection" means the pipes, valves, and fittings between the water company's distribution system and the customer's service line.

"Standby charge" means a charge imposed by some unregulated companies for having transmission and distribution infrastructure installed but without the current ability to provide water. It is also sometimes referred to as a system-readiness fee. The commission does not authorize this type of charge for regulated water companies.

"Surcharge" means a monthly charge or fee paid to the water company for plant or expenses. The surcharge is in addition to regular monthly service fees and typically has an expiration date or dollar limit and is subject to specific accounting requirements.

"Water company" or **"company"** means any corporation, company, association, joint stock association, partnership or person, their lessees, trustees or receivers appointed by any court whatever, owning, controlling, operating or managing any water plant within the state of Washington for the purpose of furnishing water service to the public for hire and subject to the jurisdiction of the commission. It does not include management by a satellite management agency as defined in chapter 70.116 RCW if the satellite agency is not an owner of the water company.

"Water system" means all plant, equipment, and other assets used to provide water service for a specific location.

NEW SECTION

WAC 480-110-261 Maps. Each water company shall maintain a current map of each of its water systems showing the current service area. The company must provide the current maps to the commission for review within five business days of a request. The maps must contain enough detail to answer questions related to rates and charges and obligations to serve.

PART II—COMMON RULES

AMENDATORY SECTION (Amending Docket No. A-020405, General Order No. R-504, filed 10/16/02, effective 1/1/03)

WAC 480-110-335 Establishing credit and deposits.

(1) **Establishing credit - residential.** A company may not collect a security deposit if an applicant for residential service can establish satisfactory credit by any one of the following:

(a) The applicant had prior service with the company or another water company for twelve months before the application date and:

(i) Service was not disconnected for nonpayment;

(ii) The customer received no more than one delinquency notice; and

(iii) References with the other company (if applicable) can quickly and easily be checked. The company may request that the references from the previous company be in writing.

(b) The applicant had consecutive employment during the prior twelve months with no more than two employers and is currently employed or has a regular source of income.

(c) The applicant owns or has a legal interest in the premises being served.

(d) The applicant can furnish a satisfactory guarantor who will be responsible for payment of water service bills in

the event of disconnection or default by the customer, in a specified amount, not to exceed the amount of the cash deposit required.

(e) The applicant personally produces at the company's business office two major credit cards, or other credit references that the company can quickly and easily check, that demonstrate a satisfactory payment history.

(2) **Establishing credit - nonresidential.** A company may require an applicant for nonresidential water service to demonstrate that the applicant is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(3) **Deposit requirements.** A company may require a deposit if:

(a) The applicant has failed to establish a satisfactory credit history as outlined in subsections (1) or (2) of this section;

(b) The applicant's service from another water company was disconnected for failure to pay amounts owing when due during the twelve months before the application date;

(c) The applicant has an unpaid, overdue balance owing for similar service from the water company to which application is being made or from any other water company;

(d) Two or more delinquency notices have been served on the applicant by any water company during the prior twelve months; or

(e) The application is for beginning or continuing service to a residence where a prior customer still lives and owes a past due bill to the company.

(4) **Deposit amount.** Deposits required for a customer or location must not exceed:

(a) Two-twelfths of the estimated annual billings for companies billing monthly;

(b) Three-twelfths of estimated annual billings for companies billing bimonthly;

(c) Four-twelfths of estimated annual billings for companies billing trimonthly.

(5) **Transfer of deposit.** When a customer moves to a new address within the company's service territory, the deposit plus accrued interest, less any outstanding past-due balance owing from the old address, must be transferred to the new address or refunded.

(6) **Interest on deposits.** Companies that collect customer deposits must pay interest on those deposits calculated:

(a) ~~((For each calendar))~~ Effective February 1 of each year, at the rate for the one-year Business Day Treasury Constant Maturity calculated by the U.S. Treasury, as published in the Federal Reserve's Statistical Release H.15 on January 15 of that year. If January 15 falls on a nonbusiness day, the company will use the rate posted on the next ((following)) business day; and

(b) From the date of deposit to the date of refund or when applied directly to the customer's account.

(7) **Deposit payment arrangements.** The company must allow an applicant or customer the option of paying fifty percent of the deposit prior to service, and paying the remaining balance in equal amounts over the next two months, on the dates mutually agreed upon between the applicant or customer and the company. The company and applicant or customer may make other mutually acceptable deposit payment arrangements.

(8) **Receipt for deposit.** A company must furnish a receipt to each applicant or customer for the amount deposited.

(9) **When refund of deposits is required.** A company must refund deposits plus accrued interest when there has been satisfactory payment, as defined in (a) of this subsection, or when service is terminated.

(a) "Satisfactory payment" means a customer has paid for service for twelve consecutive months in a prompt and satisfactory manner as evidenced by the following:

(i) The company has not started a disconnection process against the customer; and

(ii) The company has sent no more than two delinquency notices to the customer.

(b) **Termination of service.** When service is terminated, the company must return to the customer the deposit amount plus accrued interest, less any amounts due the company by the customer.

(10) **How deposits are refunded.** The company must refund any deposit plus accrued interest, as indicated by the customer at the time of deposit, or as modified by the customer on a later date, using one of the following methods:

(a) A check issued and mailed to the customer no later than fifteen days following completion of twelve months of satisfactory payment, as described above; or

(b) A credit applied to the customer's account for service beginning in the thirteenth month.

(11) **Additional deposit.** If a deposit or additional deposit amount is required after the service is established, the reasons must be specified to the customer in writing. Any request for a deposit or additional deposit amount must comply with the standards outlined in subsections (1) and (2) of this section. If the original deposit was secured by a guarantor and the guarantor does not agree to be responsible for the additional deposit amount, the customer will be held responsible for paying the additional deposit.

AMENDATORY SECTION (Amending Order R-467, Docket No. UW-980082, filed 11/30/99, effective 12/31/99)

WAC 480-110-355 ((Discontinuance)) Discontinuing of service. (1) **Service may be disconnected either by customer direction or by company action:**

(a) **Customer-directed**((—)). Customers wanting to discontinue service must notify the water company. The company must disconnect the service as requested by the customer. If the customer fails to request disconnection of service the customer will be responsible to continue paying for water service at the company's tariff rate until the company becomes aware that the customer vacated the property.

(b) **Company-directed: Notice requirements** - After properly notifying the customer, as explained in subsection (3) of this section, the water company may discontinue service to its customers for:

(i) Unpaid bills, as provided in WAC 480-110-375 (Form of bills);

(ii) Water use for purposes or properties other than those specified in the customer's application for service;

(iii) Willful waste of water through improper or defective piping, equipment, or otherwise;

(iv) Piping or equipment that does not meet the company's standards or fails to comply with other applicable codes and regulations;

(v) Tampering with the company's property;

(vi) Vacating the premises;

(vii) Nonpayment of any proper charges, including deposit, as provided in the company's tariff;

(viii) Refusing to allow access as required in WAC 480-110-305 (Access to premises);

(ix) Violating rules, service agreements, or effective tariffs, including violation of outdoor watering instructions given to customers in order to curtail water use during time of shortage;

(x) Use of equipment that detrimentally affects the company's service to its other customers.

(c) **Service obtained by fraud: No notice required before termination** - A water company may terminate service without notice when it discovers that a customer has obtained service fraudulently. Examples of fraud include: When service is connected without the company's knowledge, when service is obtained by fraudulent means or representations, or when service is used to provide service to other persons who are required to obtain their own service.

(i) **First offense:** The company may disconnect service immediately and without prior notice when it discovers fraud, unless the customer immediately pays:

(A) The tariff rate for service that the company estimates was taken fraudulently; plus

(B) All company costs resulting from the fraudulent use and all applicable fees; plus

(C) Any applicable required deposit.

(ii) **Second offense:** The company may disconnect service immediately and without prior notice when it discovers further fraud. The company may refuse to reconnect service to a customer who has been disconnected for further fraud.

(iii) **Commission review:** A customer may ask the commission to review any company determination of fraud through an informal or formal complaint. The company has the burden of proving that fraud occurred. However, this rule does not relieve any person who has committed fraud from civil or criminal responsibility.

(2) **Medical emergencies**((—)). When a water company has cause to disconnect or has disconnected a residential service, it must postpone disconnection of service or must reinstate service for a grace period of five business days after receiving either verbal or written notification of the existence of a medical emergency. In cases of actual emergencies when service is reinstated, payment of a reconnection charge and/or deposit shall not be required prior to reinstatement of service.

(a) The company may require that the customer, within five business days, submit written certification from a qualified medical professional stating that the disconnection of water service would significantly endanger the physical health of a resident of the household. "Qualified medical professional" means a licensed physician, nurse practitioner, or physician's assistant authorized to diagnose and treat the medical condition without supervision of a physician. Nothing in this section precludes a company from accepting other forms of certification, but the maximum the company can

require is written certification. If the company requires written certification, it may require that the certification include some or all of the following information:

- (i) Residence location;
 - (ii) An explanation of how the physical health of the person will be endangered by disconnection of local service;
 - (iii) A statement of how long the condition is expected to last; and
 - (iv) The title, signature and telephone number of the person certifying the condition.
- (b) A medical emergency does not excuse a customer from paying delinquent and ongoing charges. The company may require that the customer do the following within the five business day grace period: Pay a minimum of twenty-five percent of the delinquent balance and enter into an agreement to pay the remaining delinquent balance within ninety days and to pay subsequent bills when due. Nothing in this section precludes the company from agreeing to an alternate payment plan, but the company may not require the customer to pay more than this subsection prescribes. The company must send a notice to the customer confirming the payment arrangements within two business days.
- (c) If within the five-day grace period the customer fails to provide an acceptable payment arrangement, the company may disconnect service without further notice.
- (d) If the customer fails to abide by the terms of the payment agreement the company may disconnect service without further notice.
- (e) The medical certification is valid only for the length of time the health endangerment is certified to exist but no longer than six months unless renewed.

(3) Required notice prior to disconnecting service(—Water companies). Each water company must notify customers before disconnecting their service except in case of danger to life or property, fraudulent use, impairment of service, or violation of law. In all other cases, the company must not disconnect service until it has met the following requirements:

- (a) The company must serve a written disconnection notice on the customer, either by mail, or, at the company's option, by personal delivery of the notice to the customer's address, attached to the primary door. Each disconnection notice must include:
 - (i) A delinquent date that is no less than eight business days after the date of personal delivery or mailing if mailed from inside the state of Washington or a delinquent date that is no less than eleven days if mailed from outside of the state of Washington; and
 - (ii) All pertinent information about the reason for the disconnection notice and how to correct the problem; and
 - (iii) The company's name, address, and telephone number by which a customer may contact the company to discuss the pending disconnection of service.
- (b) In addition to (a) of this subsection, a second notice must be provided by one of the two options listed below:
 - (i) **Delivered notice(—).** The company must deliver a second notice to the customer and attach it to the customer's primary door. The notice must contain a deadline for compliance that is no less than twenty-four hours after the time of

delivery that allows the customer until 5:00 p.m. of the following day to comply; or

- (ii) **Mailed notice(—).** The company must mail a second notice, which must include a deadline for compliance that is no less than three business days after the date of mailing if mailed from within the state of Washington or six days if mailed outside the state of Washington.

(c) Disconnection notices must:

- (i) Include detailed information pertinent to the situation; and
- (ii) Include the company's name, address and telephone number by which the customer may contact the company to discuss the pending disconnection of service; and
- (iii) Expire after ten business days from the first day that the company may disconnect service, unless other mutually agreed upon arrangements have been made and confirmed in writing by the company. If mutually accepted arrangements are not kept, the company may disconnect service without further notice.

(d) Except in case of danger to life or property, companies may not disconnect service on Saturdays, Sundays, legal holidays, or on any other day on which the company cannot reestablish service on the same or following day.

(e) A company employee dispatched to disconnect service must accept payment of a delinquent account at the service address if tendered in cash, but is not required to give change for cash tendered in excess of the amount due and owing. The company must credit any excess payment to the customer's account. When disconnection does not take place due to payment made by the customer, the company may assess a fee for the disconnection visit to the service address as provided in the company's tariff. The disconnection notice must describe the disconnection visit charge, the amount, and the circumstances under which the charge will be made.

(f) When service is provided through a master meter, or when the utility has reasonable grounds to believe service is to other than the customer of record, the company must undertake reasonable efforts to inform occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to other than the customer of record, a minimum period of five days must be allowed to permit the service users to arrange for continued service.

(g) When service is provided to a hospital, medical clinic with resident patients, or nursing home, notice of pending disconnection must be provided to the director of the Washington department of health, and to the customer. Upon request to the company from the Washington department of health director or designee, an additional five business days must be allowed before disconnecting service to allow the department to take whatever steps are necessary to protect the interests of resident patients who are responsibilities of the Washington department of health.

(h) Service may not be disconnected while the customer is pursuing any remedy or appeal provided by these rules or while engaged in discussions with the company's representatives or with the commission. However, any amounts not in dispute must be paid when due and any conditions posing a danger to health, safety, or property must be corrected.

(4) **Payments at a payment agency**~~((—))~~. Payment of any past due amounts to a designated payment agency of the water company constitutes payment when the customer informs the company of the payment and the company has verified the payment with the payment agency.

(5) **Reconnecting water service after disconnection**~~((—))~~. The water company must restore disconnected service when the customer has paid, or the company has agreed to bill, any reconnection charge and:

(a) The causes of disconnection are removed; or

(b) The customer pays all proper charges; or

(c) The customer pays any applicable deposit as provided for in the company tariff in accordance with WAC 480-110-335 (Establishing credit and deposits).

The commission may order reconnection pending resolution of any bona fide dispute between the company and the customer over the propriety of disconnection.

AMENDATORY SECTION (Amending Order R-467, Docket No. UW-980082, filed 11/30/99, effective 12/31/99)

WAC 480-110-365 Service responsibilities. (1) **Customer responsibility** - Customers must notify the water company in writing prior to making a change in equipment or usage that will materially affect the service being provided by the company. The customer must:

(a) Provide the company adequate time to install necessary additional facilities or supply; and

(b) Pay an equitable share of the cost of necessary additional facilities, if any, as provided in the company's tariff or through a contract submitted to the commission for approval.

(2) **Water company responsibility**~~((—Water companies))~~. Each water company must:

(a) Install and maintain all equipment at appropriate locations necessary to operate the system;

(b) Install additional equipment as required by the commission in connection with performing special investigations; and

(c) Notify all affected customers when changes to the service will require customers to adjust their equipment.

(i) If the customer has been advised of the needed change prior to taking service, the company has no obligation to pay for any costs in connection with making required changes to the customer's equipment.

(ii) If the change in service is required by law, the company has no obligation to pay for any costs in connection with making required changes to the customer's equipment.

(iii) Otherwise when equipment must be adjusted to permit use under the changed conditions, the cost of any necessary adjustments must be equitably shared by the company and customer.

(3) **Maintenance**~~((—))~~. Each water company must maintain its plant and system in a condition that enables it to furnish adequate service and meet its obligation under chapter 246-290 WAC, Public water supplies or chapter 246-291 WAC, Group B public water systems, as applicable.

(4) **Quality of water**~~((—))~~. Each water company must meet Washington department of health requirements under chapter 246-290 or 246-291 WAC, as applicable.

(5) **Protection of water supply**~~((—))~~. Each water company must protect its sources of supply, as required by Washington department of health under chapter 246-290 or 246-291 WAC, as applicable.

(6) **Operations and maintenance**~~((—))~~. Each water company must comply with Washington department of health rules regarding operation and maintenance, as required under chapter 246-290 or 246-291 WAC as applicable, and by good engineering practices.

(7) **Test records**~~((—))~~. Each water company must:

(a) Keep a complete record of each test made for quality and service conditions as required under these rules. The records must contain complete information concerning the test, including such items as the commission may require;

(b) Provide the records to the commission staff upon request.

(8) **Interruption of service and service outages:**

(a) Each water ~~((companies))~~ company must make all reasonable efforts to avoid outage of service but are not insurers in the event of emergency, acts of God, or similar event. When outages do occur, the company must make reasonable efforts to reestablish service with a minimum of delay.

(b) When making necessary repairs or changes to its facilities, a water company:

(i) May interrupt service for a period of time as reasonably necessary and in a manner that minimizes the inconvenience to the customers; and

(ii) Must attempt to do the work during working hours regularly maintained by the company.

(c) A water company may interrupt service without incurring any liability.

(9) **Notice of service interruptions**~~((—Water companies))~~. Each water company must:

(a) Notify its customers of a scheduled interruption twenty-four hours in advance through newspapers, radio announcements, or other means;

(b) Notify police and fire departments affected by the interruption individually;

(c) Keep a record of all interruptions of service affecting a substantial number of customers, including in such records:

(i) The location;

(ii) The date and time;

(iii) The duration; and

(iv) The cause of each interruption, if known.

(d) Provide copies of records to the commission staff, upon request;

(e) Notify the Washington department of health.

AMENDATORY SECTION (Amending Order R-467, Docket No. UW-980082, filed 11/30/99, effective 12/31/99)

WAC 480-110-375 Form of bills. (1) Customer bills must:

(a) Be issued at intervals not to exceed three months and identify if the water company is billing in arrears or advance;

(b) Show a reference to the applicable rate schedule;

(c) Identify and show each separate charge as a line item;

(d) Show the total amount of the bill;

(e) Include enough information that, together with tariff rates, the customer can calculate his or her bill (a copy of the

tariff is available for review at company or from the commission upon request);

(f) Show the date the bill becomes delinquent if not paid. The minimum specified time must be fifteen days after the bill's mailing date, if mailed from within the state of Washington, or eighteen days if mailed from outside the state of Washington, after the bill's mailing date.

A customer may request to pay by a certain date that is not the normally designated payment date when showing good cause. Good cause may include, but is not limited to, adjustment of a billing cycle to parallel receipt of income. The preferred payment date must be prior to the next invoice date.

(g) Include the water company's name, business address, and telephone number and/or emergency telephone number by which a customer may contact the company;

(h) If the customer is metered, include the current and previous meter readings, the current read date, and the number and kind of units consumed;

(i) Show taxes and any tax percentage rate that the taxes are computed from. Taxes must be totaled to show a total taxed amount. Upon request, the company must provide a detail of the computation of the tax amount. Taxes, as used here, represent municipal occupation, business and excise taxes that have been levied by a municipality against the company, and are being passed on to the customer as a part of the charge for water service; and

(j) Clearly identify when a bill has been estimated.

(2) (~~Water companies~~) Each water company may prorate bills for customers who have taken service for a fraction of the billing period. If the company does not have its method of prorating bills in its tariff, the company must prorate bills in the following manner:

(a) For flat rate service, the charge must be prorated on the basis of the proportionate part of the period during which service was rendered.

(b) For metered service the charge will be equal to:

(i) The applicable minimum charge as shown in the company's tariff must be prorated on the basis of the proportionate part of the period during which service was rendered; plus

(ii) Any water usage charge computed using rates and allowances shown in the company's tariff.

(3) The water company must include its method for estimating bills in its tariff. Estimating of bills is allowed for no more than two consecutive billing cycles.

(4) When a company has cause to back-bill a customer, the company must allow the customer payment arrangements, if requested, for the same number of months to pay equal to the cumulative total of months being back-billed. (Example: If the company is back-billing for a one-year period, the company must allow the customer twelve months of equal payments to pay the total amount of the back billing.) These payments will be in addition to current billings.

AMENDATORY SECTION (Amending General Order R-510, Docket No. A-010648, filed 11/24/03, effective 1/1/04)

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 480-07-910 (Informal complaints); and/or

(b) A formal complaint against the company as set forth in WAC 480-07-370 (Pleadings—General).

(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 Order R-467, Docket No. UW-980082, filed 11/30/99, effective 12/31/99)

WAC 480-110-395 Water quality refunds. (1) (~~Water companies~~) Each water company may be required to refund water charges due to poor water quality only:

(a) Upon commission order resulting from a formal proceeding before the commission; and

(b) When there are violations of the Washington department of health water quality standards in WAC 246-290-310 (~~primary contaminants~~) (Maximum contaminant levels (MCLs) and maximum residual disinfectant levels (MRDLs)); and

(c) If the company does not take follow up steps outlined in WAC 246-290-320 (Follow-up action).

(2) The amount of the refund will be determined in a formal proceeding before the commission and is not recoverable through rates or charges.

AMENDATORY SECTION (Amending Order R-467, Docket No. UW-980082, filed 11/30/99, effective 12/31/99)

WAC 480-110-415 Meters. (1) Water company rights and responsibilities:

- (a) ~~((The))~~ Each water company must:
 - (i) Bear the cost of the meter and meter installation.
 - (ii) Install water meters that are in working order and accurately measure water flow.
 - (iii) Record meter serial numbers and identify location of installation.
 - (iv) Repair or replace a malfunctioning meter at its expense unless a customer causes the malfunction.
- (b) The water company may:
 - (i) Install meters and charge the tariff meter rate after thirty days notice to affected customers.
 - (ii) Install any apparatus to detect fraud or waste without notifying the customer.

(2) Water customer rights and responsibilities:

- (a) A customer may request that a standard residential meter as defined in the company's tariff be installed, provided that metered rates are in effect.
- (b) When a customer requests a meter installation, the water company may charge the customer in advance for the meter cost and meter installation, if such charge is included in the company's tariff. The company must reimburse the customer, by bill credit, at least ten percent of the meter and installation charge each month until fully paid.
- (c) The water company has thirty days from the date of request to install the meter.
- (d) If the water company fails to install the meter within the time limit in (c) of this subsection, the customer must be charged only the meter minimum charge until the meter is installed.
- (e) If a customer tampers with a meter, the customer will be liable to the company for any repair or replacement costs.
- (f) If the customer requests assistance in reading a meter, the water company must provide information on how to read the meter.

AMENDATORY SECTION (Amending Order R-467, Docket No. UW-980082, filed 11/30/99, effective 12/31/99)

WAC 480-110-425 Water company customer notice requirements. (1) Each water company must submit a draft customer notice~~((s must be submitted))~~ to the commission for review at least one week ~~((prior to))~~ before the company's planned printing date for distribution.

- (2) At a minimum, the water company must notify:
 - (a) Customers and potential customers who may be affected by the water company's proposal; and
 - (b) The public affairs section of the commission.
- (3) Customers must receive notice thirty days ~~((prior to))~~ before the requested effective date when a water company proposes to:
 - (a) Increase rates;
 - (b) Change terms and/or conditions of an existing service;
 - (c) Change the ownership or control of the operating company (see WAC 480-143-210 (Transfer customer notice requirements) for content of notice);

- (d) Institute a charge for a service that was formerly provided without charge; or
- (e) Eliminate or grandfather any service.
- (4) Content of notice for rate change - The notice to customers must contain, at a minimum, the following:

IMPORTANT NOTICE

- (a) Date
- (b) (Insert water company name) has filed for approval from the Washington utilities and transportation commission to increase rates (insert total annual revenue). If approved, the rates will be effective on (insert effective date).
- (c) (Clearly explain the reason for the proposal - be specific.)

Current Rates/Services	Proposed Rates
\$	\$

- (d) If you have questions about the proposed filing and how it will affect you, please call (insert company name & office phone number). If you have questions about the rate making process, you may contact the Washington Utilities and Transportation Commission at the following address: WUTC, 1300 S. Evergreen Park Drive S.W., P.O. Box 47250, Olympia, WA 98504-7250; 1-800-562-6150 (toll-free) or by e-mail comments@wutc.wa.gov.
- (e) If you would like to comment on this proposal, it is important for you to do so now. Comments must be submitted in writing or presented at the commission's open meeting to be included as part of the formal record. The commission is interested in receiving your views regarding this proposal whether in favor or not. All open meetings are held in Olympia, WA. If you would like to be added to the commission's mailing list to be notified of the open meeting date, please call 1-800-562-6150 and leave your name, complete mailing address, the water company's name, and a description of the proposal you are interested in.

Sincerely,
(Company Name/Representative)

(5) Notice after commission action is permitted only when the commission approves an increase in federal, state, county or city-imposed taxes, fees or surcharges, and when credits are issued.

(a) At a minimum, notice after commission action must include the effective date, a clear description of changes to rates or services resulting from the commission's decision, and a company contact number where customers may seek additional information.

(b) Any notice after commission action may be accomplished by a bill message, bill insert, printed in a company newsletter, or mailed separately to customers.

(c) The commission may require other notification to the public as it determines necessary.

PROPOSED

PART III—RATES AND CHARGES RULES

NEW SECTION

WAC 480-110-431 Tariffs. Tariffs filed by a water company must conform to the rules of this section and chapter 480-80 WAC Utilities general—Tariffs, unless the commission has authorized deviation from the rules in writing.

NEW SECTION

WAC 480-110-433 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.

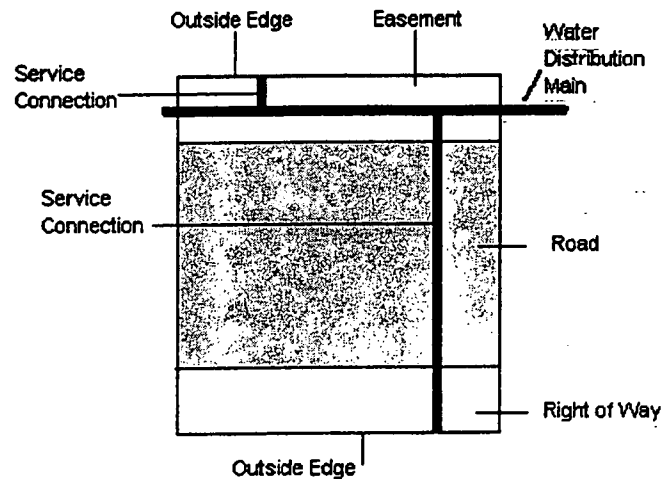
(d) The filing must be accompanied by supporting financial data justifying the proposed rates. See WAC 480-07-530 (General rate proceedings—Water companies).

(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 480-110-445 Service connections and customer service lines. A service connection is the pipes, valves, and fittings between the water company's distribution system and the customer's service line. The customer's service line is the water line from the customer's points of usage to the water company's service connection.

(1) **Service connection charge and service connection length.** The length of a service connection can vary depending on where the customer's service line is or will be located. A tariffed service connection charge may be assessed for the cost of a new service connection. However, if the service connection is longer than the distance from the water distribution main to the outside edge of the right of way or easement that runs along or parallel to the water distribution main and closest to the customer's property line, the cost of such an extension may be financed as line extension, at the option of the company. The related line extension contract is subject to approval by the commission under WAC 480-110-435 (Extension contracts).



(2) Service connections may be installed when the system is built or at a later date, after the system is operational. A service connection charge may be based on the average installation cost for new service connections in subsection (3)(a) and (b) of this section. The service connection must be owned and maintained by the water company.

(3) A water company may assess a service connection charge, if named in its tariff, to recover the cost of the service connection:

(a) Installed by the water company during construction of the water system; or

(b) Installed after the distribution system had been buried and in service; or

(c) When the service connection has been previously removed for good cause and must be reinstalled to provide water service.

(4) A service connection charge must not be assessed if:

(a) The water company did not incur any cost to install the service connection (e.g., the service connection is a contribution in aid of construction);

(b) The water company is just installing a meter; or

PROPOSED

(c) The water company is merely opening a valve to connect the company's distribution system to the customer's service line.

(5) The company may install the service connection to the property line, property corner, or to a location on the property mutually agreed upon. The company may install a meter or valve at any point along the service connection line or at a different mutually agreed location provided that in such event the property line will nevertheless be deemed the point of delivery.

(6) The customer's service line must be installed to provide easy access to the water company's distribution system. If there is doubt as to where the proper location should be, the customer must consult with the water company and agree on a location.

(7) The water company may request that the trench be left open and customer's service line exposed in order to inspect the connection for potential problems. The water company must complete the inspection within two business days after notification that the trench is open.

PART IV—FINANCIAL RECORDS AND REPORTING RULES

Subpart A: General Rules

NEW SECTION

WAC 480-110-456 Definitions. The definitions in this section apply to Part IV of this chapter.

"**Affiliated interest**" means a person or corporation as defined in RCW 80.16.010.

"**Business day**" means the same as defined in WAC 480-07-120 (Office hours).

"**Control**" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a company, whether through the ownership of voting shares, by contract, or otherwise.

"**Investment grade**" means a water company whose corporate credit/issuer rating is in one of the four highest rating categories of either Standard & Poor's L.L.C. or Moody's Investment Service Inc.

"**Securities**" means stocks, stock certificates, other evidence of interest or ownership, bonds, notes, or other evidence of indebtedness, or any obligation or liability as guarantor.

"**Subsidiary**" means any company in which the water company owns directly or indirectly five percent or more of the voting securities, unless the water company demonstrates it does not have control.

NEW SECTION

WAC 480-110-457 Filing information. (1) **Filing.** The commission records center will accept any filing under WAC 480-110-525 (Issuing securities) delivered in person, by mail, telefacsimile, or electronic mail message. The commission records center will accept all other reports required in Part IV in person, by mail, or when procedures are in place, electronic mail message.

(2) **Commission may require additional information.** The commission may require pertinent information in addition to that specified by statute or in this chapter.

(3) **Information by reference.** When any information required to support a filing is on file with the commission, it is sufficient to make specific reference to the information indicating the proceeding, report, or other filing that contains the referenced information.

(4) **When information is unavailable.** If any required information is unavailable at the time of the filing, the filing must include the reason why the information is not available and state when it will be available.

NEW SECTION

WAC 480-110-459 Additional reports. Part IV does not supersede any reporting requirement specified in a commission order or limit the commission's ability to request additional information.

AMENDATORY SECTION (Amending Order R-467, Docket No. UW-980082, filed 11/30/99, effective 12/31/99)

WAC 480-110-465 Expenditures for political ~~((information and political education))~~ or legislative activities. ~~((1) The commission will not allow expenses for political information or political education activities for ratemaking purposes.~~

~~(2) Political information and political education activities include, but are not limited to:~~

~~(a) Encouraging support or opposition to ballot measures, legislation, candidates for an office, or current public office holders.~~

~~(b) Soliciting support for political action committees.~~

~~(c) Gathering data for political mailing lists.~~

~~(d) Soliciting political contributions or recruiting political volunteers.)~~ (1) The commission will not allow either direct or indirect expenditures for political or legislative activities for ratemaking purposes.

(2) For purposes of this rule, political or legislative activities include, but are not limited to:

(a) Encouraging support or opposition to ballot measures, legislation, candidates for a public office, or current public office holders;

(b) Soliciting support for or contributing to political action committees;

(c) Gathering data for mailing lists that are generated for the purposes of encouraging support for or opposition to ballot measures, legislation, candidates for public office, or current office holders, or encouraging support for or contributions to political action committees;

(d) Soliciting contributions or recruiting volunteers to assist in the activities set forth in (a) through (c) of this subsection.

(3) Political or legislative activities do not include activities directly related to appearances before regulatory or local governmental bodies necessary for the utility's operations.

AMENDATORY SECTION (Amending Docket No. A-0203379, General Order No. R-501, filed 8/26/02, effective 9/26/02)

WAC 480-110-485 (~~Retention and preservation of~~) Retaining and preserving records and reports. (1) The water company must retain all records and reports for three years unless otherwise specified in subsection (2) of this section.

(2) The *Regulations to Govern the Preservation of Records of Electric, Gas and Water Companies*, published by the National Association of Regulatory Utility Commissioners is prescribed as the requirement for the state of Washington. Information about the *Regulations to Govern the Preservation of Records of Electric, Gas and Water Companies* regarding the version adopted and where to obtain it is set out in WAC 480-110-999, Adoption by reference.

Subpart B: Reporting Requirements

NEW SECTION

WAC 480-110-505 Accounting and reporting requirements and regulatory fees. (1) Water companies must use the uniform system of accounts (USOA) published by the National Association of Regulatory Utility Commissioners (NARUC). Information about the USOA regarding the version adopted and where to obtain it is set out in WAC 480-110-999 (Adoption by reference). The USOA sets out the accounting requirements for Class A, B, and C water companies.

Water companies are classified by revenues.

Class	Annual Gross Operating Revenue
A	\$1,000,000 or more
B	\$200,000 to \$999,999
C	Less than \$200,000

(2) A water company may use the accounting requirements for a higher class if it chooses.

(3) The commission will distribute an annual report form that each water company must complete and file with the commission for the prior calendar year. The annual report must be filed, and the company's regulatory fee paid, no later than May 1 of each year.

(4) A written request for the extension of the time for filing the annual report can be made prior to May 1. The commission does not grant an extension of time for payment of regulatory fees.

NEW SECTION

WAC 480-110-515 Reports of accidents. Each water company must notify the commission within seventy-two hours after every accident resulting in death or serious injury to any person occurring in its plant or through contact with its facilities. At a minimum, the report must include the name of the injured person, time and place of the accident, and an explanation of the accident. The water company may notify the commission by phone, but must provide a written report within five business days.

NEW SECTION

WAC 480-110-525 Issuing securities. (1) **Water company rated investment grade.** Within five business days after a water company that is rated investment grade issues a security, it must file with the commission:

(a) A description of the purposes for which the issuance was made, including a certification by an officer authorized to do so, that the proceeds from any such financing was for one or more of the purposes allowed by RCW 80.08.030;

(b) A description of the issuance, including the estimated terms of financing; and

(c) A statement as to why the transaction was in the public interest.

(2) **Water company not rated investment grade.** At least five business days before a water company that is not rated investment grade issues a security, it must file with the commission:

(a) A description of the purposes for which the issuance will be made, including a certification by an officer authorized to do so, that the proceeds from any such financing is for one or more of the purposes allowed by RCW 80.08.030;

(b) A description of the proposed issuance, including the estimated terms of financing; and

(c) A statement as to why the transaction is in the public interest.

Before issuance of the proposed security, the company must file with the commission the terms of financing.

(3) A commission order is not required for such a filing. The company may request a written order affirming that the company has complied with the requirements of RCW 80.08.040. The company must submit the request for a commission order, along with the information required in either subsection (1) or (2) of this section, at least fifteen business days before the requested effective date for the order.

(4) Filing a Registration Statement with the Securities and Exchange Commission using a shelf registration process does not constitute undertaking the issuance of a security, and therefore a filing with the commission is not required under the provisions of RCW 80.08.040. A shelf registration filing is defined under the General Rules and Regulations promulgated under the Securities Act of 1933, Rule 415 - Delayed or Continuous Offering and Sale of Securities.

(5) An authorized representative must sign and date the filing and include a certification or declaration that the information is true and correct under penalty of perjury as set forth in chapter 9A.72 RCW. The certificate or declaration must be in substantially the following form:

"I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct."

(6) Filings under this section may be submitted with portions designated confidential pursuant to WAC 480-07-160 (Confidential information).

(7) Within sixty days after the issuance of any securities, except for dividend reinvestment and employee benefit plans, a company must file with the commission a verified statement:

(a) Outlining the final terms and conditions of the transaction; and

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(b) Setting forth actual proceeds from the issuance and the disposition of proceeds stating the final amount to be used for each purpose allowed by RCW 80.08.030.

NEW SECTION

WAC 480-110-535 Transferring cash or assuming obligation. (1) At least five business days before a water company that is not rated investment grade or its subsidiary transfers cash to any of its affiliated interests or subsidiaries or assumes an obligation or liability of any of its affiliated interests or any of its subsidiaries, the company must report to the commission an estimate of the amount to be transferred and the terms of the transaction when the transaction will exceed thresholds as described in (a) or (b) of this subsection.

(a) The company must report if the cumulative transactions to a subsidiary or affiliated interest for the prior twelve months exceed a threshold of five percent, which is based on the prior calendar year gross operating revenue from Washington intrastate operations subject to commission jurisdiction.

(b) When the threshold in (a) of this subsection has been reached, the company must report each subsequent transaction exceeding a threshold of one percent for the prior twelve-month period, which is based on the prior calendar year gross operating revenue from Washington intrastate operations subject to commission jurisdiction.

(2) The reporting requirements in subsection (1) of this section do not include payments for:

(a) Federal and state taxes;

(b) Goods, services, or commodities;

(c) Transactions, attributed to the regulated entity, previously approved or ordered by the commission, other regulatory agencies, or the court; or

(d) Dividends to the extent the level of such dividends over a twelve-month period does not exceed the larger of:

(i) Net income during such period; or

(ii) The average level of dividends over the preceding three years; or

(e) Sweep or cash management accounts used to transfer funds to or from a subsidiary or affiliate as part of the customary and routine cash management functions between or among the company and its subsidiary or affiliate.

NEW SECTION

WAC 480-110-545 Affiliated interests—Contracts or arrangements. Prior to the effective date of any contract or arrangement described in RCW 80.16.020, each water company must file a verified copy or a verified summary, if unwritten, of contracts or arrangements with any affiliated interest. Prior to the effective date of any modification or amendment, the company must file verified copies of the modifications or amendments to the contracts or arrangements. If the contract or arrangement is unwritten, the company must file a verified summary of any modification or amendment. The commission may institute an investigation and disapprove the contract or arrangement if the commission finds the company has failed to prove that it is reasonable and consistent with the public interest.

NEW SECTION

WAC 480-110-555 Transfers of property. Before selling, leasing, or assigning any of its property or facilities which are necessary or useful in the performance of its duties to the public, or before acquiring property or facilities of another public utility, a water company must obtain from the commission an order authorizing such transaction in accordance with chapters 80.12 RCW (Transfers of property) and 480-143 WAC (Commission general—Transfers of property).

NEW SECTION

WAC 480-110-565 Securities report. Each water company that has issued securities must file with the commission an annual securities transaction report. The report is due ninety days from the end of the company's reporting period, whether a fiscal or calendar year. At a minimum, the report must contain:

(1) A schedule of the securities issued during the reporting period including a detailed description of the final agreements;

(2) A description of the use of proceeds stating the amounts used for each purpose allowed by RCW 80.08.030;

(3) The level of expenses for each of the securities transactions for the reporting period;

(4) A schedule of securities retired, refunded, repurchased, or otherwise removed from the company's capitalization; and

(5) A schedule of securities scheduled to mature in the fiscal or calendar year following the reporting period.

NEW SECTION

WAC 480-110-575 Affiliated interest and subsidiary transactions report. (1) Each Class A water company must file an annual report summarizing all transactions that occurred between the company and its affiliated interests, and the company and its subsidiaries. The report is due one hundred twenty days from the end of the company's reporting period, whether a fiscal or calendar year. The report must include a corporate organization chart of the company and its affiliated interests and subsidiaries.

(2) When total transactions with an affiliated interest or a subsidiary are less than twenty-five thousand dollars for the reporting period, the company must provide the name of the affiliated interest or subsidiary participating in the transactions and the total dollar amounts of the transactions. When total transactions with an affiliated interest or subsidiary equal or exceed twenty-five thousand dollars for the reporting period, the company must provide:

(a) A balance sheet and income statement for such affiliated interest;

(b) A description of the products or services provided to or from the company and each such affiliated interest or subsidiary;

(c) A description of the pricing basis or costing method, and procedures for allocating costs for such products or services, and the amount and accounts charged during the year;

(d) A description of the terms of any loans between the company and each such affiliated interest or subsidiary and a listing of the year-end loan amounts and maximum loan amounts outstanding during the year;

(e) A description of the terms and total amount of any obligation or liability assumed by the company for each such affiliated interest or subsidiary;

(f) A description of the activities of each such affiliated interest or subsidiary with which the company has transactions; and

(g) A list of all common officers and directors between the water company and each such affiliated interest or subsidiary, along with their titles in each organization.

(3) The report required in this section supersedes the reporting requirements contained in previous commission orders authorizing affiliated interest transactions pursuant to chapter 80.16 RCW.

(4) The company is obligated to file verified copies of affiliated interest contracts and arrangements as stated in WAC 480-110-545 (Affiliated interests—Contracts and arrangements).

PART V—ADOPTION BY REFERENCE

AMENDATORY SECTION (Amending Docket No. A-020379, General Order No. R-501, filed 8/26/02, effective 9/26/02)

WAC 480-110-999 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) The *Uniform System of Accounts for Water Utilities* is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 1996.

(b) This publication is referenced in WAC ((480-110-275;)) 480-110-505 (Accounting, and reporting requirements and regulatory fees).

(c) The *Uniform System of Account for Water Utilities* is a copyrighted document. Copies are available from NARUC, in Washington, D.C.

(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 480-110-485((-Retention and preservation of)) (Retaining and preserving 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.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 480-110-265	Tariffs.
WAC 480-110-275	Accounting and reporting requirements, and regulatory fees.
WAC 480-110-285	Securities, affiliated interest, transfer of property.
WAC 480-110-295	Adopted and initial tariffs.
WAC 480-110-475	Reports of accidents.
WAC 480-110-495	Maps.

AMENDATORY SECTION (Amending General Order R-510, Docket No. A-010648, filed 11/24/03, effective 1/1/04)

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 480-07 WAC.)) The commission may grant an exemption from the provisions of any rule in this chapter in the same manner and consistent with the standards and according to the procedures set forth in WAC 480-07-110 (Exceptions from and modifications to the rules in this chapter; special rules).

Subpart A: General Rules

NEW SECTION

WAC 480-120-325 Definitions. The definitions in this section apply to Part VIII of this chapter.

"**Affiliated interest**" means a person or corporation as defined in RCW 80.16.010.

"**Control**" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a company, whether through the ownership of voting shares, by contract, or otherwise.

"**Subsidiary**" means any company in which the telecommunications company owns directly or indirectly five percent or more of the voting securities, unless the telecommunications company demonstrates it does not have control.

NEW SECTION

WAC 480-120-331 Filing information. (1) **Filing.** The commission records center will accept any filing under WAC 480-120-365 (Issuing securities) delivered in person, by mail, telefacsimile, or electronic mail message. The commission records center will accept all other reports required in Part VIII in person, by mail, or when procedures are in place, electronic mail message.

(2) **Commission may require additional information.** The commission may require pertinent information in addition to that specified by statute or in this chapter.

(3) **Information by reference.** When any information required to support a filing is on file with the commission, it is sufficient to make specific reference to the information indicating the proceeding, report, or other filing that contains the referenced information.

(4) **When information is unavailable.** If any required information is unavailable at the time of the filing, the filing must include the reason why the information is not available and state when it will be available.

NEW SECTION

WAC 480-120-335 Additional reports. Part VIII does not supersede any reporting requirement specified in a commission order or limit the commission's ability to request additional information.

NEW SECTION

WAC 480-120-339 Streamlined filing requirements for Class B telecommunications company rate increases.

(1) A Class B company, as defined in WAC 480-120-021 (Definitions), may use the streamlined treatment described in this section for seeking a general rate increase, as an alternative to the requirements in WAC 480-07-510 (General rate proceedings—Electric, natural gas, pipeline, and telecommunications companies).

(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 pro forma 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 (Publication of proposed tariff changes to increase charges or restrict access to services), 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.

NEW SECTION

WAC 480-120-344 Expenditures for political or legislative activities. (1) The commission will not allow either direct or indirect expenditures for political or legislative activities for ratemaking purposes.

(2) For purposes of this rule political or legislative activities include, but are not limited to:

(a) Encouraging support or opposition to ballot measures, legislation, candidates for a public office, or current public office holders;

(b) Soliciting support for or contributing to political action committees;

(c) Gathering data for mailing lists that are generated for the purposes of encouraging support for or opposition to ballot measures, legislation, candidates for public office, or current office holders, or encouraging support for or contributions to political action committees;

(d) Soliciting contributions or recruiting volunteers to assist in the activities set forth in (a) through (c) of this subsection.

(3) Political or legislative activities do not include activities directly related to appearances before regulatory or local governmental bodies necessary for the utility's operations.

NEW SECTION

WAC 480-120-349 Retaining and preserving records and reports. (1) Each company must keep all records and reports required by these rules or commission order for three years unless otherwise specified in subsection (2) of this section. No records may be destroyed before the expiration of three years or the time specified in subsection (2) of this section, whichever is applicable.

(2) Each company must adhere to the retention requirements of Title 47, Code of Federal Regulations, Part 42, Preservation of Records of Communication Common Carriers published by the Federal Communications Commission. The effective date is stated in WAC 480-120-999 (Adoption by reference).

NEW SECTION

WAC 480-120-352 Washington Exchange Carrier Association (WECA). (1) The Washington Exchange Carrier Association (WECA) may:

(a) File petitions with the commission;

(b) Publish and file tariffs with the commission; and

(c) Represent before the commission those members that so authorize. WECA's rules of procedure are on file with the commission under Docket No. UT-920373, and may be obtained by contacting the commission's records center.

(2) Subject to all the procedural requirements and protections associated with company filings before the commission, WECA must submit to the commission:

(a) All initial WECA tariffs; and

(b) All changes to the tariffs.

(3) A member of WECA may file directly with the commission:

(a) Tariffs, price lists, and contracts;

(b) Revenue requirement computations;

(c) Revenue objectives;

(d) Universal service support cost calculations;

(e) Total service long run incremental cost studies;

(f) Competitive classification petition;

(g) Other reports; or

(h) Any other item it or the commission deems necessary.

(4) The commission has the authority to supervise the activities of WECA. However, such supervision will not compromise the independent evaluation by the commission of any filing or proposal that must be submitted to the commission for approval.

(5) To the extent that WECA is involved in the collection and redistribution of funds under commission orders authorizing certain revenue sharing arrangements under common tariff, it must maintain, provide, and report to the commission annual financial reports, by July 1 of each year, relating to the arrangements. Annual financial reports must include:

(a) Actual fund collections and distributions to each member company;

(b) The basis upon which the collection and distribution is made;

(c) Board membership;

(d) Special committee membership; and

(e) The status and description of any open WECA docket proceedings.

(6) Each local exchange company in the state of Washington has the option of using WECA as its filing agent, tariff bureau, or both. Companies using WECA collectively may file intrastate rates, tariffs, or service proposals.

(7) Nothing in this section will be construed as amending or modifying WECA's current methods of administration. WECA's access charge pooling administration plan is on file with the commission and may be obtained by contacting the commission's records center and requesting the "Ninth Supplemental Order in Docket No. UT-971140 with Attachment" dated June 28, 2000.

Subpart B: Accounting Requirements

NEW SECTION

WAC 480-120-355 Competitively classified companies. Competitively classified companies must keep accounts using generally accepted accounting principles (GAAP), or any other accounting method acceptable to the commission. In addition, the accounts must allow for identification of revenues for Washington intrastate operations subject to commission jurisdiction.

Subpart C: Financial Reporting Requirements

NEW SECTION

WAC 480-120-365 Issuing securities. For the purpose of this section:

"Investment grade" means a telecommunications company whose corporate credit/issuer rating is in one of the four highest rating categories of either Standard & Poor's L.L.C. or Moody's Investment Service Inc.

"Securities" means stocks, stock certificates, other evidence of interest or ownership, bonds, notes, or other evidence of indebtedness, or any obligation or liability as guarantor.

(1) **Telecommunications company rated investment grade.** Within five business days after a telecommunications company that is rated investment grade issues a security, it must file with the commission:

(a) A description of the purposes for which the issuance was made, including a certification by an officer authorized to do so, that the proceeds from any such financing was for one or more of the purposes allowed by RCW 80.08.030;

(b) A description of the issuance, including the estimated terms of financing; and

(c) A statement as to why the transaction was in the public interest.

(2) **Telecommunications company not rated investment grade.** At least five business days before a telecommunications company that is not rated investment grade issues a security, it must file with the commission:

(a) A description of the purposes for which the issuance will be made, including a certification by an officer authorized to do so, that the proceeds from any such financing is for one or more of the purposes allowed by RCW 80.08.030;

(b) A description of the proposed issuance, including the estimated terms of financing; and

(c) A statement as to why the transaction is in the public interest.

Before issuance of the proposed security, the company must file with the commission the terms of financing.

(3) A commission order is not required for such a filing. The company may request a written order affirming that the company has complied with the requirements of RCW 80.08.040. The company must submit the request for a commission order, along with the information required in either subsection (1) or (2) of this section, at least fifteen business days before the requested effective date for the order.

(4) Filing a Registration Statement with the Securities and Exchange Commission using a shelf registration process does not constitute issuance of a security, and therefore a filing with the commission is not required under the provisions of RCW 80.08.040. A shelf registration filing is defined under the General Rules and Regulations promulgated under the Securities Act of 1933, Rule 415 - Delayed or Continuous Offering and Sale of Securities.

(5) An authorized representative must sign and date the filing and include a certification or declaration that the information is true and correct under penalty of perjury as set forth in chapter 9A.72 RCW. The certificate or declaration must be in substantially the following form:

"I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct."

(6) Filings under this section may be submitted with portions designated confidential pursuant to WAC 480-07-160 (Confidential information).

(7) Within sixty days after the issuance of any securities, except for dividend reinvestment and employee benefit plans, a company must file with the commission a verified statement:

(a) Outlining the final terms and conditions of the transaction; and

(b) Setting forth actual proceeds from the issuance and the disposition of proceeds stating the final amount to be used for each purpose allowed by RCW 80.08.030.

NEW SECTION

WAC 480-120-369 Transferring cash or assuming obligations. This section does not apply to a company classified as competitive pursuant to RCW 80.36.320.

(1) At least five business days before a telecommunications company that is not rated investment grade or its subsidiary transfers cash to any of its affiliated interests or subsidiaries or assumes an obligation or liability of any of its affiliated interests or any of its subsidiaries, the company must report to the commission an estimate of the amount to be transferred and the terms of the transaction when the transaction will exceed thresholds as described in (a) or (b) of this subsection.

(a) The company must report if the cumulative transactions to a subsidiary or affiliated interest for the prior twelve months exceed a threshold of five percent, which is based on the prior calendar year gross operating revenue from Washington intrastate operations subject to commission jurisdiction.

(b) When the threshold in (a) of this subsection has been reached, the company must report each subsequent transaction exceeding a threshold of one percent for the prior twelve-month period, which is based on the prior calendar year gross operating revenue from Washington intrastate operations subject to commission jurisdiction.

(2) The reporting requirements in subsection (1) of this section do not include payments for:

(a) Federal and state taxes;

(b) Goods, services, or commodities;

(c) Transactions, attributed to the regulated entity, previously approved or ordered by the commission, other regulatory agencies, or the court;

(d) Dividends to the extent the level of such dividends over a twelve-month period does not exceed the larger of:

(i) Net income during such period; or

(ii) The average level of dividends over the preceding three years; or

(e) Sweep or cash management accounts used to transfer funds to or from a subsidiary or affiliate as part of the customary and routine cash management functions between or among the company and its subsidiary or affiliate.

NEW SECTION

WAC 480-120-375 Affiliated interests—Contracts or arrangements. Prior to the effective date of any contract or arrangement described in RCW 80.16.020, each telecommu-

nications company subject to the provisions of chapter 80.16 RCW must file a verified copy or a verified summary, if unwritten, of contracts or arrangements with any affiliated interest. Prior to the effective date of any modification or amendment, the company must file verified copies of the modifications or amendments to the contracts or arrangements. If the contract or arrangement is unwritten, the company must file a verified summary of any modification or amendment. The commission may institute an investigation and disapprove the contract or arrangement if the commission finds the company has failed to prove that it is reasonable and consistent with the public interest.

NEW SECTION

WAC 480-120-379 Transfers of property. Before selling, leasing, or assigning any of its property or facilities which are necessary or useful in the performance of its duties to the public, or before acquiring property or facilities of another public utility, a telecommunications company subject to the provisions of chapter 80.12 RCW must obtain from the commission an order authorizing such transaction in accordance with chapters 80.12 RCW (Transfers of property) and 480-143 WAC (Commission general—Transfers of property).

NEW SECTION

WAC 480-120-382 Annual report for competitively classified companies. The commission will distribute an annual report form including a regulatory fee form. A competitively classified company must:

- (1) Complete both forms, file them with the commission, and pay its regulatory fee, no later than May 1 of each year;
- (2) Provide total number of access lines as required on the annual report form;
- (3) Provide income statement and balance sheet for total company; and
- (4) Provide revenues for Washington and Washington intrastate operations subject to commission jurisdiction.

NEW SECTION

WAC 480-120-385 Annual report and quarterly results of operations reports for companies not classified as competitive. (1) Annual reports for companies not classified as competitive. The commission will distribute an annual report form as specified in (c)(i), (ii), and (iii) of this subsection, and a regulatory fee form. A company not classified as competitive must:

- (a) Complete both forms, file them with the commission, and pay its regulatory fee, no later than May 1 of each year;
- (b) Provide total number of access lines as required on the annual report form; and
- (c) Provide income statement and balance sheet for total company and results of operations for Washington and Washington intrastate.
 - (i) Class A companies that the FCC classified as Tier 1 telecommunications companies in Docket No. 86-182 must file annual report forms adopted by the FCC.

(ii) All other Class A companies must file annual reports on the form prescribed by the commission.

(iii) Class B companies must file annual reports as prescribed by RCW 80.04.530(2).

(2) Quarterly reports for companies not classified as competitive:

(a) All Class A companies must file results of operations quarterly.

(b) Each report will show monthly and twelve-months-ended data for each month of the quarter reported.

(c) The reports are due ninety days after the close of the period being reported, except for the fourth-quarter report which is due no later than May 1 of the following year.

(3) Methods used to determine Washington intrastate results of operations must be acceptable to the commission.

(4) This rule does not supersede any reporting requirements specified in a commission rule or order, or limit the commission's authority to request additional information.

NEW SECTION

WAC 480-120-389 Securities report. (1) Each telecommunications company subject to the provisions of chapter 80.08 RCW that has issued securities during the prior year, must file with the commission by April 1 of each year an annual securities transaction report for the period January 1 through December 31 of the preceding year. At a minimum, the report must contain:

- (a) A description of the final agreements;
 - (b) A description of the use of proceeds stating the amounts used for each purpose allowed by RCW 80.08.030;
 - (c) The level of expenses for each of the securities transactions;
 - (d) Information to determine the individual and collective impact on capital structure; and
 - (e) The pro forma cost of money for the securities transactions.
- (2) The company may provide by reference the information required in subsection (1)(a), (b), and (c) of this section if the information has previously been filed with the commission.

NEW SECTION

WAC 480-120-395 Affiliated interest and subsidiary transactions report. (1) By June 1 of each year, each telecommunications company subject to the provisions of chapter 80.16 RCW must file a report summarizing all transactions that occurred between the company and its affiliated interests, and the company and its subsidiaries, during the period January 1 through December 31 of the preceding year.

(2) The information required in this subsection must be for total company, total state of Washington, and Washington intrastate. The report must include a corporate organization chart of the company and its affiliated interests and subsidiaries.

(3) When total company transactions with an affiliated interest or a subsidiary are less than one hundred thousand dollars for the reporting period, the company must provide the name of the affiliated interest or subsidiary participating in the transactions and the total dollar amounts of the transac-

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tions. When total company transactions with an affiliated interest or subsidiary equal or exceed one hundred thousand dollars for the reporting period, the company must provide:

(a) A balance sheet and income statement for such affiliated interest;

(b) A description of the products or services provided to or from the company and each such affiliated interest or subsidiary;

(c) A description of the pricing basis or costing method, and procedures for allocating costs for such products or services, and the amount and accounts charged during the year;

(d) A description of the terms of any loans between the company and each such affiliated interest or subsidiary and a listing of the year-end loan amounts and maximum loan amounts outstanding during the year;

(e) A description of the terms and total amount of any obligation or liability assumed by the company for each such affiliated interest or subsidiary;

(f) A description of the activities of each such affiliated interest or subsidiary with which the company has transactions; and

(g) A list of all common officers and directors between the company and each such affiliated interest or subsidiary, along with their titles in each organization.

(3) The report required in this section supersedes the reporting requirements contained in previous commission orders authorizing affiliated interest transactions pursuant to chapter 80.16 RCW.

(4) The company is obligated to file verified copies of affiliated interest contracts and arrangements as stated in WAC 480-120-375 (Affiliated interests—Contracts or arrangements).

NEW SECTION

WAC 480-120-399 Access charge and universal service reporting. (1) Intrastate mechanism reporting.

(a) Until legislation creating a new universal service fund is adopted and effective and commission rules to implement the legislation are adopted and effective, each Class A company in the state of Washington and the Washington Exchange Carrier Association, must provide annually:

(i) The actual demand units for the previous calendar year for each switched access tariff rate element (or category of switched access tariff rate elements, both originating and terminating) it has on file with the commission.

(ii) Primary toll carriers (PTCs) must file, in addition to the information required in (a)(i) of this subsection, the annual imputed demand units for the previous calendar year that the company would have had to purchase from itself if it had been an unaffiliated toll carrier using feature group D switched access service (including intraLATA and interLATA, both originating and terminating demand units). For purposes of this subsection, a PTC means a local exchange company offering interexchange service(s) to retail customers using feature group C switched access service for the origination or termination of any such service(s).

(b) The report containing the information required in (a) of this subsection must be filed by July 1 of each year.

(c) Each company providing information required by this section must include complete work papers and sufficient data for the commission to review the accuracy of the report.

(2) **Annual state certification requirements for interstate (federal) mechanism.** Each eligible telecommunications carrier (ETC) in Washington receiving federal high-cost universal service support funds must provide the following to the commission not later than August 31 of each year:

(a) A certification that, during the calendar year preceding the year in which certification is made, the ETC provided the supported services required by 47 U.S.C. § 214(e) and described in the commission order granting it ETC status;

(b) A certification that, during the calendar year preceding the year in which certification is made, the ETC advertised the availability of supported services and the charges for them as required by 47 U.S.C. § 214(e) and as described in the commission order granting it ETC status;

(c) A certification that funds received by it from the federal high-cost universal service support fund will be used only for the provision, maintenance, and upgrading of the facilities and services for which the support is intended;

(d) The amount of all federal high-cost universal service fund support received for the calendar year preceding the year in which the filing must be made (this includes, but is not limited to, high cost loop support or "HCL," local switching support or "LSS," long term support or "LTS," interstate access support or "IAS," and interstate common line support or "ICLS");

(e) The loop counts on which federal high-cost universal service support was based for support received during the calendar year preceding the year in which the filing must be made;

(f) The certifications required in (a) through (e) of this subsection must be made in the same manner as required by RCW 9A.72.085.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 480-120-301 Accounting requirements for competitively classified companies.
- WAC 480-120-303 Reporting requirements for competitively classified companies.
- WAC 480-120-304 Reporting requirements for companies not classified as competitive.
- WAC 480-120-305 Streamlined filing requirements for Class B telecommunications company rate increases.
- WAC 480-120-311 Access charge and universal service reporting.
- WAC 480-120-321 Expenditures for political or legislative activities.

- WAC 480-120-322 Retaining and preserving records and reports.
- WAC 480-120-323 Washington Exchange Carrier Association (WECA).

AMENDATORY SECTION (Amending Docket No. A-030832, General Order No. R-509, filed 10/29/03, effective 11/29/03)

WAC 480-121-063 Regulatory requirements that may be waived for competitively classified telecommunications companies. (1) The following regulatory requirements are waived for competitively classified companies:

- (a) RCW 80.04.300 (Budgets to be filed by companies—Supplementary budgets);
- (b) RCW 80.04.310 (Commission's control over expenditures);
- (c) RCW 80.04.320 (Budget rules);
- (d) RCW 80.04.330 (Effect of unauthorized expenditure—Emergencies);
- (e) RCW 80.04.360 (Earnings in excess of reasonable rate—Consideration in fixing rates);
- (f) RCW 80.04.460 (Investigation of accidents);
- (g) RCW 80.04.520 (Approval of lease of utility facilities);
- (h) RCW 80.36.100 (Tariff schedules to be filed and open to public);
- (i) RCW 80.36.110 (Tariff changes—Statutory notice—Exception);
- (j) Chapter 80.08 RCW (Securities) (except RCW 80.08.140, State not obligated);
- (k) Chapter 80.12 RCW (Transfers of property);
- (l) Chapter 80.16 RCW (Affiliated interests);
- (m) WAC 480-80-101 Tariff requirements through WAC 480-80-143 Special contracts for gas, electric, and water companies;
- (n) Chapter 480-140 WAC (Commission general—Budgets);
- (o) Chapter 480-143 WAC (Commission general—Transfers of property);
- (p) ~~((Chapter 480-146 WAC (Commission general—Securities, liens, affiliated interests, refunding of notes, lease of utility facilities);~~
- ~~((q))~~ WAC 480-120-102 (Service offered);
- ~~((r))~~ WAC 480-120-305) (q) WAC 480-120-339 (Streamlined filing requirements for Class B telecommunications company rate increases);
- ~~((s))~~ (r) WAC 480-120-311 (Access charge and universal service reporting);
- ~~((t))~~ WAC 480-120-321) (s) WAC 480-120-344 (Expenditures for political or legislative activities); ~~((and~~
- ~~((u))~~ WAC 480-120-323) (t) WAC 480-120-352 (Washington Exchange Carrier Association (WECA));
- (u) WAC 480-120-365 (Issuing securities);
- (v) WAC 480-120-369 (Transferring cash or assuming obligation);
- (w) WAC 480-120-375 (Affiliated interests—Contracts or arrangements);
- (x) WAC 480-120-389 (Securities report); and

(y) WAC 480-120-395 (Affiliated interest and subsidiary transactions report).

This rule supersedes all waivers of regulatory requirements for competitively classified companies granted by the commission at the time of a company's competitive classification. However, subsequent to the adoption of this rule, the commission may revoke the waiver of any regulatory requirement set forth in (a) through ~~((t))~~ (y) of this subsection or may waive any regulatory requirement not included in (a) through ~~((t))~~ (y) of this subsection.

(2) The commission may by order revoke waivers of regulatory requirements if it determines that revocation is necessary to protect the public interest.

(3) In addition, the commission may waive regulatory requirements for telecommunications companies that it has classified as competitive if it determines that competition with the regulatory waiver will serve the same purposes as public interest regulation.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 480-146-240 Application of rules.
- WAC 480-146-250 Filing.
- WAC 480-146-260 Commission may require additional information.
- WAC 480-146-270 Applicant may include information by reference.
- WAC 480-146-280 Applicant duty when information is unavailable.
- WAC 480-146-290 Securities statements and applications.
- WAC 480-146-300 Filing requirements for securities statements and applications.
- WAC 480-146-310 Commission may set securities application or statement for public hearing.
- WAC 480-146-320 Minimum time required for commission order.
- WAC 480-146-330 Supplemental securities filings may be exempt from time limitations.
- WAC 480-146-340 Reporting of securities transactions.
- WAC 480-146-350 Filing of affiliated interest transactions.
- WAC 480-146-360 Reporting of affiliated interest transactions.
- WAC 480-146-370 Application for approval of lease of utility facilities.

PROPOSED

WAC 480-146-380 Form of lease application.

WSR 05-01-226
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed December 22, 2004, 10:30 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-11-106.

Title of Rule and Other Identifying Information: WAC 308-56A-405, 308-56A-410, 308-56A-415, and 308-56A-420.

Hearing Location(s): Dealer and Manufacturer Services, 2424 Bristol Court, 3rd Floor Conference Room, Olympia, WA 98502, on January 31, 2005, at 1:30 p.m.

Date of Intended Adoption: February 14, 2005.

Submit Written Comments to: Kim Johnson, P.O. Box 9039, Olympia, WA 98504, e-mail kijohnson@dol.wa.gov, fax (360) 586-6703 by January 24, 2005.

Assistance for Persons with Disabilities: Contact Linda Whipple by January 24, 2005, TTY (360) 664-0116 or (360) 664-6455.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To comply with the Governor's Executive Order 1997-02, and to add "leasing" activity to the WAC.

Reasons Supporting Proposal: To update the WAC and to add "leasing" language which is now in the statute per HB 1581 (2001) amendments to chapter 46.70 RCW.

Statutory Authority for Adoption: RCW 46.70.160.

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

Name of Proponent: Department of Licensing, governmental.

Name of Agency Personnel Responsible for Drafting: Cal Sanders, 2424 Bristol Court, Olympia, WA 98502, (360) 664-6459; Implementation: Chuck Coach, 2424 Bristol Court, Olympia, WA 98502, (360) 664-6453; and Enforcement: Daniel Devoè, 2424 Bristol Court, Olympia, WA 98502, (360) 664-6451.

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

A cost-benefit analysis is not required under RCW 34.05.328. There is no impact for Department of Licensing or small business.

December 6, 2004

Fred Stephens

Director

AMENDATORY SECTION (Amending Order MV 208, filed 7/31/74)

WAC 308-56A-405 Acquired from United States government. Do I need to title those vehicles? A licensed vehicle dealer who acquires vehicles from an agency of the United States government may title the vehicles under "title

purpose only" procedures and need attach only the original or one certified copy of the bill of sale if each application is filed in the name of the dealer and all such applications are filed at the same time.

AMENDATORY SECTION (Amending Order MV 208, filed 7/31/74)

WAC 308-56A-410 No application required. When do I not need to apply for a certificate of ownership? A Washington vehicle dealer need not apply for title in his own name when:

(1) A vehicle is acquired that is titled and the title is properly released; or

(2) One vehicle dealer transfers a particular vehicle to another vehicle dealer, unless precluded by other regulations;

(3) The dealer has a properly executed affidavit of loss from the legal owner of record and release of interest from the registered and legal owners of record for a Washington titled vehicle.

AMENDATORY SECTION (Amending Order MV 208, filed 7/31/74)

WAC 308-56A-415 Application in dealers name. When do I need to apply for a certificate of ownership? Except as referenced in WAC 308-56A-410, a Washington dealer must apply for title in his/her own name by following all procedures set forth in these rules whenever the dealer does not have a valid certificate of ownership properly released.

AMENDATORY SECTION (Amending WSR 99-02-049, filed 1/5/99, effective 2/5/99)

WAC 308-56A-420 Delivery of vehicle on dealer temporary permit. How do I deliver a vehicle on a dealer temporary permit?

(1) A vehicle dealer properly licensed pursuant to chapter 46.70 RCW may deliver a vehicle not currently registered or that does not bear valid Washington state license plates or tabs by utilizing a dealer temporary license permit.

(2) The application for title portion of the permit form must be properly and completely filled out by the selling/leasing dealer, including the dealer's report of sale and the date on which the vehicle is physically delivered to the customer/purchaser/lessee. If license based on gross weight is required, the amount of gross weight purchased must be clearly shown. The application must be signed by the registered owner(s) or lessee.

(3) The dealer shall collect all fees required for titling and registration of a vehicle.

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

(5) The application copies shall be used by the dealer to apply for title and to complete licensing of the vehicle. Except as provided in RCW 46.70.180(8), when a second

temporary permit is authorized; the selling dealer must submit the application and all title/licensing fees to the department of licensing or an authorized licensing agent within forty-five calendar days from the date on which the vehicle is physically delivered to the customer/purchaser. The date on which the selling or leasing dealer physically delivers the vehicle to the customer/purchaser/lessee shall commence the forty-five day interval in which the selling or leasing dealer must make an application for a certificate of title in the purchaser's or lessee's name. Additionally, the director may excuse late applications only in situations where applications are delayed, for reasons beyond the control of the dealer.

(6) The hard copy of the permit and a purchase order identifying the vehicle and the date on which the vehicle ~~((is))~~ was physically delivered to the customer/purchaser/lessee must be carried in the vehicle or the towing vehicle at all times the vehicle is operated on the temporary permit.

(7) The hard copy of the dealer temporary license permit shall be displayed on the inside of the rear window in the lower left corner, or enclosed in a moisture proof protective case securely attached in the rear license plate holder, with the expiration date visible to one standing or following at the rear of the vehicle.

(8) The dealer temporary license permit is valid for not more than forty-five calendar days commencing with the date on which the vehicle is physically delivered to the customer/purchaser/lessee.

(9) The dealer temporary license permit shall not:

- (a) Be issued for a dealer inventoried or a dealer or dealer-employee operated vehicle;
- (b) Be issued as a demonstration permit;
- (c) Be issued for a vehicle processed as a courtesy delivery.

(10) Fees paid for dealer temporary license permit application forms are not refundable unless the dealer ceases doing business as a vehicle dealer. A credit, in the amount of the permit form fee, will be provided when the permit is used by the vehicle dealer to make application for a vehicle title.

(11) The dealer shall maintain a record of each dealer temporary permit form acquisition and distribution including the following:

- (a) ~~((Vehicle purchaser's names;))~~ Date and location of purchase of each permit and the permit number;
- (b) ~~((Vehicle identification;))~~ Identification of vehicles delivered on temporary permits;
- (c) Dates of vehicle sales, leases and deliveries~~((; and~~
- (d) ~~Date and location of purchase of each permit form and the permit number)).~~

WSR 05-01-227
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed December 22, 2004, 10:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-11-104.

Title of Rule and Other Identifying Information:
 Amendments to chapter 308-63 WAC.

Hearing Location(s): Dealer and Manufacturer Services, 2424 Bristol Court, 3rd Floor Conference Room, Olympia, WA 98502, on January 31, 2005, at 2.30 p.m.

Date of Intended Adoption: February 14, 2005.

Submit Written Comments to: Kim Johnson, P.O. Box 9039, Olympia, WA 98504, e-mail kijohnson@dol.wa.gov, fax (360) 586-6703 by January 24, 2005.

Assistance for Persons with Disabilities: Contact Linda Whipple by January 24, 2005, TTY (360) 664-0116 or (360) 664-6455.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: House-keeping amendments.

Reasons Supporting Proposal: These amendments are in keeping with the Governor's Executive Order 1997-02 concerning review of WACs.

Statutory Authority for Adoption: RCW 46.80.140.

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

Name of Proponent: Department of Licensing, governmental.

Name of Agency Personnel Responsible for Drafting: Cal Sanders, 2424 Bristol Court, Olympia, WA 98502, (360) 664-6459; Implementation: Chuck Coach, 2424 Bristol Court, Olympia, WA 98502, (360) 664-6453; and Enforcement: Daniel Devoe, 2424 Bristol Court, Olympia, WA 98502, (360) 664-6451.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no small business impact. Provisions are already in statute.

A cost-benefit analysis is not required under RCW 34.05.328. There is no business impact.

December 6, 2004

Fred Stephens

Director

AMENDATORY SECTION (Amending WSR 00-13-019, filed 6/12/00, effective 7/13/00)

WAC 308-63-020 Definitions. May I acquire a vehicle or a vehicle part on a bill of sale? (1) Bill of sale for acquiring vehicles. A bill of sale shall include the names and addresses of the seller and purchaser; a description of the vehicle ~~((or part))~~ being ~~((sold))~~ purchased, including the make, model and identification or serial number; the date of ~~((sale))~~ purchase; and the purchase price of the vehicle. Bills of sale are acceptable in lieu of title in the cases of:

- (a) Vehicles from nontitle jurisdictions;
- (b) When an insurance company or private owner has turned in the title to a vehicle previously destroyed as provided under WAC 308-56A-460; or
- (c) For vehicles of the type to which titles are not issued.

(2) In the case of vehicle parts a bill of sale from the seller describing the specific part and giving the full name, address and verification of the seller's identity, plus date of sale. In addition, if a major component part is acquired the vehicle identification number from which it came must also be set forth on the bill of sale. A copy of each bill of sale shall be maintained on acquired parts for a period of three years.

AMENDATORY SECTION (Amending WSR 00-13-019, filed 6/12/00, effective 7/13/00)

WAC 308-63-030 Established place of business.

What is a vehicle wrecker place of business? A vehicle wrecker's established place of business is a building or enclosure which the owner occupies either continuously or at regular intervals; and where the business books and records are kept available for inspection during normal business hours and dismantling of vehicles is accomplished. It must conform with local zoning regulations.

AMENDATORY SECTION (Amending WSR 00-13-019, filed 6/12/00, effective 7/13/00)

WAC 308-63-050 Expiration of motor vehicle wrecker's license. When does my vehicle wrecker license expire? (1) A (~~motor~~) vehicle wrecker's license shall expire twelve consecutive months from the date of issuance.

(2) (~~Motor~~) Vehicle wrecker license plates shall expire on the same date as the expiration of the license.

AMENDATORY SECTION (Amending WSR 00-13-019, filed 6/12/00, effective 7/13/00)

WAC 308-63-060 Vehicle wrecker(s)—Special plates. How do I use the special vehicle wrecker license plates? All vehicles used for towing or transporting vehicles or vehicle parts by a vehicle wrecker on the highways of this state in the conduct of the business shall bear regular license plates and, in addition, special wrecker's plates. Wrecker's plates may be obtained at a fee of six dollars which includes one dollar for reflectorization under RCW 46.16.237 for the first set, and three dollars including reflectorization for each additional set.

The wrecker may purchase sets of plates equal in number to the number of vehicles reported on the application as owned, rented, leased and operated by the applicant for towing or transporting of vehicles or vehicle parts in the conduct of the business. Should the wrecker purchase, lease, or rent additional vehicles for towing or transporting of vehicles, the applicant shall so inform the department and may, at the department's discretion, obtain additional plates for such vehicles.

Each vehicle used for towing or transporting of vehicles or vehicle parts shall display both wrecker plates of the same number. However, when any vehicle being towed does not have valid license plates, the set of wrecker plates may be split, with one being displayed on the front of the towing vehicle and the other on the rear of the vehicle being towed.

AMENDATORY SECTION (Amending WSR 01-03-141, filed 1/24/01, effective 2/24/01)

WAC 308-63-070 Wreckers—General procedures and requirements. Vehicle wreckers shall comply with all rules and regulations relative to the handling of vehicle parts or vehicles to be dismantled.

(1) Enclosure. The activities of a vehicle wrecker shall be conducted entirely within the established place of business. A physical barrier shall designate the boundary of the

wrecking yard. Where necessary to obscure public view of the premises, it shall be enclosed by a sight-obscuring wall or fence at least eight feet high.

(a) Where required, such sight-obscuring wall or fence shall be painted or stained in a neutral shade to blend with the surrounding premises. If the fence is made of chain link, it must have sufficient slats or other construction to obscure public view of the premises.

(b) A living hedge of equal height and sufficient density to prevent view of the premises may be substituted for the wall or fence.

(c) All enclosures and barriers shall be kept in good repair.

(d) Reasonable consideration shall be given to the topography of the land by enforcement personnel when inspecting premises for such fence, enclosure or barrier.

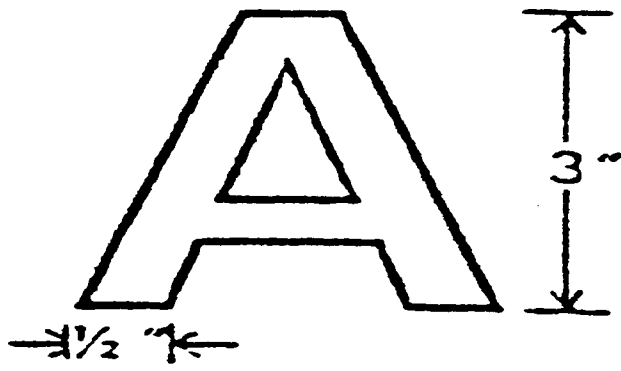
(e) Exceptions to this section must be granted in writing by the department.

(2) Additional places of business. Each licensed vehicle wrecker may maintain one or more additional places of business within the same county, under the same permit. The vehicle wrecker may maintain as many storage yards or sales outlets as needed so long as each is registered with the department. Each wrecking or storage yard shall comply with local zoning regulations and with such other requirements as the department may provide, particularly those in subsection (1) of this section. Duplicate vehicle wrecker's licenses will be issued to be posted at each additional place of business.

(3) Change of address. The department shall be notified immediately of any change of address of any business location or of the addition of any such location.

(4) Display of license certificate. The license certificate of a licensed wrecker shall be displayed conspicuously at each business address(~~(es)~~) and shall be available for periodic inspection by law enforcement officers and authorized representatives of the department.

(5) Identification of licensee's vehicles. All vehicles equipped for lifting or transporting vehicles or vehicle parts which are operated on the highways of this state shall display the licensee's name, the city in which the licensee's established place of business is located, and the current business telephone number of the licensee. Such information shall be painted on or permanently affixed to both sides of the vehicle. Each letter and numeral shall be made with at least a half-inch in solid width and shall be at least three inches high. See example.



PROPOSED

(6) License plates from vehicles entered into the wrecking yard shall be removed within twenty-four hours. Plates on vehicles in the segregated area may be left on until the vehicle is entered into the wrecking yard. The wrecker shall destroy such plates prior to submitting the monthly report for the month the vehicle was entered into the wrecking yard.

(7) Major component parts. Under RCW 46.80.010 ((3)) (5) the term "engines, short blocks, transmissions and drive axles" shall not include cores or parts which are limited to value as scrap metal or for remanufacturing only. The term "seat" shall be interpreted to mean bucket seat. The term "drive axle" means a differential assembly.

(8) Vehicles in custody and awaiting approved ownership documents, as provided under WAC 308-63-080, must be placed in a segregated storage area within the wrecking yard which must be designated by a physical barrier. Vehicles may remain in this area after ownership documents have arrived and the vehicle has been properly entered into the wrecking yard inventory. There will be no dismantling or parts removal in this area. The physical barrier may be portable, made of substantial posts and connected by a chain, cable, or of other equally strong construction.

This area can be used for storage of dealer cars or equipment if the vehicle wrecker is both a vehicle wrecker and a dealer however, there will be no storage of vehicle parts.

AMENDATORY SECTION (Amending WSR 00-13-019, filed 6/12/00, effective 7/13/00)

WAC 308-63-080 Vehicle wrecker(s)—Procedures for acquiring vehicles and vehicle parts. With what ownership documents may I acquire vehicles or vehicle parts? Supporting acquisition. The vehicle wrecker may acquire vehicles and vehicle parts if the seller can furnish ownership documents as follows:

(1) Certificate of title, including salvage certificates, properly endorsed in the case of vehicles from states issuing a title.

(2) Bills of sale pursuant to WAC 308-63-020(1) for vehicles from nontitle jurisdictions, for vehicles that have had their title surrendered to a state after having been declared a total loss, and for vehicles of the type to which titles are not issued.

(3) Affidavit of lost or stolen title if executed by the registered and legal owner of record.

(4) Insurance company bills of sale pursuant to WAC 308-56A-460(3).

(5) Affidavit of sale of an abandoned vehicle pursuant to WAC 308-61-026(1).

(6) Affidavit of junk vehicle pursuant to RCW 46.55.230.

(7) A court order.

(8) A bill of sale for parts pursuant to WAC 308-63-020(2).

(9) A bill of sale from another licensed vehicle wrecker.

AMENDATORY SECTION (Amending WSR 02-19-036, filed 9/10/02, effective 10/11/02)

WAC 308-63-090 Vehicle wrecker(s)—Records and procedures for monthly reports. What records must

I keep and how do I handle the monthly report? (1) Wrecker books and files. The wrecker shall maintain books and files which shall contain the following:

(a) A record of each vehicle or part acquired giving:

(i) A description of the vehicle or part by make, model, year, and for major component parts, except core parts, the vehicle identification number and "yard number" assigned at the time the vehicle or major component part was placed in the wrecking yard;

(ii) The date purchased or acquired by the vehicle wrecker, and the name of the person, firm or corporation from which the vehicle or part was obtained;

(iii) The certificate of title number if registered in a title state, or registration number if a nontitle state; or description of the document used in lieu of title, such as an affidavit of sale or a bill of sale for a vehicle or vehicle part;

(iv) The name of the state and license number in the state that a vehicle was last registered; and

(v) A statement indicating whether any used car or truck at least six years but not more than twenty years old met the market value threshold amount immediately before it was wrecked, destroyed or damaged, as required by RCW 46.12.070 and WAC 308-56A-460(3). If this statement is not provided, when required, the department will treat the vehicle as if the wrecker indicated that the market value threshold was met when required.

(b) A record of the disposition of the motor, body, and major component parts giving the name of the person purchasing the part(s), if any. Sales to scrap processors shall be accompanied by an invoice or bill of sale, listing each vehicle by its yard number. The wrecker shall retain a copy of such invoice or bill of sale for purposes of inspection for three years.

These records will be subject to inspection by authorized representatives of the department and law enforcement officials during regular business hours. The foregoing information shall be entered in the wrecker's records within two business days of the event requiring the entry, such as receipt of a vehicle.

(2) The vehicle wrecker must furnish written reports. By the tenth of the month following acquisition of vehicles entered into the wrecking yard inventory, each wrecker must submit a report on the form prescribed by the department documenting that those vehicles were acquired and entered into the wrecking yard inventory during the previous month. Vehicles being held in the segregated storage area awaiting ownership documents, pursuant to WAC 308-63-070(8), will not be reported. The report shall be made in duplicate. The original shall be sent to the department and the duplicate retained for the wrecker's files. If no vehicles were acquired during that month, the monthly report must be sent in stating "none." The report shall contain such information for vehicles only as the wrecker is required to keep by subsection (1)(a)(i), (ii), (iii), (iv), and (v) of this section. The report must be accompanied by properly endorsed certificates of title or other adequate evidence of ownership and registration certificates; provided that records on acquisitions and sales of vehicle parts need not be included in reports submitted to the department but records shall be kept for three years from date of purchase and made available for inspection.

(3) Identity of vehicles in yard. All vehicles placed in the wrecking yard shall be identified by a yard number as assigned in the wrecker's records with numerals marked so as to be clearly visible and legible. If a part of a vehicle is sold which has the number on it, the yard number of the vehicle shall be remarked in another location on the vehicle.

AMENDATORY SECTION (Amending WSR 01-03-141, filed 1/24/01, effective 2/24/01)

WAC 308-63-100 Vehicle wrecker((s))—Must furnish bill of sale for parts. What document must I use to sell a vehicle part? No vehicle wrecker may sell a ((~~motor~~)) vehicle part unless ((~~he/she~~)) the vehicle wrecker gives the purchaser a bill of sale for such part. Whenever the vehicle wrecker sells a motor, frame, or other major component part, except for a core part, the bill of sale must describe the part fully, giving make, model, year, and vehicle identification number or yard number of the vehicle from which the part was taken.

No vehicle wrecker may sell vehicles to a scrap processor or to a hulk hauler for transportation to a scrap processor without giving the scrap processor or the hulk hauler an invoice or bill of sale listing each vehicle by yard number. The vehicle wrecker shall retain a copy of such invoices for inspection purposes.

AMENDATORY SECTION (Amending WSR 00-13-019, filed 6/12/00, effective 7/13/00)

WAC 308-63-110 Vehicle wrecker((s))—Selling used vehicles. Where do I store inoperable vehicles that I acquire for sale under my vehicle dealer license? (1) All vehicles acquired for sale under a vehicle dealer's license which are inoperable at the time of acquisition shall be kept inside the wrecking yard and shall be segregated from the remainder of the operation by a continuous physical barrier.

(2) "Inoperable" as used in this section shall mean a vehicle which does not comply with requirements for vehicles used on public streets with regard to brakes, lights, tires, safety glass and other safety equipment. However, for purposes of this section, inoperable shall not include a requirement to be currently licensed.

AMENDATORY SECTION (Amending WSR 00-13-019, filed 6/12/00, effective 7/13/00)

WAC 308-63-130 Termination of business. If I terminate my business, must I surrender my vehicle wrecker license? A vehicle wrecker who terminates business shall, within ten days of such termination return the vehicle wrecker license and special license plates to the department for cancellation.

WSR 05-01-229

PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed December 22, 2004, 10:37 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-22-092.

Title of Rule and Other Identifying Information: Clarification of delivery, delivery licenses, and catch data reporting rules.

Hearing Location(s): Natural Resources Building, 1111 Washington Street, Olympia, WA, on February 4-5, 2005, meeting begins at 8:00 a.m. on February 4, 2005.

Date of Intended Adoption: February 4, 2005.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail jacobesj@dfw.wa.gov, fax (360) 902-2155, by February 1, 2005.

Assistance for Persons with Disabilities: Contact Susan Yeager by January 18, 2005, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The definition of delivery needs clarification to provide guidance on when a delivery license is required for fish and shellfish taken offshore. Clarification is needed that fish receiving tickets are required for all fresh and iced food fish imported into the state. Sturgeon are now an eligible species for direct retail sales and need to be included in the DRE fish ticket requirement. Fish receiving tickets need to be retained for three years in order to provide sales accounting.

Reasons Supporting Proposal: Clarification and better record keeping.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

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

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

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, (360) 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, (360) 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2373.

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: This proposal changes the length of retention of fish receiving tickets from one year to three years.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: None.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: The cost of maintaining fish receiving tickets is dependent on the level of purchasing. Very large dealers may use up to 1,500 tickets per year, which equates to a stack

approximately six inches in height. For a very large dealer, the total for three years would be a storage space less than two cubic feet.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? No.

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.

Maintenance of a two cubic foot box. This cost cannot be estimated.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: The cost is minimal.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: Public hearing.

8. A List of Industries That Will Be Required to Comply with the Rule: Wholesale fish dealers.

A copy of the statement may be obtained by contacting Evan Jacoby, 600 Capitol Way, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail jacobesj@dfw.wa.gov.

A cost-benefit analysis is not required under RCW 34.05.328. Not hydraulics rules; not subject to RCW 34.05.-328.

December 22, 2004

Evan Jacoby

Rules Coordinator

NEW SECTION

WAC 220-16-007 Definition—Delivery. "Delivery" means arrival at a place or port, and includes arrivals from offshore waters to waters within the state, arrival ashore from state or offshore waters, and arrivals within the state from interstate or foreign commerce. A salmon delivery license is the license required to deliver salmon taken in offshore waters into the waters of the state, and such delivery is complete when the vessel transporting the salmon enters state waters. A nonlimited entry delivery license is the license required to deliver food fish other than salmon or shellfish other than ocean pink shrimp or Dungeness crab taken in offshore waters into the waters of the state, and such delivery is complete when the vessel transporting the food fish other than salmon or shellfish other than ocean pink shrimp or Dungeness crab enters state waters.

AMENDATORY SECTION (Amending Order 04-210, filed 8/17/04, effective 9/17/04)

WAC 220-69-240 Duties of commercial purchasers and receivers. (1) It is unlawful for any person originally receiving fresh or iced fish or shellfish, regardless of whether the fish or shellfish have been previously delivered in another state, territory, or country, or frozen fish or shellfish that have not been previously delivered in another state, territory, or country, except purchases or receipts made by individuals or

consumers at retail, to fail to be a licensed wholesale fish dealer or fish buyer, and to fail to immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket regarding each and every purchase or receipt of such commodities. Each delivery must be recorded on a separate fish receiving ticket.

It is unlawful for any original receiver of crab to fail to record all crab aboard the vessel making the delivery to the original receiver. The poundage of any fish or shellfish deemed to be unmarketable, discards, or weighbacks must be shown on the fish receiving ticket and identified as such, but a zero dollar value may be entered for such fish or shellfish.

(a) Failure to be licensed under this subsection is punishable under RCW 77.15.620.

(b) Failure to prepare a fish receiving ticket under this subsection in punishable under RCW 77.15.630.

(2) Any employee of a licensed wholesale dealer who has authorization to receive or purchase fish or shellfish for that dealer on the premises of the primary business address or any of its branch plant locations shall be authorized to initiate and sign fish receiving tickets on behalf of his employer. The business or firm shall be responsible for the accuracy and legibility of all such documents initiated in its name.

(3) It is unlawful for the original receiver to fail to initiate the completion of the fish receiving ticket upon receipt of any portion of a commercial catch. Should the delivery of the catch take more than one day, the date that the delivery is completed is required to be entered on the fish receiving ticket as the date of delivery. If, for any reason, the delivery vessel leaves the delivery site, the original receiver must immediately enter the current date on the fish receiving ticket. Violation of this subsection is punishable under RCW 77.15.630.

(4) Forage fish: It is unlawful for any person receiving forage fish to fail to report the forage fish on fish receiving tickets that are initiated and completed on the day the forage fish are delivered. Herring are also required to be reported on herring harvest logs. The harvested amount of forage fish is to be entered upon the fish ticket when the forage fish are off-loaded from the catcher vessel. An estimate of herring, candlefish, anchovy, or pilchards caught but not sold due to mortality must be included on the fish ticket as "loss estimate."

Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(5) Geoduck: It is unlawful for any person receiving geoducks, regardless of whether or not the receiver holds a license as required under Title 77 RCW, to fail to accurately and legibly complete the fish receiving ticket initiated on the harvest tract immediately upon the actual delivery of geoducks from the harvesting vessel onto the shore. This fish receiving ticket shall accompany the harvested geoducks from the department of natural resources harvest tract to the point of delivery. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(6) Pacific whiting: It is unlawful for the original receiver of Pacific whiting to fail to enter an estimated weight of Pacific whiting on the fish receiving ticket immediately upon completion of the delivery. The exact weights of whiting, by grade, and all incidental species in the delivery must be entered on the fish receiving ticket within twenty-four

hours of the landing. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(7) Puget Sound shrimp - Pot gear: It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound by pot gear to fail to report to the department the previous week's purchases by 10:00 a.m. the following Monday. For harvest in Crustacean Management Regions 1 or 2, reports must be made to the La Conner district office by voice 360-466-4345 extension 245, or facsimile 360-466-0515. For harvest in Crustacean Management Regions 3, 4, or 6, reports must be made to the Point Whitney Shellfish Laboratory by voice 1-866-859-8439, extension 600, or facsimile 360-586-8408. All reports must specify the serial numbers of the fish receiving tickets on which the previous week's shrimp were sold, and the total number of pounds caught by gear type, Marine Fish-Shellfish Management and Catch Reporting Area (Catch Area), and species listed on each ticket. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

(a) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 23A, to fail to record either 23A-C, 23A-E, 23A-W or 23A-S on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(b) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26A, to fail to record either 26A-E or 26A-W on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(c) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26B, to fail to record either 26B-1 or 26B-2 on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(d) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Areas 20B, 21A, and 22A, to fail to record either 1A-20B, 1A-22A, 1B-20B, 1B-21A, 1B-22A, or 1C-21A on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(8) Puget Sound shrimp - Trawl gear: It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound by trawl gear to fail to report to the department the previous day's purchases by 10:00 a.m. the following morning. For harvest in Crustacean Management Region 1, reports must be made to the La Conner district office by voice 360-466-4345 extension 245, or facsimile 360-466-0515. For harvest in Crustacean Management Region 3, reports must be made to the Point Whitney Shellfish Laboratory by voice 1-866-859-8439, extension 600, or facsimile 360-586-8408. All reports must specify the serial numbers of the fish receiving tickets on which the previous day's shrimp

were sold, and the total number of pounds caught by gear type, Marine Fish-Shellfish Management and Catch Reporting Area, and species listed on each ticket. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

(9) Puget Sound crab: It is unlawful for any wholesale dealer acting in the capacity of an original receiver of Dungeness crab taken by nontreaty fishers from Puget Sound to fail to report to the department the previous day's purchases by 10:00 a.m. the following morning. Reports must be made to the Point Whitney Shellfish Laboratory by facsimile 360-586-8408 or by telephone number 1-866-859-8439 extension 500 and must specify the dealer name, dealer phone number, and total number of pounds of crab caught by nontreaty fishers by Crustacean Management Region. The fish receiving ticket reporting requirement of WAC 220-69-240 remains in effect. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

(10) Salmon and sturgeon: During any fishery opening designated by rule as "quick reporting required," it is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report all purchases of salmon and sturgeon made on the previous calendar day, or for a direct retail endorsement holder to fail to report all salmon offered for retail sale on the previous calendar day. The report must include dealer or holder name and purchasing location, date of purchase, each fish ticket number used on the purchasing date, and the following catch data for each species purchased: Gear, catch area, species, number and total weight of fish. When quick reporting is required, it is unlawful to fail to comply with the following reporting requirements:

(a) Puget Sound reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) Fax transmission to 360-902-2949
- (ii) E-mail to psfishtickets@dfw.wa.gov or
- (iii) Telephone to 1-866-791-1279

(b) Coastal troll reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) Fax transmission to 360-902-2949
- (ii) E-mail to trollfishtickets@dfw.wa.gov or
- (iii) Telephone to 1-866-791-1279

(c) Grays Harbor and Willapa Bay reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) Fax transmission to 360-664-0689
- (ii) E-mail to harborfishtickets@dfw.wa.gov or
- (iii) Telephone to 1-866-791-1280

(d) Columbia River reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) Fax transmission to 360-906-6776 or 360-906-6777
- (ii) E-mail to crfishtickets@dfw.wa.gov or
- (iii) Telephone to 1-866-791-1281

(e) Faxing a copy of each fish receiving ticket used on the previous day satisfies the reporting requirement.

(f) Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

(11) Sea urchins and sea cucumbers: It is unlawful for any wholesale dealer acting in the capacity of an original receiver and receiving sea urchins or sea cucumbers from nontreaty fishers to fail to report to the department each day's

purchases by 10:00 a.m. the following day. For red sea urchins the report must specify the number of pounds received from each sea urchin district. For green sea urchins and sea cucumbers the report must specify the number of pounds received from each Marine Fish-Shellfish Management and Catch Reporting Area. For sea cucumbers the report must specify whether the landings were "whole-live" or "split-drained." The report must be made by facsimile (fax) transmission to 360-902-2943 or by toll-free telephone to 866-207-8223. Additionally, it is unlawful for the original receiver of red sea urchins to fail to record on the fish receiving ticket the sea urchin district where the red sea urchins were taken, and it is unlawful for the original receiver of any sea urchins to fail to record on the fish receiving ticket the name of the port of landing where the sea urchins were landed ashore. Additionally, it is unlawful for the original receiver of sea cucumbers to fail to record on the fish receiving ticket whether the sea cucumbers were delivered "whole-live" or "split-drained." Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

(12) Coastal spot shrimp: It is unlawful for any original receiver of spot shrimp taken from Marine Fish Management and Catch Reporting Area 60A-1 to fail to record separately on the fish receiving ticket spot shrimp taken north or south of 47°04.00' north latitude. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

AMENDATORY SECTION (Amending Order 04-210, filed 8/17/04, effective 9/17/04)

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, or donating fish or shellfish that have not been previously delivered to an original receiver to a nonprofit or other organization, and every fisher who places, or attempts to place, into inter-state commerce any food fish or shellfish previously (~~landed~~) delivered 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. It is unlawful for such fishers to fail to immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket in their own name for each delivery of fish. The fish receiving ticket must show the total of all fish and shellfish aboard the harvesting vessel upon delivery. It is unlawful for a fisher selling at retail to fail to 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.

(a) Failure to be licensed under this subsection is punishable under RCW 77.15.620.

(b) Failure to prepare a fish receiving ticket under this subsection is punishable under RCW 77.15.630.

(2) It is unlawful for a fisher offering food fish or shellfish for retail sale to fail to maintain a sequentially numbered

receipt book, which receipt book contains a receipt duplicate copy, and must give each purchaser of salmon, sturgeon or crab a receipt showing the number, weight and value of food fish or shellfish sold to that purchaser. It is unlawful for the seller to fail to retain the duplicate receipts for one year. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(3) In the commercial geoduck fishery, it is unlawful for a vessel operator so designated by the geoduck tract holder to fail to 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, it is unlawful for the designated operator to fail to 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.

(d) Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

AMENDATORY SECTION (Amending Order 04-210, filed 8/17/04, effective 9/17/04)

WAC 220-69-280 Fish receiving ticket accountability. Only current state of Washington fish receiving tickets shall be used, and shall be subject to the following orders:

(1) Official state of Washington fish receiving tickets may be ordered free of charge from the department.

(2) It is unlawful to fail to use fish receiving ticket books and fish receiving tickets in numerical sequence, starting with the lowest numbered ticket issued to the original receiver.

(3) It is unlawful to transfer fish receiving tickets or ticket books from one original receiver to another original receiver without written permission from the department.

(4) It is unlawful for any purchaser or receiver terminating business to fail to notify the department in writing and to fail to return all unused fish receiving tickets and ticket books to the department within thirty days after termination of business.

(5) It is unlawful to fail to return the state copy of all fish receiving tickets to the state. All fish receiving tickets that are incorrectly made out, voided, or otherwise unused, are required to be submitted to the department accompanying, and in sequence with, other fish receiving tickets.

(6) It is unlawful to fail to account for all fish receiving tickets that are lost, destroyed, or otherwise missing in writing to the department.

(7) It is unlawful to transfer fish receiving tickets to anyone who is not a licensed wholesale fish dealer, licensed fish buyer, or holder of a direct retail sale license endorsement, and it is unlawful for any person not so licensed to have fish receiving tickets in possession.

(8) It is unlawful for a wholesale dealer or holder of a direct retail sale endorsement to fail to maintain the dealer copy or copies at the dealer's or holder's regular place of busi-

ness for ~~((one))~~ three years after the date of use of the fish ticket.

(9) Violation of this section is a gross misdemeanor, punishable under RCW 77.15.640.

NEW SECTION

WAC 220-69-310 Sale under a direct retail endorsement. It is unlawful for any fisher selling salmon, sturgeon or Dungeness crab taken by that fisher under a direct retail endorsement, or for a wholesale dealer accepting salmon, sturgeon or crab from such a fisher, to fail to comply with the requirements of this section.

(1) A direct retail endorsement will not be issued to a licensee who is other than a natural person. Applicants for the endorsement must present a letter from the county health department of the fisher's county of residence certifying that the methods used by the fisher for transport, storage and display of product meet the county and statewide standards for food service operations. If the fisher is landing product from a documented vessel, the letter may be from the county health department of the hailing port of the vessel. Additionally, applicants must present a valid food and beverage service worker's permit at the time of application, and pay the direct retail administrative cost of fifty dollars. The health department letter, permit, and administrative cost are required for each application or renewal for a direct retail endorsement.

(2) Any fisher who offers salmon, sturgeon or crab for retail sale must complete a fish receiving ticket for all salmon, sturgeon or crab aboard the harvesting vessel before the product is offered for retail sale, except if the salmon, sturgeon or crab 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 enter the actual number and weight of salmon, sturgeon or crab that were sold at retail. The price shown on the fish receiving ticket must be the actual sale price of the salmon, sturgeon or crab.

(3) Any fisher selling salmon, sturgeon or crab at retail if the product is taken from an area under the quick reporting requirements of WAC 220-69-240, is required to comply with the quick reporting requirement.

(4) Sturgeon and crab offered for retail sale must be landed in the round. Salmon may be cleaned or headed but not steaked or filleted prior to landing.

(5) In order to allow inspection and sampling, each fisher offering salmon, sturgeon or crab for retail sale at any location other than the harvesting vessel or, if from the harvesting vessel, in an amount having a retail value greater than one hundred fifty dollars must notify the department eighteen hours prior to sale and identify the location of the fisher's vessel, temporary food service establishment or restaurant or other business which prepares and sells food at retail to which the fisher is selling the salmon, sturgeon or crab. The only acceptable notification is by telephone to 360-902-2936, fax to 902-2155, or e-mail to enforcement-web@dfw.wa.gov.

(6) Each fisher offering salmon, sturgeon or crab 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, sturgeon or crab a receipt showing the number, weight and value of salmon, sturgeon or crab sold to that purchaser. The duplicate receipts must be retained by the seller for one year.

(7) If salmon, sturgeon or crab offered for retail sale and documented on a fish receiving ticket are subsequently sold to a licensed wholesale dealer, the sale must be documented by a sale receipt, not a fish receiving ticket, and it is the responsibility of the wholesale dealer to maintain the product separately, until the product is resold or processed.

(8) Violations of this section are punishable under RCW 77.15.640, Wholesale fish buying and dealing—Rules violations.

WSR 05-01-230

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed December 22, 2004, 11:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-22-094.

Title of Rule and Other Identifying Information: WAC 16-303-340 Seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains.

Hearing Location(s): Washington State Department of Agriculture, 21 North First Avenue, Suite 103, Conference Room, Yakima, WA 98902, on January 31, 2005, at 11:00 a.m.

Date of Intended Adoption: February 14, 2005.

Submit Written Comments to: George Huffman, Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, e-mail ghuffman@agr.wa.gov, fax (360) 902-1802 by 5:00 p.m. on January 31, 2005.

Assistance for Persons with Disabilities: Contact Virginia Walsh by January 24, 2005, TTY (360) 902-1976.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: 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 fiscal growth rate factor for fiscal year 2005 (3.03%).

Reasons Supporting Proposal: The proposed fee increases are necessary to help offset inflationary increases in the cost of operating the Washington State Crop Improvement Association.

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).

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

Name of Proponent: Washington State Crop Improvement Association, private.

Name of Agency Personnel Responsible for Drafting and Implementation: Victor Shaul, Yakima, (509) 225-2630; Enforcement: Fawad Shah, Yakima, (509) 225-2630.

PROPOSED

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Washington State Department of Agriculture (WSDA) concludes that the proposed increases in current fees, based upon the OFM fiscal growth rate factor, does 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).

A cost-benefit analysis is not required under RCW 34.05.328. The WSDA is not a listed agency under RCW 34.05.328 (5)(a)(i) and, therefore, a cost-benefit analysis is not required.

December 22, 2004
Robert W. Gore
Assistant Director

AMENDATORY SECTION (Amending WSR 04-06-029, filed 2/24/04, effective 3/26/04)

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	\$(20.66) <u>21.28</u>
(b) Field inspection fee per acre except millet and hybrid sorghum	\$(2.86) <u>2.94</u>
(c) Millet - first acre	\$(30.73) <u>31.66</u>
..... - each additional acre	\$(6.13) <u>6.31</u>
(d) Hybrid sorghum - first acre	\$(30.73) <u>31.66</u>
..... - each additional acre	\$(12.28) <u>12.65</u>
(e) Special field inspection fee per acre	\$(2.44) <u>2.51</u>
(f) Late application fee	\$(19.36) <u>19.94</u>
(g) Reinspection fee	\$(38.76) <u>39.93</u>
minimum for each field which did not pass field inspection plus \$(0.42) <u>0.43</u> for each acre over twenty-five. The reinspection fee for isolation requirements only for a field of any size is \$(38.76) <u>39.93</u> .	
(h) Final certification fee	\$(0.240) <u>0.245</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))~~ \$10.30 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 05-01-231
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed December 22, 2004, 11:17 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-22-095.

Title of Rule and Other Identifying Information: The department is proposing amendments to WAC 16-237-195 Fees for warehouse audit and related services, that: (1) Establish a fee for services performed by the department when conducting special year-end inventories requested by licensed warehouse operators; and (2) increase, beyond the Office of Financial Management fiscal growth rate factor, the fees charged by the department for all services (except conducting special year-end inventories) performed by the WSDA warehouse audit program. These services include, but are not limited to special technical assisted audits of records and inventories, observation of sampling of commodities, collection of samples for Karnal Bunt, and remeasurement of commodities and storage bins.

Hearing Location(s): Spokane County Agricultural Center, 222 North Havana, Spokane, WA, on January 25, 2005, at 2:00 p.m.

Date of Intended Adoption: March 15, 2005.

Submit Written Comments to: George Huffman, Department of Agriculture, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, e-mail ghuffman@agr.wa.gov, fax (360) 902-1802 by 5:00 p.m. on January 25, 2005.

Assistance for Persons with Disabilities: Contact Virginia Walsh by January 18, 2005, TTY (360) 902-1976.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendments to WAC 16-237-195 will enable the warehouse audit program to recover costs for services performed by: (1)

PROPOSED

Establishing a fee for year-end inventories requested by licensed warehouse operators; and (2) increasing the fees for program service performed (other than year-end inventories) at the request of warehouse operators, grain dealers, and government agencies. These services include, but are not limited to, providing special technical assisted audits of records and inventories, observing commodity sampling, collecting samples for Karnal Bunt, and remeasurement of commodity and storage bins.

Reasons Supporting Proposal: In section 309(2), chapter 25, Laws of 2003, 2003 1st sp.s. (ESSB 5404) the department is allowed to increase its fees, for the 2003-2005 biennium, beyond the fiscal growth rate factor. The warehouse audit program has been performing special year-end inventory services at no charge to the industry since 1998. Current cost data shows that the cost of performing these special inventories is more than \$33,000.00. Establishing a fee for this service enables the program to recover the costs of performing the service. This special inventory helps warehouse company CPA's establish the quality and quantity of commodities in a warehouse. Such information is needed by the CPA when preparing the companies year-end financial statement. Increasing the fee for other services performed from the current \$23.00 to the proposed \$33.00 per hour also enables the warehouse audit program to recover the costs for performing those services.

Statutory Authority for Adoption: Chapter 25, Laws of 2003 1st sp.s., chapters 22.09 and 34.05 RCW.

Statute Being Implemented: RCW 22.09.020(13).

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

Name of Proponent: Washington State Department of Agriculture, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Don Michelbook, 617 North Fancher Road, Spokane, WA, (509) 533-2488.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The warehouse audit program surveyed the seventy-four business entities affected by the proposed amendments. The response rate to the survey was 68%. Of those responding, 86% supported the new fee for year-end audit services and 72% supported the increase in fees for other services. Based upon these results, the department has concluded that there is industry support for the proposed amendments and that the new fee for service and the increase in current fees does not constitute a "more than minor" impact on business. Therefore, a formal small business economic impact statement is not required.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington State Department of Agriculture is not a listed agency under RCW 34.05.328 (5)(a)(i) and, therefore, a cost-benefit analysis is not required.

December 22, 2004

Robert W. Gore

Assistant Director

AMENDATORY SECTION (Amending WSR 00-21-043, filed 10/13/00, effective 11/13/00)

WAC 16-237-195 Fees for warehouse audit and related services. ((These)) The following fees ((shall be applied)) apply to the following services:

(1) ~~((Measurement of new or additional storage including outside grain storage that requires a second and/or additional inspection or measurement, per hour \$ 23.00~~

(2) ~~Special year end audits that require remeasurement at the request of the warehouse operator, per hour \$ 23.00~~

(3) ~~Commodity Credit Corporation samples may be drawn by department personnel at the rate established by the grain inspection program.~~

(4) ~~Appropriate overtime charges, mileage, and travel charges incurred by department personnel shall be assessed.)~~

For year-end inventories requested by a warehouse operator, the department charges the following:

<u>A fee of:</u>	<u>If requested:</u>
(a) <u>10% of the warehouse license fee</u>	<u>By July 30th of each year</u>
(b) <u>15% of the warehouse license fee</u>	<u>After July 30 of each year</u>

(2)(a) The hourly rate for all other services performed by the warehouse audit program at the request of warehouse operators, grain dealers and/or other government agencies is \$33.00 per hour.

(b) These services include, but are not limited to, technical assisted audits of records and inventory, observation of sampling of commodities, collection of samples for the Karnal Bunt Survey, and remeasurement of commodities and storage bins.

(3) In addition to the hourly rate established in subsection (2)(a) of this section, the department assesses appropriate charges for overtime, mileage, meals, and lodging expenses incurred by department personnel when providing the types of services identified in subsection (2)(b) of this section.

WSR 05-01-232

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed December 22, 2004, 11:18 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-22-093.

Title of Rule and Other Identifying Information: WAC 16-319-041 Application for certification of forest reproductive material and the following "promulgation" sections: WAC 16-319-001, 16-319-002, 16-319-003, 16-319-004, 16-319-006, and 16-319-007.

Hearing Location(s): Washington State Department of Agriculture, 21 North First Avenue, Suite 103, Conference Room, Yakima, WA 98902, on January 31, 2005, at 11:00 a.m.

Date of Intended Adoption: February 14, 2005.

Submit Written Comments to: George Huffman, Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, e-mail ghuffman@agr.wa.gov, fax (360) 902-1802 by 5:00 p.m. on January 31, 2005.

Assistance for Persons with Disabilities: Contact Virginia Walsh by January 24, 2005, TTY (360) 902-1976.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 16-319-041 Application for certification of forest reproductive material. In addition, the following promulgation sections: WAC 16-319-001, 16-319-002, 16-319-003, 16-319-004, 16-319-006, and 16-319-007:

This proposal is 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 Office of Financial Management (OFM) fiscal growth rate factor for the fiscal year 2005 (3.03%).

In addition this proposal is intended to repeal several "promulgation" sections that are an outdated method of rule making and are no longer needed.

Reasons Supporting Proposal: The proposed fee increases are necessary to help offset inflationary increases in the cost of operating the Washington State Crop Improvement Association.

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).

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

Name of Proponent: Washington State Crop Improvement Association, private.

Name of Agency Personnel Responsible for Drafting and Implementation: Victor Shaul, Yakima, (509) 225-2630; Enforcement: Fawad Shah, Yakima, (509) 225-2630.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Washington State Department of Agriculture (WSDA) concludes that the proposed increases in current fees, based upon the OFM fiscal growth rate factor, does 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).

A cost-benefit analysis is not required under RCW 34.05.328. The WSDA is not a listed agency under RCW 34.05.328 (5)(a)(i) and, therefore, a cost-benefit analysis is not required.

December 22, 2004

Robert W. Gore
Assistant Director

AMENDATORY SECTION (Amending WSR 04-06-028, filed 2/24/04, effective 3/26/04)

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 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

**WSR 05-01-234
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed December 22, 2004, 11:27 a.m.]

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	Field Inspection	Audit	Fee Due
Tested and Selected	\$ ((26.41)) 27.00/hr.	\$ ((26.41)) 27.00/hr.	When billed
Source Identified Classes:			
Lots 11 bu. and more	\$ ((9.86)) 0.88/bu.	\$ ((26.41)) 27.00/hr.	
Lots 6-10 bu.	\$ ((21.25)) 21.89/lot	\$ ((26.41)) 27.00/hr.	
Lots 0-5 bu.	\$ ((12.85)) 13.00/lot	\$ ((26.41)) 27.00/hr.	
Audit	None	\$ ((26.41)) 27.00/hr.	When billed

(b) Tree certification - \$ ~~((26.41))~~ 27.00/hr.

Seedling certification - experience has shown that seedling certification normally requires a minimum of five nursery visits (~~((totalling))~~ 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 \$ ~~((26.41))~~ 27.00/hr. payable when billed.

(d) OECD certification (certificates of provenance) - \$ 0.60 per certificate plus the hourly audit rate. (Auditors shall issue certificates.)

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 16-319-001 Promulgation.
- WAC 16-319-002 Promulgation.
- WAC 16-319-003 Promulgation.
- WAC 16-319-004 Promulgation.
- WAC 16-319-006 Promulgation.
- WAC 16-319-007 Promulgation.

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-22-091.

Title of Rule and Other Identifying Information: Commercial fishing rules.

Hearing Location(s): Natural Resources Building, 1111 Washington Street, Olympia, WA, on February 4-5, 2005, meeting begins at 8:00 a.m. on February 4, 2005.

Date of Intended Adoption: February 4, 2005.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail jacobesj@dfw.wa.gov, fax (360) 902-2155, by February 1, 2005.

Assistance for Persons with Disabilities: Contact Susan Yeager by January 18, 2005, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Establishes wild shellfish harvest under an emerging commercial fishery license. Allows use of water pumps to take geoduck clams.

Reasons Supporting Proposal: Allows for commercialization of wild embedded shellfish. Provides for accountability of such harvest.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

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

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

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, (360) 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, (360) 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2373.

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: This proposal will allow harvesters to take wild shellfish for commercial purposes. Currently no harvest is allowed without a commercial fishery license, and the only wild shellfish license for clams, oysters and mussels is the razor clam fishery license. This proposal will require harvesters to obtain an emerging commercial fishery license and use fish receiving tickets for the harvest of wild embedded shellfish.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: Harvesters of wild shellfish would be required to do a survey of the standing stock prior to harvest. The services of a professional biologist may be needed for this survey.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: The cost of an emerging commercial fishery license is \$185 per year for residents and \$295 for nonresidents. Har-

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vesters would be required to obtain the license if they wanted to harvest wild shellfish prior to commencing aquaculture operations. It is anticipated that some aquaculture farm operators would reduce the standing stock of wild shellfish prior to commencing aquaculture operations, in order to establish a uniform product for aquaculture harvest. Wild shellfish have a tax. This tax is 2.1% for shellfish other than oysters and .08% for oysters. The costs of a survey vary depending on the type of shellfish. An intertidal survey would be approximately \$1,500 for a two person team, while a subtidal survey would be approximately \$3,000.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? No.

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.

Using geoduck as an example, Department of Natural Resources has estimated that a natural bed contains 13,000 pounds of geoduck at a wholesale value of \$5/pound. Thus, if an acre of geoduck produces \$65,000 in revenue, the cost for one year is the license (\$185) and the enhanced fish tax (\$1,365), and the survey (\$3,000), total \$4,550 or \$7.00 per \$100 of sales. Oysters are approximately \$.10 each at wholesale, and a medium beach (Triton Cove) produces 105,000 per acre, or roughly \$10,500 per acre, with the license (\$185), excise tax (\$80) and survey (\$1,500) totaling \$16.80 per \$100 in sales. This presumes the harvest tract is one acre in size. Costs are substantially lower for larger tracts.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: The licensing requirement and excise tax costs are set by statute, and the fish tickets are free. The department is unable to reduce the costs.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: Public hearing.

8. A List of Industries That Will Be Required to Comply with the Rule: Harvesters of commercial wild shellfish.

A copy of the statement may be obtained by contacting Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail jacobesj@dfw.wa.gov.

A cost-benefit analysis is not required under RCW 34.05.328. Not hydraulics rules; not subject to RCW 34.05.-328.

December 22, 2004

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 94-23, filed 5/19/94, effective 6/19/94)

WAC 220-52-018 Clams—Gear. It shall be unlawful to take, dig for or possess clams, geoducks, or mussels taken for commercial purposes from any of the tidelands in the state of Washington except with a pick, mattock, fork or shovel operated by hand, except ~~((that))~~:

(1) Permits for the use of mechanical clam digging devices to take clams other than geoducks may be obtained from the director of fisheries subject to the following conditions:

~~((1))~~ (a) Any or all types of mechanical devices used in the taking or harvesting of shellfish must be approved by the director of fisheries.

~~((2))~~ (b) A separate permit shall be required for each and every device and the permit shall be attached to the specific unit at all times.

~~((3))~~ (c) All types of clams to be taken for commercial use must be of legal size and in season during the proposed operations unless otherwise provided in specially authorized permits for the transplanting of seed to growing areas or for research purposes.

~~((4))~~ (d) The holder of a permit to take shellfish from tidelands by mechanical means shall limit operations to privately owned or leased land.

~~((5))~~ (e) The taking of clams from bottoms under navigable water below the level of mean lower low water by any mechanical device shall be prohibited except as authorized by the director of fisheries. Within the enclosed bays and channels of Puget Sound, Strait of Juan de Fuca, Grays Harbor and Willapa Harbor, the operators of all mechanical devices shall confine their operations to bottoms leased from the Washington department of natural resources, subject to the approval of the director of fisheries. The harvesting of shellfish from bottoms of the Pacific Ocean westward from the western shores of the state shall not be carried out in waters less than two fathoms deep at mean lower low water. In said waters more than two fathoms deep the director of fisheries may reserve all or certain areas thereof and prevent the taking of shellfish in any quantity from such reserves established on the ocean bottoms.

~~((6))~~ (f) Noncompliance with any part of these regulations or with special requirements of individual permits will result in immediate cancellation of and/or subsequent nonrenewal of all permits held by the operator.

~~((7))~~ (g) Applications must be made on the forms provided by the department of fisheries and permits must be in the possession of the operator before digging commences.

~~((8))~~ (h) All permits to take or harvest shellfish by mechanical means shall expire on December 31 of the year of issue.

~~((9))~~ (i) All mechanical clam harvesting machines must have approved instrumentation that will provide deck readout of water pressure.

~~((10))~~ (j) All clam harvest machines operating on intertidal grounds where less than ten percent of the substrate material is above 500 microns in size must be equipped with a propeller guard suitable for reducing the average propeller wash velocity at the end of the guard to approximately twenty-five percent of the average propeller wash velocity at the propeller. The propeller guard must also be positioned to provide an upward deflection to propeller wash.

~~((11))~~ (k) Clam harvest machines operating in fine substrate material where less than ten percent of the substrate material is above 500 microns in size, shall have a maximum harvest head width of 3 feet (overall) and the maximum pump volume as specified by the department of fisheries commen-

surate with the basic hydraulic relationship of 828 gpm at 30 pounds per square inch, pressure to be measured at the pump discharge.

((+2)) (l) Clam harvest machines operating in coarser substrate material where more than ten percent of the substrate material is above 500 microns in size, shall have a maximum harvest head width of 4 feet (overall) and a maximum pump volume as specified by the department of fisheries commensurate with a basic hydraulic relationship of 1,252 gpm at 45 pounds per square inch, pressure to be measured at the pump discharge.

((+3)) (m) All clam harvest machine operators must submit accurate performance data showing revolutions per minute, gallons per minute, and output pressure for the water pump on their machine. In addition, they shall furnish the number and sizes of the hydraulic jets on the machines. If needed, the operator shall thereafter modify the machine (install a sealed pressure relief valve) as specified by the department of fisheries to conform with values set forth in either WAC 220-52-018 (11) or (12) of this section. Thereafter, it shall be illegal to make unauthorized changes to the clam harvester water pump or the hydraulic jets. Exact description of the pump volume, maximum pressure and number and size of the hydraulic jet for each harvester machine shall be included in the department of fisheries' clam harvest permit.

((+4)) (n) All clam harvest machines shall be equipped with a 3/4-inch pipe thread tap and valve that will allow rapid coupling of a pressure gauge for periodic testing by enforcement personnel.

((+5)) (o) Each mechanical clam harvester must have controls so arranged and situated near the operator which will allow the operator to immediately cut off the flow of water to the jet manifold without affecting the capability of the vessel to maneuver.

((+6)) (p) Licensing: A hardshell clam mechanical harvester fishery license is the license required to operate the mechanical harvester gear provided for in this section.

(2) Aquatic farmers may harvest geoducks that are private sector cultured aquatic product by means of water pumps and nozzles.

(3) Persons may harvest nonstate tideland wild geoducks under a nonstate lands commercial wild clam, mussel and oyster trial fishery permit by means of water pumps and nozzles.

AMENDATORY SECTION (Amending Order 00-264 [03-176], filed 12/29/00 [8/6/03], effective 1/29/01 [9/6/03])

WAC 220-52-020 Clams—Commercial harvest. It shall be unlawful to take, dig for or possess clams except razor clams, cockles, borers or mussels taken for commercial purposes from the tidelands of the state of Washington except from registered aquaculture farms or from nonstate tidelands under a nonstate lands commercial wild clam, mussel and oyster trial fishery permit.

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

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.

NEW SECTION

WAC 220-88D-010 Emerging commercial fishery—Commercial wild clams, mussels, and oyster shellfish fishery on nonstate tidelands and bedlands. The purpose of this chapter is to establish the commercial harvest of wild clams, mussels, and oysters on nonstate lands as an emerging commercial fishery.

NEW SECTION

WAC 220-88D-020 Designation of the commercial wild clams, mussels, and oyster harvest on nonstate lands as an emerging commercial fishery. The director designates the commercial harvest of wild clams, mussels, and oysters from nonstate tidelands and bedlands as an emerging commercial fishery for which use of a vessel is not required. It is unlawful for any person to harvest wild clams, mussels, or oysters for commercial purposes from nonstate lands unless the harvester has an emerging commercial fishery license and a valid nonstate lands commercial wild clam, mussel, and oyster trial fishery permit.

NEW SECTION

WAC 220-88D-030 Eligibility to participate in the nonstate lands commercial wild clams, mussels, and oyster shellfish fishery. (1) Persons having an ownership interest or contractual right to take shellfish from nonstate owned tidelands or bedlands and who intend to commercially harvest wild stocks of clams, mussels, or oysters are eligible to obtain a nonstate lands commercial wild clam, mussel, and oyster trial fishery permit and to purchase an emerging commercial fishery license.

(2) "Commercial harvest" of wild clams, mussels, and oysters includes both harvest for sale or barter and harvest of the presumptive commercial quantities defined in RCW 69.30.010.

NEW SECTION

WAC 220-88D-040 Nonstate lands commercial wild clams, mussels, and oysters—Application requirements—Survey and notification requirements—Incidental take prohibited. (1) A person making application for a nonstate lands commercial wild clam, mussel, and oyster trial fishery permit must provide the following:

(a) Documentation of ownership interest in or contractual right to harvest from the lands from which the wild clams, mussels, or oysters are to be harvested.

(b) A shellfish growing area certificate of approval issued by the state department of health for the lands from which the wild clams, mussels, or oysters are to be harvested.

(c) It is unlawful to commercially harvest wild clams, mussels, or oysters without a valid emerging commercial fishery license and a nonstate lands commercial wild clam, mussel, and oyster trial fishery permit.

(2) Prior to conducting harvest activities under a nonstate lands commercial wild clam, mussel, and oyster fishery permit, the permit holder must complete the following:

(a) Conduct a biomass survey for each species to be harvested according to standard survey methods provided by state-tribal fishery managers. At least thirty days in advance of any planned survey, notification of the intent to survey must be made to the department and all treaty tribes having usual and accustomed fishing rights, as defined in *U.S. v. Washington*, so they may exercise the right to participate in the survey.

(b) At least sixty days in advance of any harvest, provide a copy of the survey results to the department and evidence of sending the survey results to all treaty Indian tribes having usual and accustomed fishing rights, as defined in *U.S. v. Washington*, for the lands from which the wild clams, mussels, or oysters are to be harvested.

(c) Clearly and visibly mark with stakes and/or buoys the property boundaries of the nonstate tidelands to be harvested, using standard methods provided by state and tribal fishery managers.

(d) At least two weeks prior to commencement of actual harvest, notify the department of dates when commercial harvest activity will be conducted.

(e) Failure to comply with the requirements of this subsection invalidates the emerging commercial fishery license issued for the harvest of wild clams, mussels, and oysters.

(3) A nonstate lands commercial wild clam, mussel, and oyster fishery permit does not allow the harvest of any shellfish other than clams, mussels, or oysters, and does not allow the harvest of fin fish.

NEW SECTION

WAC 220-88D-050 Reporting requirements for non-state lands commercial wild clams, mussels, and oyster harvest—Conversion to private sector cultured aquatic products. (1) All set of clams, mussels, and oysters on tidelands and bedlands that are not, at the time of setting, registered as an aquatic farm and under the active supervision and management of a private sector aquatic farmer are wild stocks of clams, mussels, and oysters.

(2) It is unlawful to fail to report the sale of wild stocks of clams, mussels, and oysters on shellfish receiving tickets. Any person selling wild stocks of clams, mussels, and oysters must sell the harvest to a licensed Washington wholesale fish dealer, or, if selling at retail or having the harvest transported out-of-state, must be a licensed wholesale dealer and complete a fish receiving ticket for each day's sales or for each shipment. Wild stock sales may not be reported on aquatic farm quarterly production reports. Only private sector cultured aquatic products may be reported on quarterly production reports.

(3) If a person registers nonstate tidelands as an aquatic farm, all clams except geoduck clams, mussels, and oysters commercially harvested from the tidelands for the first twenty-four months after aquatic farm registration must be reported as wild stock harvest. Geoduck clams commercially harvested from the tidelands for the first sixty months after aquatic farm registration must be reported as wild stock har-

vest. After twenty-four or sixty months, respectively, all shellfish produced from a registered aquatic farm will be presumed to be private sector cultured aquatic products, and must be reported on quarterly reports.

WSR 05-01-235

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 04-12—Filed December 22, 2004, 11:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-14-055.

Title of Rule and Other Identifying Information: Chapter 173-350 WAC, Solid waste handling standards, the chapter applies to facilities and activities that manage solid wastes not defined as municipal solid waste.

Hearing Location(s): Ecology Headquarters Building, on February 8, 2005, at 1:00 p.m.

Date of Intended Adoption: February 16, 2005.

Submit Written Comments to: Randy Martin, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, e-mail rama461@ecy.wa.gov, fax (360) 407-7157, by February 15, 2005.

Assistance for Persons with Disabilities: Contact Solid Waste and Financial Assistance Program by January 20, 2005, TTY (800) 833-6388 or (360) 407-6900.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule amendment would clarify the definitions of clean soils and clean dredged materials, contaminated soils and contaminated dredged material.

Reasons Supporting Proposal: This rule change is a temporary fix. We adopted a new solid waste rule, and revised our soil standards to be more clear. Upon implementation, we have found that our new standards are not more clear, and are causing much concern. This rule change takes us back to the old standards. We will file another rule with the final soil standards in the spring of 2005. In that process, we will analyze the concerns and economic impacts.

Statutory Authority for Adoption: RCW 70.95.060 authorizes ecology to adopt rules to implement the requirements of chapter 70.95 RCW.

Statute Being Implemented: Chapter 70.75 RCW, Solid waste management—Reduction and Recycling Act.

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

Name of Proponent: Washington Department of Ecology, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Albert W. Krafft, Regional Office, Spokane, (509) 329-2438.

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

Small Business Economic Impact Statement

A small business economic impact statement will be filed with the code reviser by January 7, 2005, and will be available by contacting Helen Fox (see below) or download-

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ing a copy from <http://www.ecy.wa.gov/laws-rules/activity/wac173350.html>.

A copy of the statement may be obtained by contacting Helen Fox, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6105, fax (360) 407-6903, e-mail hfox461@ecy.wa.gov.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Helen Fox, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6105, fax (360) 407-6903, e-mail hfox461@ecy.wa.gov, or the following website <http://www.ecy.wa.gov/laws-rules/activity/wac173350.html>.

December 22, 2004

Polly Zehm

Deputy Director

AMENDATORY SECTION (Amending Order 99-24, filed 1/10/03, effective 2/10/03)

WAC 173-350-100 Definitions. When used in this chapter, the following terms have the meanings given below.

"Active area" means that portion of a facility where solid waste recycling, reuse, treatment, storage, or disposal operations are being, are proposed to be, or have been conducted. Setbacks shall not be considered part of the active area of a facility.

"Agricultural composting" means composting of agricultural waste as an integral component of a system designed to improve soil health and recycle agricultural wastes. Agricultural composting is conducted on lands used for farming.

"Agricultural wastes" means wastes on farms resulting from the raising or growing of plants and animals including, but not limited to, crop residue, manure and animal bedding, and carcasses of dead animals weighing each or collectively in excess of fifteen pounds.

"Agronomic rates" means the application rate (dry weight basis) that will provide the amount of nitrogen or other critical nutrient required for optimum growth of vegetation, and that will not result in the violation of applicable standards or requirements for the protection of ground or surface water as established under chapter 90.48 RCW, Water pollution control and related rules including chapter 173-200 WAC, Water quality standards for ground waters of the state of Washington, and chapter 173-201A WAC, Water quality standards for surface waters of the state of Washington.

"Air quality standard" means a standard set for maximum allowable contamination in ambient air as set forth in chapter 173-400 WAC, General regulations for air pollution sources.

"Below ground tank" means a device meeting the definition of "tank" in this chapter where a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface of the tank that is in the ground.

"Beneficial use" means the use of solid waste as an ingredient in a manufacturing process, or as an effective substitute for natural or commercial products, in a manner that does not pose a threat to human health or the environment. Avoidance of processing or disposal cost alone does not constitute beneficial use.

"Biosolids" means municipal sewage sludge that is a primarily organic, semisolid product resulting from the wastewater treatment process, that can be beneficially recycled and meets all applicable requirements under chapter 173-308 WAC, Biosolids management. Biosolids includes a material derived from biosolids and septic tank sludge, also known as septage, that can be beneficially recycled and meets all applicable requirements under chapter 173-308 WAC, Biosolids management.

"Buffer" means a permanently vegetated strip adjacent to an application area, the purpose of which is to filter runoff or overspray from the application area and protect an adjacent area.

"Cab cards" means a license carried in a vehicle that authorizes that vehicle to legally pick up waste tires and haul to a permitted, licensed facility or an exempt facility for deposit.

"Captive insurance companies" means companies that are wholly owned subsidiaries controlled by the parent company and established to insure the parent company or its other subsidiaries.

"Channel migration zone" means the lateral extent of likely movement of a stream or river channel along a stream reach.

"Clean soils and clean dredged material" means soils and dredged material ~~((that do not contain contaminants at concentrations which could negatively impact the existing quality of air, waters of the state, soils, or sediments; or pose a threat to the health of humans or other living organisms))~~ which are not dangerous wastes, contaminated soils, or contaminated dredged material as defined in this section.

"Closure" means those actions taken by the owner or operator of a solid waste handling facility to cease disposal operations or other solid waste handling activities, to ensure that all such facilities are closed in conformance with applicable regulations at the time of such closures and to prepare the site for the post-closure period.

"Closure plan" means a written plan developed by an owner or operator of a facility detailing how a facility is to close at the end of its active life.

"Composted material" means organic solid waste that has undergone biological degradation and transformation under controlled conditions designed to promote aerobic decomposition at a solid waste facility in compliance with the requirements of this chapter. Natural decay of organic solid waste under uncontrolled conditions does not result in composted material.

"Composting" means the biological degradation and transformation of organic solid waste under controlled conditions designed to promote aerobic decomposition. Natural decay of organic solid waste under uncontrolled conditions is not composting.

"Conditionally exempt small quantity generator (CESQG)" means a dangerous waste generator whose dangerous wastes are not subject to regulation under chapter 70.105 RCW, Hazardous waste management, solely because the waste is generated or accumulated in quantities below the threshold for regulation and meets the conditions prescribed in WAC 173-303-070 (8)(b).

"Conditionally exempt small quantity generator (CESQG) waste" means dangerous waste generated by a conditionally exempt small quantity generator.

"Container" means a portable device used for the collection, storage, and/or transportation of solid waste including, but not limited to, reusable containers, disposable containers, and detachable containers.

"Contaminant" means any chemical, physical, biological, or radiological substance that does not occur naturally in the environment or that occurs at concentrations greater than natural background levels.

"Contaminate" means the release of solid waste, leachate, or gases emitted by solid waste, such that contaminants enter the environment at concentrations that pose a threat to human health or the environment, or cause a violation of any applicable environmental regulation.

"Contaminated dredged material" means dredged material resulting from the dredging of surface waters of the state where contaminants are present in the dredged material at concentrations not suitable for open water disposal and the dredge spoils are not dangerous wastes and are not regulated by section 404 of the Federal Clean Water Act (P.L. 95-217).

"Contaminated soils ((and ~~contaminated dredged material~~))" means soils ~~((and dredged material that contain contaminants at concentrations which could negatively impact the existing quality of air, waters of the state, soils or sediments, or pose a threat to the health of humans or other living organisms))~~ removed during the cleanup of a hazardous waste site, or a dangerous waste facility closure, corrective actions or other clean-up activities and which contain harmful substances but are not designated dangerous wastes.

"Corrosion expert" means a person certified by the National Association of Corrosion Engineers (NACE) or a registered professional engineer who has certification or licensing that includes education and experience in corrosion control.

"Crop residues" means vegetative material leftover from the harvesting of crops, including leftover pieces or whole fruits or vegetables, crop leaves and stems. Crop residue does not include food processing waste.

"Dangerous wastes" means any solid waste designated as dangerous waste by the department under chapter 173-303 WAC, Dangerous waste regulations.

"Department" means the Washington state department of ecology.

"Detachable containers" means reusable containers that are mechanically loaded or handled, such as a dumpster or drop box.

"Disposable containers" means containers that are used once to handle solid waste, such as plastic bags, cardboard boxes and paper bags.

"Disposal" or **"deposition"** means the discharge, deposit, injection, dumping, leaking, or placing of any solid waste into, or on any land or water.

"Domestic septage" means Class I, II or III domestic septage as defined in chapter 173-308 WAC, Biosolids management.

"Domestic wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat,

reclaim, or dispose of domestic wastewater together with such industrial waste as may be present.

"Drop box facility" means a facility used for the placement of a detachable container including the area adjacent for necessary entrance and exit roads, unloading and turn-around areas. Drop box facilities normally serve the general public with loose loads and receive waste from off-site.

"Energy recovery" means the recovery of energy in a useable form from mass burning or refuse-derived fuel incineration, pyrolysis or any other means of using the heat of combustion of solid waste that involves high temperature (above twelve hundred degrees Fahrenheit) processing.

"Existing facility" means a facility which is owned or leased, and in operation, or for which facility construction has begun, on or before the effective date of this chapter and the owner or operator has obtained permits or approvals necessary under federal, state and local statutes, regulations and ordinances.

"Facility" means all contiguous land (including buffers and setbacks) and structures, other appurtenances, and improvements on the land used for solid waste handling.

"Facility construction" means the continuous on-site physical act of constructing solid waste handling unit(s) or when the owner or operator of a facility has entered into contractual obligations for physical construction of the facility that cannot be canceled or modified without substantial financial loss.

"Facility structures" means constructed infrastructure such as buildings, sheds, utility lines, and piping on the facility.

"Garbage" means animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking, and serving of foods.

"Ground water" means that part of the subsurface water that is in the zone of saturation.

"Holocene fault" means a plane along which earthen material on one side has been displaced with respect to that on the other side and has occurred in the most recent epoch of the Quaternary period extending from the end of the Pleistocene to the present.

"Home composting" means composting of on-site generated wastes, and incidental materials beneficial to the composting process, by the owner or person in control of a single-family residence, or for a dwelling that houses two to five families, such as a duplex or clustered dwellings.

"Household hazardous wastes" means any waste which exhibits any of the properties of dangerous wastes that is exempt from regulation under chapter 70.105 RCW, Hazardous waste management, solely because the waste is generated by households. Household hazardous waste can also include other solid waste identified in the local hazardous waste management plan prepared pursuant to chapter 70.105 RCW, Hazardous waste management.

"Hydrostratigraphic unit" means any water-bearing geologic unit or units hydraulically connected or grouped together on the basis of similar hydraulic conductivity which can be reasonably monitored; several geologic formations or part of a geologic formation may be grouped into a single hydrostratigraphic unit; perched sand lenses may be consid-

ered a hydrostratigraphic unit or part of a hydrostratigraphic unit, for example.

"Incineration" means reducing the volume of solid wastes by use of an enclosed device using controlled flame combustion.

"Incompatible waste" means a waste that is unsuitable for mixing with another waste or material because the mixture might produce excessive heat or pressure, fire or explosion, violent reaction, toxic dust, fumes, mists, or gases, or flammable fumes or gases.

"Industrial solid wastes" means solid waste generated from manufacturing operations, food processing, or other industrial processes.

"Industrial wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim, or dispose of industrial wastewater.

"Inert waste" means solid wastes that meet the criteria for inert waste in WAC 173-350-990.

"Inert waste landfill" means a landfill that receives only inert wastes.

"Intermediate solid waste handling facility" means any intermediate use or processing site engaged in solid waste handling which is not the final site of disposal. This includes material recovery facilities, transfer stations, drop boxes, baling and compaction sites.

"Intermodal facility" means any facility operated for the purpose of transporting closed containers of waste and the containers are not opened for further treatment, processing or consolidation of the waste.

"Jurisdictional health department" means city, county, city-county or district public health department.

"Land application site" means a contiguous area of land under the same ownership or operational control on which solid wastes are beneficially utilized for their agronomic or soil-amending capability.

"Land reclamation" means using solid waste to restore drastically disturbed lands including, but not limited to, construction sites and surface mines. Using solid waste as a component of fill is not land reclamation.

"Landfill" means a disposal facility or part of a facility at which solid waste is permanently placed in or on land including facilities that use solid waste as a component of fill.

"Leachate" means water or other liquid within a solid waste handling unit that has been contaminated by dissolved or suspended materials due to contact with solid waste or gases.

"Limited moderate risk waste" means waste batteries, waste oil, and waste antifreeze generated from households.

"Limited moderate risk waste facility" means a facility that collects, stores, and consolidates only limited moderate risk waste.

"Limited purpose landfill" means a landfill which is not regulated or permitted by other state or federal environmental regulations that receives solid wastes limited by type or source. Limited purpose landfills include, but are not limited to, landfills that receive segregated industrial solid waste, construction, demolition and landclearing debris, wood waste, ash (other than special incinerator ash), and dredged material. Limited purpose landfills do not include inert waste landfills, municipal solid waste landfills regulated under

chapter 173-351 WAC, Criteria for municipal solid waste landfills, landfills disposing of special incinerator ash regulated under chapter 173-306 WAC, Special incinerator ash management standards, landfills regulated under chapter 173-303 WAC, Dangerous waste regulations, or chemical waste landfills used for the disposal of polychlorinated biphenyls (PCBs) regulated under Title 40 CFR Part 761, Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions.

"Liquid" means a substance that flows readily and assumes the form of its container but retains its independent volume.

"Liquid waste" means any solid waste which is deemed to contain free liquids as determined by the Paint Filter Liquids Test, Method 9095, in *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, EPA Publication SW-846.

"Lithified earth material" means all rock, including all naturally occurring and naturally formed aggregates or masses of minerals or small particles of older rock that formed by crystallization of magma or by induration of loose sediments. This term does not include man-made materials, such as fill, concrete or asphalt, or unconsolidated earth materials, soil or regolith lying at or near the earth's surface.

"Local fire control agency" means a public or private agency or corporation providing fire protection such as a local fire department, the department of natural resources or the United States Forest Service.

"Lower explosive limits" means the lowest percentage by volume of a mixture of explosive gases that will propagate a flame in air at twenty-five degrees centigrade and atmospheric pressure.

"Material recovery facility" means any facility that collects, compacts, repackages, sorts, or processes for transport source separated solid waste for the purpose of recycling.

"Mobile systems and collection events" means activities conducted at a temporary location to collect moderate risk waste.

"Moderate risk waste (MRW)" means solid waste that is limited to conditionally exempt small quantity generator (CESQG) waste and household hazardous waste (HHW) as defined in this chapter.

"MRW facility" means a solid waste handling unit that is used to collect, treat, recycle, exchange, store, consolidate, and/or transfer moderate risk waste. This does not include mobile systems and collection events or limited MRW facilities that meet the applicable terms and conditions of WAC 173-350-360 (2) or (3).

"Municipal solid waste (MSW)" means a subset of solid waste which includes unsegregated garbage, refuse and similar solid waste material discarded from residential, commercial, institutional and industrial sources and community activities, including residue after recyclables have been separated. Solid waste that has been segregated by source and characteristic may qualify for management as a non-MSW solid waste, at a facility designed and operated to address the waste's characteristics and potential environmental impacts. The term MSW does not include:

■ Dangerous wastes other than wastes excluded from the requirements of chapter 173-303 WAC, Dangerous waste regulations, in WAC 173-303-071 such as household hazardous wastes;

■ Any solid waste, including contaminated soil and debris, resulting from response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601), chapter 70.105D RCW, Hazardous waste cleanup—Model Toxics Control Act, chapter 173-340 WAC, the Model Toxics Control Act cleanup regulation or a remedial action taken under those rules; nor

■ Mixed or segregated recyclable material that has been source-separated from garbage, refuse and similar solid waste. The residual from source separated recyclables is MSW.

"Natural background" means the concentration of chemical, physical, biological, or radiological substances consistently present in the environment that has not been influenced by regional or localized human activities. Metals at concentrations naturally occurring in bedrock, sediments and soils due solely to the geologic processes that formed the materials are natural background. In addition, low concentrations of other persistent substances due solely to the global use or formation of these substances are natural background.

"New solid waste handling unit" means a solid waste handling unit that begins operation or facility construction, and significant modifications to existing solid waste handling units, after the effective date of this chapter.

"Nuisance odor" means any odor which is found offensive or may unreasonably interfere with any person's health, comfort, or enjoyment beyond the property boundary of a facility.

"One hundred year flood plain" means any land area that is subject to one percent or greater chance of flooding in any given year from any source.

"Open burning" means the burning of solid waste materials in an open fire or an outdoor container without providing for the control of combustion or the control of emissions from the combustion.

"Overburden" means the earth, rock, soil, and topsoil that lie above mineral deposits.

"Permeability" means the ease with which a porous material allows liquid or gaseous fluids to flow through it. For water, this is usually expressed in units of centimeters per second and termed hydraulic conductivity.

"Permit" means an authorization issued by the jurisdictional health department which allows a person to perform solid waste activities at a specific location and which includes specific conditions for such facility operations.

"Person" means an individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity, whatever.

"Pile" means any noncontainerized accumulation of solid waste that is used for treatment or storage.

"Plan of operation" means the written plan developed by an owner or operator of a facility detailing how a facility is to be operated during its active life.

"Point of compliance" means a point established in the ground water by the jurisdictional health department as near a possible source of release as technically, hydrogeologically and geographically feasible.

"Post-closure" means the requirements placed upon disposal facilities after closure to ensure their environmental safety for at least a twenty-year period or until the site becomes stabilized (i.e., little or no settlement, gas production, or leachate generation).

"Post-closure plan" means a written plan developed by an owner or operator of a facility detailing how a facility is to meet the post-closure requirements for the facility.

"Premises" means a tract or parcel of land with or without habitable buildings.

"Private facility" means a privately owned facility maintained on private property solely for the purpose of managing waste generated by the entity owning the site.

"Processing" means an operation to convert a material into a useful product or to prepare it for reuse, recycling, or disposal.

"Product take-back center" means a retail outlet or distributor that accepts household hazardous waste of comparable types as the products offered for sale or distributed at that outlet.

"Public facility" means a publicly or privately owned facility that accepts solid waste generated by other persons;

"Putrescible waste" means solid waste which contains material capable of being readily decomposed by microorganisms and which is likely to produce offensive odors.

"Pyrolysis" means the process in which solid wastes are heated in an enclosed device in the absence of oxygen to vaporization, producing a hydrocarbon-rich gas capable of being burned for recovery of energy.

"Recyclable materials" means those solid wastes that are separated for recycling or reuse, including, but not limited to, papers, metals, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan.

"Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration. Recycling does not include collection, compacting, repackaging, and sorting for the purpose of transport.

"Representative sample" means a sample that can be expected to exhibit the average properties of the sample source.

"Reserved" means a section having no requirements and which is set aside for future possible rule making as a note to the regulated community.

"Reusable containers" means containers that are used more than once to handle solid waste, such as garbage cans.

"Runoff" means any rainwater, leachate or other liquid that drains over land from any part of the facility.

"Run-on" means any rainwater or other liquid that drains over land onto any part of a facility.

"Scavenging" means the removal of materials at a disposal facility, or intermediate solid waste-handling facility, without the approval of the owner or operator and the jurisdictional health department.

"Seismic impact zone" means an area with a ten percent or greater probability that the maximum horizontal

acceleration in lithified earth material, expressed as a percentage of the earth's gravitational pull, will exceed 0.10g in two hundred fifty years.

"Setback" means that part of a facility that lies between the active area and the property boundary.

"Sewage sludge" means solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated.

"Soil amendment" means any substance that is intended to improve the physical characteristics of soil, except composted material, commercial fertilizers, agricultural liming agents, unmanipulated animal manures, unmanipulated vegetable manures, food wastes, food processing wastes, and materials exempted by rule of the department, such as biosolids as defined in chapter 70.95J RCW, Municipal sewage sludge—Biosolids and wastewater, as regulated in chapter 90.48 RCW, Water pollution control.

"Solid waste" or **"wastes"** means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, contaminated soils and contaminated dredged material, and recyclable materials.

"Solid waste handling" means the management, storage, collection, transportation, treatment, use, processing or final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from such wastes or the conversion of the energy in such wastes to more useful forms or combinations thereof.

"Solid waste handling unit" means discrete areas of land, sealed surfaces, liner systems, excavations, facility structures, or other appurtenances within a facility used for solid waste handling.

"Source separation" means the separation of different kinds of solid waste at the place where the waste originates.

"Storage" means the holding of solid waste materials for a temporary period.

"Surface impoundment" means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), and which is designed to hold an accumulation of liquids or sludges. The term includes holding, storage, settling, and aeration pits, ponds, or lagoons, but does not include injection wells.

"Surface water" means all lakes, rivers, ponds, wetlands, streams, inland waters, salt waters and all other surface water and surface water courses within the jurisdiction of the state of Washington.

"Tank" means a stationary device designed to contain an accumulation of liquid or semisolid materials meeting the definition of solid waste or leachate, and which is constructed primarily of nonearthen materials to provide structural support.

"Transfer station" means a permanent, fixed, supplemental collection and transportation facility, used by persons and route collection vehicles to deposit collected solid waste from off-site into a larger transfer vehicle for transport to a solid waste handling facility.

"Treatment" means the physical, chemical, or biological processing of solid waste to make such solid wastes safer for storage or disposal, amenable for recycling or energy recovery, or reduced in volume.

"Twenty-five-year storm" means a storm of twenty-four hours duration and of such intensity that it has a four percent probability of being equaled or exceeded each year.

"Type 1 feedstocks" means source-separated yard and garden wastes, wood wastes, agricultural crop residues, wax-coated cardboard, preconsumer vegetative food wastes, other similar source-separated materials that the jurisdictional health department determines to have a comparable low level of risk in hazardous substances, human pathogens, and physical contaminants.

"Type 2 feedstocks" means manure and bedding from herbivorous animals that the jurisdictional health department determines to have a comparable low level of risk in hazardous substances and physical contaminants when compared to a type 1 feedstock.

"Type 3 feedstocks" means meat and postconsumer source-separated food wastes or other similar source-separated materials that the jurisdictional health department determines to have a comparable low level of risk in hazardous substances and physical contaminants, but are likely to have high levels of human pathogens.

"Type 4 feedstocks" means mixed municipal solid wastes, postcollection separated or processed solid wastes, industrial solid wastes, industrial biological treatment sludges, or other similar compostable materials that the jurisdictional health department determines to have a comparable high level of risk in hazardous substances, human pathogens and physical contaminants.

"Universal wastes" means universal wastes as defined in chapter 173-303 WAC, Dangerous waste regulations. Universal wastes include, but may not be limited to, dangerous waste batteries, mercury-containing thermostats, and universal waste lamps generated by fully regulated dangerous waste generators or CESQGs.

"Unstable area" means a location that is susceptible to forces capable of impairing the integrity of the facility's liners, monitoring system or structural components. Unstable areas can include poor foundation conditions and areas susceptible to mass movements.

"Vadose zone" means that portion of a geologic formation in which soil pores contain some water, the pressure of that water is less than atmospheric pressure, and the formation occurs above the zone of saturation.

"Vector" means a living animal, including, but not limited to, insects, rodents, and birds, which is capable of transmitting an infectious disease from one organism to another.

"Vermicomposting" means the controlled and managed process by which live worms convert organic residues into dark, fertile, granular excrement.

"Waste tires" means any tires that are no longer suitable for their original intended purpose because of wear,

damage or defect. Used tires, which were originally intended for use on public highways that are considered unsafe in accordance with RCW 46.37.425, are waste tires. Waste tires also include quantities of used tires that may be suitable for their original intended purpose when mixed with tires considered unsafe per RCW 46.37.425.

"Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

"Wood derived fuel" means wood pieces or particles used as a fuel for energy recovery, which contain paint, bonding agents, or creosote. Wood derived fuel does not include wood pieces or particles coated with paint that contains lead or mercury, or wood treated with other chemical preservatives such as pentachlorophenol, copper naphthanate, or copper-chrome-arsenate.

"Wood waste" means solid waste consisting of wood pieces or particles generated as a by-product or waste from the manufacturing of wood products, construction, demolition, handling and storage of raw materials, trees and stumps. This includes, but is not limited to, sawdust, chips, shavings, bark, pulp, hogged fuel, and log sort yard waste, but does not include wood pieces or particles containing paint, laminates, bonding agents or chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate.

"Yard debris" means plant material commonly created in the course of maintaining yards and gardens and through horticulture, gardening, landscaping or similar activities. Yard debris includes, but is not limited to, grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, and vegetable garden debris.

"Zone of saturation" means that part of a geologic formation in which soil pores are filled with water and the pressure of that water is equal to or greater than atmospheric pressure.

WSR 05-01-238

WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF PERSONNEL

[Filed December 22, 2004, 11:36 a.m.]

The Department of Personnel hereby withdraws the proposed new section, WAC 357-19-446. This section was proposed under WSR 04-16-113 filed on August 4, 2004.

E. C. Matt
Director

WSR 05-01-239

WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF PERSONNEL

[Filed December 22, 2004, 11:37 a.m.]

The Department of Personnel hereby withdraws the proposed new section, WAC 357-01-030. This section was proposed under WSR 04-13-179 filed on June 23, 2004.

E. C. Matt
Director

WSR 05-01-240

PROPOSED RULES DEPARTMENT OF PERSONNEL

[Filed December 22, 2004, 11:37 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 357-55-265 Who establishes staff and volunteer positions and other groups?, 357-55-270 Who engages the CFD program manager and what are the responsibilities of the program manager?, 357-55-275 How may contributions intended for an organization or federation that is decertified be handled?, 357-55-280 Do members of the CFD committee receive a salary and expense reimbursement?, 357-55-285 When may the CFD committee enter into contracts?, 357-55-310 May state employees volunteer to serve as CFD campaign executives?, 357-55-320 May state agencies and higher education institutions use state resources to support the CFD campaign?, 357-55-330 What is the role of the Department of Personnel with the CFD committee?, 357-55-410 How may state employers establish a local CFD campaign?, 357-55-415 When does the annual CFD campaign occur?, 357-55-420 May state employers grant permission for participating organizations to share information during work hours?, 357-55-425 What campaign events may occur during work hours within the campaign calendar?, 357-55-430 Who may be solicited?, 357-55-510 How are campaign expenses recovered?, 357-55-515 May fundraising expenses be deducted from donations?, 357-55-520 How are campaign expenses divided?, 357-55-610 How does the CFD committee determine eligibility?, 357-55-615 What notice does the CFD committee provide if an organization is not eligible?, 357-55-620 What is the process to request reconsideration of noneligibility?, 357-55-625 May a participating organization be decertified or disqualified from participating in the combined fund drive?, 357-55-630 What notice does the CFD committee provide when a decertification decision is made?, 357-55-635 When is decertification of an organization effective?, 357-55-640 When will payments of contributions cease for a decertified organization?, and 357-55-645 May requests be made for reconsideration of a decertification decision?

Hearing Location(s): Department of Personnel, 600 South Franklin, Olympia, WA, on January 26, 2005, at 2:00 p.m.

Date of Intended Adoption: January 26, 2005.

PROPOSED

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by January 20, 2005. FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT."

Assistance for Persons with Disabilities: Contact Department of Personnel by January 20, 2005, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules address the Washington State Combined Fund Drive.

Statutory Authority for Adoption: Chapter 41.06 RCW.
Statute Being Implemented: RCW 41.06.150.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Due to the passage of SHB 1268 the director of the Department of Personnel has rule-making authority regarding the Washington State Combined [Fund] Drive. The proposed rules implement this provision of the Personnel System Reform Act.

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

December 22, 2004

E. C. Matt
Director

NEW SECTION

WAC 357-55-275 How may contributions intended for an organization or federation that is decertified be handled? The CFD committee will direct that payments originally pledged to an organization or federation that has been decertified, is in receivership, has filed for or been placed in bankruptcy, or has been or is in the process of being dissolved, will be returned to donors. If the CFD committee determines it is not feasible to return such funds to donors, it will determine the appropriate disposition of the funds.

NEW SECTION

WAC 357-55-280 Do members of the CFD Committee receive a salary and expense reimbursement? Members of the CFD committee, who are state employees, will serve without additional salary, but will be reimbursed by their state employers for travel, lodging and meals in accordance with state law and regulations. Public retirees, who qualify, will receive normal travel, lodging and meal expenses reimbursed or paid by the CFD Committee.

NEW SECTION

WAC 357-55-285 When may the CFD Committee enter into contracts? The CFD committee may enter into contracts and partnerships with a private institution, persons, firms or corporations for the benefit of the beneficiaries of the CFD. The CFD committee may also engage in advertising activities for the support of the administrative duties of the CFD. However, CFD activities will not result in the direct commercial solicitation of state employees or in a benefit or advantage that would violate one or more provisions of chapter 42.52 RCW, the state ethics law.

NEW SECTION

WAC 357-55-310 May state employees volunteer to serve as CFD campaign executives? Agency directors, elected officials, and higher education presidents may allow employees the opportunity to serve as CFD campaign executives to assist in the conduct of the CFD campaign. The CFD campaign executive opportunity is a rotational assignment that develops leadership, communication, and teamwork skills that will benefit the employing organization upon the employee's return. Those appointed as CFD campaign executives remain on the payroll of their employing organization during this assignment.

NEW SECTION

WAC 357-55-320 May state agencies and higher education institutions use state resources to support the CFD campaign? State agencies and higher education institutions, at their discretion, are authorized to use reasonable state resources to support, promote, and conduct the annual combined fund drive campaign within their organization. Reasonable uses are not excessive in volume or frequency as determined by the agency director or institution president.

NEW SECTION

WAC 357-55-265 Who establishes staff and volunteer positions and other groups? The CFD Committee will establish staff and volunteer positions and committees as necessary to assist in the annual CFD campaign. An organizational chart is available from the CFD Committee through the Department of Personnel, P.O. Box 47500, Olympia WA 98504-7500.

NEW SECTION

WAC 357-55-270 Who engages the CFD program manager and what are the responsibilities of the program manager? The CFD Committee will engage a CFD program manager to exercise general supervision over all operations of the CFD and strive to take necessary steps for the achievement of CFD campaign objectives. The CFD program manager establishes and maintains the official list of agency, higher education institutions and local CFD campaign committee volunteers and the geographical area each covers. The CFD program manager will forward all disputes to the CFD committee for resolution.

NEW SECTION

WAC 357-55-330 What is the role of the Department of Personnel with the CFD Committee? The department of personnel will provide the administrative support for the operation of the CFD Committee.

NEW SECTION

WAC 357-55-410 How may state employers establish a local CFD campaign? Each state employer may establish local CFD campaigns within the geographical area it covers.

Each state employer and local county committee may develop promotional and fundraising events, provide training and recognition to CFD local coordinators, develop marketing plans, supervise CFD campaign executives, and expend state or CFD funds to conduct the local CFD campaign.

NEW SECTION

WAC 357-55-415 When does the annual CFD campaign occur? The annual CFD campaign begins on September 1 and ends on December 15. Each year the director of each state agency and president of each higher education institution may determine the time period of the CFD campaign within the September 1 to December 15 timeframe.

Each annual CFD campaign normally is conducted for a seven-week period. However in unusual circumstances, the individual state employers may extend the seven-week period as local conditions require. The CFD campaign will not extend beyond December 15. In extraordinary circumstances, the CFD committee may consider granting approval for solicitations at other times.

NEW SECTION

WAC 357-55-420 May state employers grant permission for participating organizations to share information during work hours? State employers may grant permission to participating organizations and federations to distribute material related to the CFD campaign during work hours. During the CFD campaign, participating organizations may distribute or orally share bonafide educational materials describing their services or programs. All CFD participating organizations must be given an equal opportunity for communication in a state employer's local CFD campaign. The local state employer may grant sharing of oral information by participating organizations if the agency or institution determines such communication is not disruptive to the local state office or institution.

This section will not be construed to require a state employer to distribute or arrange for oral or written information other than the official CFD campaign and publicity material.

NEW SECTION

WAC 357-55-425 What campaign events may occur during work hours within the campaign calendar? Solicitations of employees will be conducted during work hours using methods that permit true voluntary giving. Solicita-

tions will reserve to the individual the option of disclosing any gift or keeping it confidential to the extent confidentiality is permitted by law. Campaign kick-offs, recognition events, awards and other non-solicitation events to build support for the CFD are encouraged.

Special CFD fundraising events, such as drawings, auctions, bake sales, carnivals, athletic events, or other activities not specifically provided for in these rules are permitted 30 days prior to and during the annual CFD campaign when approved, in advance, by the state employer.

At the discretion of each state employer, state employees may be authorized to attend CFD promotional and fundraising events on state work time

NEW SECTION

WAC 357-55-430 Who may be solicited? Employees and public agency retirees may be solicited for contributions using payroll deduction, checks, money orders, credit cards, cash or electronic methods.

NEW SECTION

WAC 357-55-510 How are campaign expenses recovered? The CFD committee will recover from the gross receipts of the CFD campaign, or state appropriations, its reasonable administrative expenses to conduct the CFD campaign. The CFD committee will approve an annual budget to determine the administrative fee to be charged to the beneficiaries of the CFD.

NEW SECTION

WAC 357-55-515 May fundraising expenses be deducted from donations? Fundraising expenses will not be taken or deducted from donations collected during a fundraising event. These fundraising expenses may be paid by the state agency or higher education institution and, then, upon request and submission of proper documentation, reimbursed by the CFD.

NEW SECTION

WAC 357-55-520 How are campaign expenses divided? The CFD campaign expenses will be shared proportionately by all the participating not-for-profit organizations and federations reflecting their individual percentage share of gross CFD campaign receipts.

NEW SECTION

WAC 357-55-610 How does the CFD Committee determine eligibility? The CFD Committee will use the information supplied under this chapter and the standards and criteria set forth in the application form, to determine which not-for-profit organizations and federations are eligible to participate in annual CFD campaigns.

NEW SECTION

WAC 357-55-615 What notice does the CFD Committee provide if an organization is not eligible? If a not-for-profit organization or federation is determined not to be eligible, the CFD committee will provide written notice of its determination, including a description of the determination made, the date and by whom it was made, the basis for the determination, and the procedure for requesting reconsideration.

NEW SECTION

WAC 357-55-620 What is the process to request reconsideration of noneligibility? The following process will be used for requests for reconsideration of noneligibility:

(1) Within fifteen calendar days after receiving notice of noneligibility, an affected organization or federation may submit a written request for reconsideration to the CFD committee. Requests for reconsideration and any supporting materials must be based solely on new or additional information that was not available to the CFD committee at the time the initial determination was made.

(2) Within thirty calendar days of receiving the request for reconsideration, the CFD committee will issue a written decision. The CFD committee's reconsideration decision is final.

(3) The CFD committee may extend the time periods established in this section if it determines there is good cause to do so.

(4) Any written requests or notices made under this section will be deemed received three business days after deposited in the United States mail, properly stamped and addressed.

NEW SECTION

WAC 357-55-625 May a participating organization be decertified or disqualified from participating in the combined fund drive? Once approved for participation, any participating organization or federation may be decertified and disqualified from participation in the combined fund drive campaign by majority vote of the CFD committee for one or more of the following reasons:

(1) Failing to comply with the rules contained in this chapter;

(2) Filing an application to participate in the state combined fund drive campaign which contains false or intentionally misleading information; or

(3) Receiving an annual contribution pledge from an annual CFD campaign of two hundred fifty dollars or less.

NEW SECTION

WAC 357-55-630 What notice does the CFD Committee provide when a decertification decision is made? The CFD committee will provide written notice of the decertification decision, including a description of the determination made, the date and by whom it was made, the basis for the determination, and the procedure for requesting reconsideration.

NEW SECTION

WAC 357-55-635 When is decertification of an organization effective? Decertification is effective on the first day of the following year's CFD campaign. A decertified organization or federation is disqualified from participating in the CFD campaign as of that effective date.

NEW SECTION

WAC 357-55-640 When will payments of contributions cease for a decertified organization? Payments of contributions to a decertified organization or federation will cease on the last day of the current year's CFD campaign. Payments received after that date, but originally pledged to an organization or federation that is decertified, will be disbursed as directed by the CFD committee.

NEW SECTION

WAC 357-55-645 May requests be made for reconsideration of a decertification decision? Requests for reconsideration of a decertification decision will be governed by the procedures set forth for reconsideration of eligibility in WAC 357-55-620.

WSR 05-01-241**PROPOSED RULES****DEPARTMENT OF PERSONNEL**

[Filed December 22, 2004, 11:39 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 251-06-070 Allocation appeal and 251-06-072 Exceptions—Allocation appeal.

Hearing Location(s): Department of Personnel, 600 South Franklin, Olympia, WA, on January 26, 2005, at 2:00 p.m.

Date of Intended Adoption: January 26, 2005.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by January 20, 2005. FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT."

Assistance for Persons with Disabilities: Contact Department of Personnel by January 20, 2005, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed modification and new section clarify when an employee can request an appeal regarding their position being reallocated.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fis-

WSR 05-01-242
PROPOSED RULES
DEPARTMENT OF PERSONNEL
[Filed December 22, 2004, 11:39 a.m.]

PROPOSED

cal Matters: This modification and new section explain that an employee cannot request an appeal regarding reallocation of their position when the reallocation is to a class with the same salary range maximum based upon the director implementing a new classification plan under the provisions of RCW 41.06.136.

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

December 22, 2004

E. C. Matt
Director

AMENDATORY SECTION (Amending 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-06-070 Allocation appeal. (1) ((The)) Except as provided in WAC 251-06-072, the employee or employee representative may file a written appeal with the director under provisions of WAC 251-06-050 or 251-06-060 when:

(a) The response required in WAC 251-06-060(2) is not issued to the employee or employee representative within the required sixty calendar day period following receipt of the employee request; or

(b) The response fails to address the specific reason(s) that the request was not approved; or

(c) The employee disagrees with the results of a position review conducted by the personnel officer. The written appeal should include information which will assist the director in determining the proper allocation of the position.

(2) The director shall investigate and issue a determination. Within thirty calendar days of the date of service of the director's determination, the employee, employee representative or institution may file written exceptions with the personnel appeals board as provided in Title 358 WAC.

NEW SECTION

WAC 251-06-072 Exceptions—Allocation appeal. When an employee's position is reallocated to a class with the same salary range maximum based upon the Director implementing a new classification plan under the provisions of RCW 41:06.136, an employee does not have the right to appeal the allocation of the employee's position. The employee may request a position review in accordance with the provisions of WAC 251-06-060. Following the position review, the employee may file an appeal of the results of the position review per WAC 251-06-070.

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

Title of Rule and Other Identifying Information: WAC 357-46-055 How is general government employee's seniority date determined? and 357-46-056 How does a general government employee's seniority as of June 30, 2005, transfer under Title 357 WAC?

Hearing Location(s): Department of Personnel, 600 South Franklin, Olympia, WA, on January 26, 2005, at 2:00 p.m.

Date of Intended Adoption: January 26, 2005.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by January 20, 2005. FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT."

Assistance for Persons with Disabilities: Contact Department of Personnel by January 20, 2005, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed rules is to explain how to establish seniority for general government state employees.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Due to the passage of SHB 1268 the director of the Department of Personnel has rule-making authority regarding seniority for general government state employees. The proposed rules implement this provision of the Personnel System Reform Act.

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

December 22, 2004

E. C. Matt
Director

NEW SECTION

WAC 357-46-055 How is a general government employee's seniority date determined? (1) For a full-time general government employee, the seniority date is the employee's most recent date of hire into state service as adjusted for any period of leave without pay which exceeds

15 consecutive calendar days except when the leave without pay is taken for:

- (a) Military leave as provided in WAC 357-31-370;
- (b) Compensable work-related injury or illness leave;
- (c) Government service leave not to exceed two years and one month;
- (d) Educational leave, contingent upon successful completion of the coursework; and/or
- (e) Reducing the effects of layoff.
- (f) When an employee is on leave without pay for more than 15 consecutive calendar days and the absence is not due to one of the reasons listed above, the employee's seniority date must be moved forward in an amount equal to the number of calendar days on leave without pay.

(2) For a part-time general government employee, the seniority date is calculated by determining the number of actual hours worked and/or in paid status. Time spent in leave without pay status is not credited unless the leave without pay is taken for:

- (a) Military leave as provided in WAC 357-31-370;
- (b) Compensable work-related injury or illness leave;
- (c) Government service leave not to exceed two years and one month;
- (d) Educational leave, contingent upon successful completion of the coursework; and/or
- (e) Reducing the effects of layoff.

NEW SECTION

WAC 357-46-056 How does a general government employee's seniority as of June 30, 2005 transfer under Title 357 WAC? A general government employee's unbroken service date as of June 30, 2005 will become the employee's seniority date as of July 1, 2005. From July 1, 2005 forward, any adjustments to the seniority date for leave without pay must be in accordance with WAC 357-46-055.

WSR 05-01-243

PROPOSED RULES

DEPARTMENT OF PERSONNEL

[Filed December 22, 2004, 11:40 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 356-10-060 Allocation—Request for review and 356-10-065 Exceptions—Allocations—Reviews.

Hearing Location(s): Department of Personnel, 600 South Franklin, Olympia, WA, on January 26, 2005, at 2:00 p.m.

Date of Intended Adoption: January 26, 2005.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by January 20, 2005. FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT."

Assistance for Persons with Disabilities: Contact Department of Personnel by January 20, 2005, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed modification and new section clarify when an employee can request a director's review regarding their position being reallocated.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: This modification and new section explain that an employee cannot request a director's review regarding reallocation of their position when the reallocation is to a class with the same salary range maximum based upon the director implementing a new classification plan under the provisions of RCW 41.06.136. The employee may request the agency review the position.

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

December 22, 2004

E. C. Matt

Director

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-10-060 Allocation—Request for review. A review by the director of personnel or designee of the allocation, reallocation of a position, or incumbent status may be requested, except as specified in WAC 356-10-065, by the incumbent in the position at the time the reallocation was requested, or on the date the allocation decision was issued, or at the conclusion of a class study, or by the agency director as follows:

(1) The written request for a review must be filed with the director of personnel within 30 calendar days following notification of the effective date of the action and must contain the reasons and basis for the review.

(2) The director of personnel or designee shall acknowledge receipt of the request and send a copy of the request to the agency.

(3) The agency shall make every effort to resolve the disagreement through agency procedures.

(4) During the review, the director of personnel or designee shall conduct a hearing and may investigate and obtain such information as may be deemed necessary.

(5) Within 30 days of the receipt of the request for review, the director of personnel or designee shall set a date

for a hearing and shall notify the incumbent employee, employing agency, employee organization, and designated department of personnel analyst: Provided, That the notice shall not be less than 20 calendar days. The hearing shall be informal and any of the above designated parties may present their views. The director of personnel or designee will enter a written determination and provide each of the participating parties with a copy.

(6) An employee or agency may appeal the determination of the director of personnel or designee to the personnel appeals board as provided in Title 358 WAC.

(7) Allocation or reallocation reviews which result from a class-wide or broader position survey need not be heard until the director of personnel or designee has had a reasonable period of time to reexamine the position in question and all pertinent facts.

(8) Wherever possible, agencies shall continue employee's duties unchanged, pending an allocation decision.

NEW SECTION

WAC 356-10-065 Exceptions—Allocation—Reviews.

When an employee's position is reallocated to a class with the same salary range maximum based upon the Director implementing a new classification plan under the provisions of RCW 41.06.136, an employee does not have the right to request the director of personnel to review. The employee may request the agency review his/her position in accordance with the provisions of WAC 356-10-030. Following the position review, the employee may request a director's review of the results of the position review per WAC 356-10-060.

WSR 05-01-244
PROPOSED RULES
DEPARTMENT OF PERSONNEL

[Filed December 22, 2004, 11:41 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 357-01-301 Separation.

Hearing Location(s): Department of Personnel, 600 South Franklin, Olympia, WA, on January 26, 2005, at 2:00 p.m.

Date of Intended Adoption: January 26, 2005.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by January 20, 2005. FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT."

Assistance for Persons with Disabilities: Contact Department of Personnel by January 20, 2005, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule defines the term "separation" in Title 357 WAC.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Due to the passage of SHB 1268 the director of the Department of Personnel has rule-making authority regarding definitions. The proposed rule implements this provision of the Personnel System Reform Act.

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

December 22, 2004

E. C. Matt
Director

NEW SECTION

WAC 357-01-301 Separation. Separation from employment for nondisciplinary purposes.

WSR 05-01-245
PROPOSED RULES
DEPARTMENT OF PERSONNEL

[Filed December 22, 2004, 11:41 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 357-55-010 What is the purpose of the Combined Fund Drive rules?, 357-55-020 What is the intent of the Combined Fund Drive rules?, 357-55-030 Is the Combined Fund Drive campaign authorized to collect contributions in state workplaces?, 357-55-040 Do the Combined Fund Drive rules apply to collection of gifts in kind?, 357-55-110 What definitions apply to this chapter of the civil service rules?, 357-55-210 What is the committee's name that is authorized in accordance with RCW 41.04.033 through RCW 41.04.039 and RCW 41.04.230 and Executive Order EO 01-01?, 357-55-215 What does the CFD committee do?, 357-55-220 How are members of the CFD committee appointed?, 357-55-225 When will the CFD committee meet?, 357-55-230 What is a quorum for the CFD committee?, 357-55-235 What are the CFD committee's responsibilities for a charity drive?, 357-55-240 What are the CFD committee's responsibilities for standards and criteria to participate in the fund drive?, 357-55-245 Who completes, evaluates and approves the application printed and distributed by the CFD committee?, 357-55-250 Who develops the official CFD campaign and publicity materials?, 357-55-255 Who determines the CFD commit-

tee's administrative expenses and how are they recovered?, and 357-55-260 Who establishes the process for handling and depositing employee contributions?

Hearing Location(s): Department of Personnel, 600 South Franklin, Olympia, WA, on January 26, 2005, at 2:00 p.m.

Date of Intended Adoption: January 26, 2005.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by January 20, 2005. FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT."

Assistance for Persons with Disabilities: Contact Department of Personnel by January 20, 2005, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules address the Washington State Combined Fund Drive.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Due to the passage of SHB 1268 the director of the Department of Personnel has rule-making authority regarding the Washington State Combined [Fund] Drive. The proposed rules implement this provision of the Personnel System Reform Act.

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

December 22, 2004

E. C. Matt

Director

Chapter 357-55 WAC

Combined Fund Drive

NEW SECTION

WAC 357-55-010 What is the purpose of the Combined Fund Drive rules? The Combined Fund Drive rules are adopted to implement a charitable CFD campaign for the efficient, long-term collection of voluntary state employee and public retiree contributions to qualifying, not-for-profit organizations. The state hopes that a uniform policy for fund raising will encourage generosity in voluntary contributions for the qualified participating organizations and federations.

NEW SECTION

WAC 357-55-020 What is the intent of the Combined Fund Drive rules? The intent of the CFD rules is to:

- (1) Lessen the burdens of government and of local communities in meeting the needs of human health and welfare;
- (2) Provide a convenient channel through which state employees and public agency retirees may contribute to the efforts of the participating organizations and federations providing services in the community or region where the employees and public agency retirees live and work and overseas;
- (3) Minimize both the disruption of the state work place and the costs to taxpayers caused by multiple charitable fund drives; and
- (4) Ensure that participating organizations and federations are fiscally responsible in the uses of the moneys so raised.

NEW SECTION

WAC 357-55-030 Is the Combined Fund Drive campaign authorized to collect contributions in state workplaces? The CFD campaign is the only authorized formal solicitation of Washington state employees in the workplace on behalf of participating not-for-profit organizations and federations.

NEW SECTION

WAC 357-55-040 Do the Combined Fund Drive rules apply to collection of gifts in kind? The rules in chapter 357-55 WAC do not apply to the collection of gifts-in-kind, such as food, clothing and toys.

NEW SECTION

WAC 357-55-110 What definitions apply to this chapter of the civil service rules? The following definitions apply to chapter 357-43 WAC:

- (1) **CFD:** Washington State Combined Fund Drive.
- (2) **CFD campaign:** The annual period of organized solicitation of state employees and public agency retirees. This solicitation is conducted to obtain voluntary contributions, donations and charitable commitments to be allocated to approved, not-for-profit participating organizations and federations, during the ensuing year of contributions.
- (3) **CFD committee:** The Washington state combined fund drive (CFD) committee described in WAC 357-55-215.
- (4) **Federation:** A public or private not-for-profit umbrella organization made up of five or more individual member organizations approved by the CFD committee to participate in the CFD campaign.
- (5) **Local presence:** Demonstration of direct and substantial presence in the local CFD campaign community through:
 - (a) The availability of services, such as examinations, treatments, inoculations, preventive care, counseling, training, scholarship assistance, transportation, feeding, institutionalization, shelter, and clothing to persons working or residing in the local CFD campaign community; or

(b) The presence within the local CFD campaign community, or within reasonable commuting distance thereof, of a facility at which services may be obtained, such as an office, clinic, mobile unit, field agency, or direct provider, or specific demonstrable effects of research, such as personnel or facilities engaged therein or specific local applications thereof; or

(c) The availability to persons working or residing in the local CFD campaign community of communication with the voluntary charitable agency by means of home visits, transportation, or telephone calls, provided by the voluntary agency at no charge to the recipient or beneficiary of the service.

(d) When approved by the CFD committee, any not-for-profit federation or charitable organization, whose services are provided exclusively or in substantial preponderance overseas, and which meets all the criteria set forth in these rules except for the requirement of local presence, will be eligible to be a participating federation or participating organization.

(6) **Overseas:** Areas outside of the District of Columbia and the fifty states of the United States of America.

(7) **Participating organization:** A public 170 (c)(1) or private 501 (c)(3) not-for-profit organization whose application is approved by the CFD committee to participate in the CFD campaign.

(8) **State employer:** Washington state agencies and higher education institutions and related boards.

(9) **Year of contributions:** The annual calendar year for collection of the voluntary payroll deductions for charitable contributions authorized by state employees and public agency retirees pursuant to these rules. The normal, full annual calendar year of contributions will begin with January and end with the ensuing December.

NEW SECTION

WAC 357-55-210 What is the committee's name that is authorized in accordance with RCW 41.04.033 through RCW 41.04.039 and RCW 41.04.230 and Executive Order EO 01-01? The committee will be known as the Washington state combined fund drive committee and referred to in these rules as the CFD committee.

NEW SECTION

WAC 357-55-215 What does the CFD Committee do? A CFD committee is established to conduct a single, annual, consolidated effort to secure funds for distribution to not-for-profit organizations engaged in charitable, public health, public welfare and social services, environmental or arts purposes.

NEW SECTION

WAC 357-55-220 How are members of the CFD Committee appointed? The CFD committee must be composed of not more than twelve members appointed by the governor for three year terms. Appointments must be consistent with Executive Order 01-01. Compensation and reim-

bursement for CFD Committee members will be as provided in WAC 357-55-280.

NEW SECTION

WAC 357-55-225 When will the CFD Committee meet? The CFD Committee will meet to conduct necessary business, elect a chairperson annually, and elect such other officers as may be needed.

NEW SECTION

WAC 357-55-230 What is a quorum for the CFD Committee? Fifty percent of the appointed members will constitute a quorum for the conduct of business for the CFD committee. A majority vote of the quorum will be needed to carry a motion.

NEW SECTION

WAC 357-55-235 What are the CFD Committee's responsibilities for a charity drive? The CFD Committee will organize and effect one solicitation effort for charitable donations each year.

NEW SECTION

WAC 357-55-240 What are the CFD Committee's responsibilities for standards and criteria to participate in the fund drive? The CFD Committee will establish standards and criteria for participation in the fund drive. The standards and criteria will be incorporated into the application printed and distributed by the CFD Committee. Changes in the standards and criteria will be made only after 60 days notice is given by the CFD Committee.

NEW SECTION

WAC 357-55-245 Who completes, evaluates and approves the application printed and distributed by the CFD committee? The application which is distributed by the CFD committee will be completed and submitted by those not-for-profit organizations and federations seeking approval to participate in the CFD campaign.

The CFD Committee will evaluate each completed application, based on the established standards and criteria, and will determine which not-for-profit organizations or federations are approved to participate in the annual CFD campaign.

NEW SECTION

WAC 357-55-250 Who develops the official CFD campaign and publicity materials? The CFD Committee will develop the official CFD campaign and publicity materials. The CFD committee may contract for marketing services to develop the CFD campaign material in a manner that is consistent with RCW 41.04.0332.

NEW SECTION

WAC 357-55-255 Who determines the CFD committee's administrative expenses and how are they recovered? The CFD Committee will determine its reasonable administrative expenses to conduct the CFD campaign and recover those expenses.

NEW SECTION

WAC 357-55-260 Who establishes the process for handling and depositing employee contributions? The CFD Committee will establish a procedure for CFD staff to collect, process and deposit individual employee contributions during the annual fundraising. Contributions from fundraising efforts will be deposited into the CFD account in the custody of the state Treasurer according to state laws.

WSR 05-01-246**PROPOSED RULES****DEPARTMENT OF PERSONNEL**

[Filed December 22, 2004, 11:42 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 357-31-460 For what purposes must parental leave be granted?, 357-31-465 Who qualifies for parental leave?, 357-31-470 How and when can an employee request to be off work on parental leave?, 357-31-475 How long can an employee request to be off work for parental leave?, 357-31-480 Is parental leave in addition to any leave for sickness or temporary disability because of pregnancy and/or childbirth?, 357-31-485 How and when must an employer respond to an employee's request for parental leave?, 357-31-490 Will time off for parental leave be paid or unpaid?, 357-31-495 Will time off for parental leave be designated under the Family and Medical Leave Act?, 357-31-500 When must disability leave due to pregnancy and/or childbirth be granted?, 357-31-505 How does an employee request disability leave due to pregnancy and/or childbirth?, 357-31-510 Is the employee required to provide the employer with medical certification during disability leave due to pregnancy and/or childbirth?, 357-31-515 Will time off during the period of disability leave due to pregnancy and/or childbirth be paid?, 357-31-520 How does the Family and Medical Leave Act of 1993 and the Family Care Law interact with the civil service rules?, 357-31-525 What is an employee entitled to under the Family and Medical Leave Act of 1993?, 357-31-530 Under the Family and Medical Leave Act of 1993, how is an eligible employee defined?, 357-31-535 Who designates absences which meet the criteria of the Family and Medical Leave Act?, 357-31-540 Who chooses if an employee will use paid leave or leave without pay for absences granted under the Family and Medical Leave Act?, 357-31-545 Under the Family and Medical Leave Act, can an employee request an intermittent or reduced schedule?, 357-31-550 When an employee returns from an absence designated as FMLA, what position will the

employee return to?, 357-31-555 Must employers continue health insurance benefits when an employee is on leave designated as FMLA?, 357-31-560 Must the employer have a Family and Medical Leave policy?, and 357-31-565 May employers grant paid leave for purposes of recognition?

Hearing Location(s): Department of Personnel, 600 South Franklin, Olympia, WA, on January 26, 2005, at 2:00 p.m.

Date of Intended Adoption: January 26, 2005.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by January 20, 2005. FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT."

Assistance for Persons with Disabilities: Contact Department of Personnel by January 20, 2005, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules address parental leave, leave under the Family and Medical Leave Act and recognition leave.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Due to the passage of SHB 1268 the director of the Department of Personnel has rule-making authority regarding leave for state employees. The proposed rules implement this provision of the Personnel System Reform Act.

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

December 22, 2004

E. C. Matt

Director

NEW SECTION

WAC 357-31-460 For what purposes must parental leave be granted? (1) Employers must grant parental leave to employees for purposes of:

(a) The birth and care of a newborn child of the employee; or

(b) Placement of a child with the employee for adoption or foster care.

(2) Parental leave must be taken during the first year following the child's birth or placement of the child with the employee for adoption or foster care.

NEW SECTION**WAC 357-31-465 Who qualifies for parental leave?**

Only permanent employees or employees who have worked for the state for twelve (12) months and for at least one thousand two hundred fifty (1250) hours qualify for parental leave.

NEW SECTION

WAC 357-31-470 How and when can an employee request to be off work on parental leave? The employee must submit a written request for parental leave in accordance with the employer's leave policy. The employee must provide not less than thirty (30) days' notice, except when a child's birth or placement requires leave to begin in less than thirty (30) days, in which case the employee must provide notice as soon as is practicable.

NEW SECTION

WAC 357-31-475 How long can an employee request to be off work for parental leave? Employees are entitled to request six (6) months of parental leave for the purposes specified WAC 357-31-460. Employers may only deny requests for that portion of the parental leave that exceeds the provisions of WAC 357-31-525. The only basis for denial is operational necessity. Employers may approve requests for more than six (6) months of parental leave.

NEW SECTION

WAC 357-31-480 Is parental leave in addition to any leave for sickness or temporary disability because of pregnancy and/or childbirth? Under RCW 49.78.005, the family leave required by U.S.C. 29.2612 (a)(1)(A) and (B) of the federal family and medical leave act of 1993 (Act Feb. 5, 1993, P.L. 103-3, 107 Stat. 6) must be in addition to any leave for sickness or temporary disability because of pregnancy or childbirth as provided in WAC 357-31-500.

NEW SECTION

WAC 357-31-485 How and when must an employer respond to an employee's request for parental leave? If the employee's request for parental leave is covered by WAC 357-31-525, the employer must approve the request; therefore, no response is needed.

If the employee's request is for time off which exceeds the provisions of WAC 357-31-525, the employer must respond in writing to the employee's request within ten (10) working days of the receipt of the request. If the leave is denied, the employer must provide a rationale supporting the operational necessity.

NEW SECTION

WAC 357-31-490 Will time off for parental leave be paid or unpaid? (1) Parental leave may be a combination of vacation leave, personal holiday, compensatory time, and leave of absence without pay. Sick leave may be used if the criteria in WAC 357-31-130 are met. The combination and

use of paid and unpaid leave during a parental leave is at the employee's choice.

(2) If necessary while on approved parental leave, the employee must be allowed to use eight (8) hours per month of the accrued paid leave identified in subsection (1) of this section during a parental leave of absence without pay to provide for continuation of benefits as provided by the public employees' benefits board. The employer designates when during the month paid leave will be interspersed to maintain benefits.

NEW SECTION**WAC 357-31-495 Will time off for parental leave be designated under the Family and Medical Leave Act?**

Employers may designate a total of twelve (12) work weeks of accrued paid leave or leave without pay for purposes of parental leave as family and medical leave under the Family and Medical Leave Act. These twelve (12) weeks are in addition to any paid or unpaid leave the employee is eligible for and takes for sickness or temporary disability due pregnancy or childbirth.

NEW SECTION

WAC 357-31-500 When must disability leave due to pregnancy and/or childbirth be granted? Leave of absence must be granted for the period of time that a permanent employee is sick or temporarily disabled because of pregnancy and/or childbirth.

NEW SECTION

WAC 357-31-505 How does an employee request disability leave due to pregnancy and/or childbirth? The employee must submit a written request for disability leave due to pregnancy and/or childbirth in accordance with the employer's leave policy.

NEW SECTION

WAC 357-31-510 Is the employee required to provide the employer with medical certification during disability leave due to pregnancy and/or childbirth? In accordance with the employer's family and medical leave policy, the employee may be required to submit medical certification or verification for the period of disability leave due to pregnancy and/or childbirth.

NEW SECTION

WAC 357-31-515 Will time off during the period of disability leave due to pregnancy and/or childbirth be paid? Disability leave due to pregnancy and/or childbirth may be a combination of sick leave, vacation leave, personal holiday, compensatory time, and leave without pay. The combination and use of paid and unpaid leave must be per the choice of the employee.

NEW SECTION

WAC 357-31-520 How does the Family and Medical Leave Act of 1993 and the Family Care Law interact with the civil service rules? Benefits provided through state laws and civil service rules must not be diminished or withheld in complying with the Family and Medical Leave Act of 1993.

NEW SECTION

WAC 357-31-525 What is an employee entitled to under the Family and Medical Leave Act of 1993? (1) The Family and Medical Leave Act of 1993 (29 USC 2601 et seq) and its implementing rules, 29 CFR Part 825, provide that an eligible employee must be granted, during a twelve-month period, a total of twelve (12) work weeks of absence when one or more of the following conditions exist:

- (a) As a result of the employee's serious health condition;
- (b) To care for an employee's parent, spouse, or minor/dependent child who has a serious health condition; and/or
- (c) To provide care to an employee's newborn, adopted or foster child as provided in WAC 357-31-460.

(2) For general government employers, the twelve-month period in subsection (1) above is a rolling twelve (12) months measured from the date an employee begins leave under the Family and Medical Leave Act of 1993. Higher education employers must define within their family and medical leave policy how the twelve (12) months is measured

NEW SECTION

WAC 357-31-530 Under the Family and Medical Leave Act of 1993, how is an eligible employee defined? In accordance with 29 CFR Part 825, an eligible employee is an employee who has worked for the state for at least twelve (12) months and for at least one thousand two hundred fifty (1,250) hours during the previous twelve-month period.

NEW SECTION

WAC 357-31-535 Who designates absences which meet the criteria of the Family and Medical Leave Act? The employer designates absences which meet the criteria of the Family and Medical Leave Act. Paid or unpaid leave, excluding compensatory time, used for that designated absence must be counted towards the twelve (12) weeks of the Family and Medical Leave Act entitlement.

NEW SECTION

WAC 357-31-540 Who chooses if an employee will use paid leave or leave without pay for absences granted under the Family and Medical Leave Act? The employee may choose to use appropriate accrued paid leave or leave without pay for absence granted in accordance with the Family and Medical Leave Act. Use of accrued paid leave and leave without pay must be in accordance with the civil service rules.

NEW SECTION

WAC 357-31-545 Under the Family and Medical Leave Act, can an employee request an intermittent or reduced schedule? Employee absence granted for the purpose of WAC 357-31-525 (1)(a) and (b) must be granted on an intermittent or reduced schedule at the employee's request when medically necessary.

NEW SECTION

WAC 357-31-550 When an employee returns from an absence designated as FMLA, what position will the employee return to? Following absence designated as FMLA the employee must be returned to the same or equivalent position held prior to the absence.

NEW SECTION

WAC 357-31-555 Must employers continue health insurance benefits when an employee is on leave designated as FMLA? The employer must continue an eligible employee's existing employer-paid health insurance benefits during paid or unpaid leave granted in accordance with the Family and Medical Leave Act.

NEW SECTION

WAC 357-31-560 Must the employer have a Family and Medical Leave policy? Each employer must develop and disseminate a policy specifying the procedures, required information, and time frames for employees to request and use leave in accordance with the state laws, the civil service rules, and the Family and Medical Leave Act of 1993 law and regulations found in 29 CFR Part 825.

NEW SECTION

WAC 357-31-565 May employers grant paid leave for purposes of recognition? Employers who have received performance management confirmation may grant employees up to five (5) days of paid leave within a twelve-month period to recognize outstanding accomplishments or the achievement of pre-defined work goals by individual employees or units. Leave granted under this provision:

- (1) Is not payable upon layoff, dismissal, separation, or resignation;
- (2) Must be used within twelve (12) months of the leave being granted; and
- (3) Must be used before the employee uses vacation leave.

WSR 05-01-247

PROPOSED RULES

DEPARTMENT OF PERSONNEL

[Filed December 22, 2004, 11:43 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 357-31-380 What is the purpose of the state leave sharing program?, 357-31-385 When is an employee eligible to receive shared leave?, 357-31-390 What criteria does an employee have to meet to be eligible to receive shared leave?, 357-31-395 What definitions apply to shared leave?, 357-31-400 How much shared leave may an employee receive?, 357-31-405 What documentation may an employee seeking shared leave be required to submit?, 357-31-410 May employees donate leave to employees in other agencies, institutions of higher education, or related higher education boards?, 357-31-415 Can donated leave be used for any purpose?, 357-31-420 What rate of pay is the employee receiving shared leave paid?, 357-31-425 What types of leave can an employee donate for the purposes of the state leave sharing program?, 357-31-430 How will shared leave be administered?, 357-31-435 Must employees use their own leave before using shared leave?, 357-31-440 How must employees who are receiving shared leave be treated during their absence?, 357-31-445 What happens to leave that was donated under the state leave sharing program and was not used by the recipient?, 357-31-450 Must an employee who receives shared leave repay the value of the leave that he or she used?, and 357-31-455 What records must an employer maintain pertaining to the state leave sharing program?

Hearing Location(s): Department of Personnel, 600 South Franklin, Olympia, WA, on January 26, 2005, at 2:00 p.m.

Date of Intended Adoption: January 26, 2005.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by January 20, 2005, FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT."

Assistance for Persons with Disabilities: Contact Department of Personnel by January 20, 2005, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules address shared leave for state employees.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Due to the passage of SHB 1268 the director of the Department of Personnel has rule-making authority regarding leave for state employees. The proposed rules implement this provision of the Personnel System Reform Act.

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

December 22, 2004

E. C. Matt

Director

NEW SECTION

WAC 357-31-380 What is the purpose of the state leave sharing program? The purpose of the state leave sharing program is to permit state employees, at no significantly increased cost to the state for providing leave, to come to the aid of another state employee who has been called to service in the uniformed services or who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or terminate his or her employment.

NEW SECTION

WAC 357-31-385 When is an employee eligible to receive shared leave? An employee is eligible to receive shared leave when the employee is able to use accrued vacation leave, sick leave, or a personal holiday. Employees may only receive shared leave donations from categories of leave they are eligible to use.

NEW SECTION

WAC 357-31-390 What criteria does an employee have to meet to be eligible to receive shared leave? An employee may be eligible to receive shared leave if the agency head or higher education institution president has determined the employee meets the following criteria:

(1) The employee:

(a) suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature; or

(b) The employee has been called to service in the uniformed services.

(2) The illness, injury, impairment, condition, or call to service has caused, or is likely to cause, the employee to:

(a) Go on leave without pay status; or

(b) Terminate state employment.

(3) The employee's absence and the use of shared leave are justified.

(4) The employee has depleted or will shortly deplete his or her:

(a) Personal holiday, accrued vacation leave, and accrued sick leave if the employee qualifies under subsection (1)(a) of this section; or

(b) Personal holiday, accrued vacation leave, and paid military leave allowed under RCW 38.40.060 if the employee qualifies under subsection (1)(b) of this section.

(5) The employee has abided by employer rules regarding:

PROPOSED

(a) Sick leave use if the employee qualifies under subsection (1)(a) of this section; or

(b) Military leave if the employee qualifies under subsection (1)(b) of this section.

(6) If the illness or injury is work-related and the employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW if the employee qualifies under subsection (1)(a) of this section.

NEW SECTION

WAC 357-31-395 What definitions apply to shared leave? (1) "Employee" means any employee who is entitled to accrue sick leave or vacation leave and for whom accurate leave records are maintained.

(2) "Employee's relative" normally must be limited to the employee's spouse, child, grandchild, grandparent, or parent.

(3) "Severe" or "extraordinary" condition is defined as serious or extreme and/or life threatening.

(4) "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time national guard duty including state-ordered active duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

(5) "Uniformed services" means the armed forces, the army national guard, and the air national guard of any state, territory, commonwealth, possession, or district when engaged in active duty for training, inactive duty training, full-time national guard duty, or state active duty, the commissioned corps of the public health service, the coast guard, and any other category of persons designated by the President of the United States in time of war or national emergency.

NEW SECTION

WAC 357-31-400 How much shared leave may an employee receive? The employer determines the amount of leave, if any, which an employee may receive under these rules. However, an employee must not receive more than two hundred sixty-one (261) days of shared leave and a nonpermanent employee who is eligible to use accrued leave or personal holiday may not use shared leave beyond the expected end date of the appointment.

Employers are encouraged to consider other methods of accommodating the employee's needs such as modified duty, modified hours, flex-time, or special assignments in place of shared leave.

NEW SECTION

WAC 357-31-405 What documentation may an employee seeking shared leave be required to submit? (1) For employees seeking shared leave under WAC 357-31-390 (1)(a), the employer may require the employee to submit a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and

expected duration of the condition before the employer approves or disapproves the request.

(2) For employees seeking shared leave under WAC 357-31-390 (1)(b), the employer may require the employee to submit a copy of the military orders verifying the employee's required absence before the employer approves or disapproves the request.

NEW SECTION

WAC 357-31-410 May employees donate leave to employees in other agencies, institutions of higher education, or related higher education boards? Leave donated under the civil service rules and shared leave statutes may be transferred from employees of one employer to an employee of the same employer or, with the approval of the heads of both employers, to an employee of another state employer.

NEW SECTION

WAC 357-31-415 Can donated leave be used for any purpose? Vacation leave, sick leave, or all or part of a personal holiday transferred from a donating employee under these rules must be used solely for the purpose stated in WAC 357-31-380.

NEW SECTION

WAC 357-31-420 What rate of pay is the employee receiving shared leave paid? The receiving employee is paid his/her regular rate of pay. Therefore, the value of one (1) hour of shared leave may cover more or less than one (1) hour of the recipient's salary.

NEW SECTION

WAC 357-31-425 What types of leave can an employee donate for the purposes of the state leave sharing program? An employee may donate vacation leave, sick leave, or all or part of a personal holiday to another employee for purposes of the state leave sharing program under the following conditions:

(1) Vacation leave: The donating employee's employer approves the employee's request to donate a specified amount of vacation leave to an employee authorized to receive shared leave and the full-time employee's request to donate leave will not cause his/her vacation leave balance to fall below eighty (80) hours after the transfer. For part-time employees, requirements for vacation leave balances are prorated.

(2) Sick leave: The donating employee's employer approves the employee's request to donate a specified amount of sick leave to an employee authorized to receive shared leave and the employee's request to donate leave will not cause his/her sick leave balance to fall below one hundred seventy-six (176) hours after the transfer.

(3) Personal holiday: The donating employee's employer approves the employee's request to donate all or part of his or her personal holiday to an employee authorized to receive shared leave.

Any portion of a personal holiday that is accrued, donated as shared leave, and then returned during the same

calendar year to the donating employee, may be taken by the donating employee.

NEW SECTION

WAC 357-31-430 How will shared leave be administered? The calculation of the recipient's leave value must be in accordance with applicable office of financial management policies, regulations, and procedures. The dollar value of the leave is converted from the donor to the recipient. The leave received is coded as shared leave and is maintained separately from all other leave balances.

NEW SECTION

WAC 357-31-435 Must employees use their own leave before using shared leave? Employees who qualify for shared leave under WAC 357-31-390 (1)(a) must first use all compensatory time, personal holiday, sick leave, and vacation leave that they have accrued before using shared leave. Employees who qualify under WAC 357-31-390 (1)(b) must use all of their accrued vacation leave and paid military leave allowed under RCW 38.40.060 before using shared leave.

NEW SECTION

WAC 357-31-440 How must employees who are receiving shared leave be treated during their absence? An employee using shared leave under these rules continues to be classified as a state employee and receives the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using accrued vacation leave or sick leave.

Employees who, during their probationary period or trial service period, go on shared leave must have their probationary period or trial service period extended by the number of calendar days they are on shared leave unless the shared leave is because the employee has been called to service in the uniformed services.

NEW SECTION

WAC 357-31-445 What happens to leave that was donated under the state leave sharing program and was not used by the recipient? (1) Any shared leave not used by the recipient during each incident/occurrence as determined by the employer must be returned to the donor(s).

The remaining shared leave must be returned to the donors and reinstated to the respective donors' appropriate leave balances based on each employee's current salary rate at the time of the reversion. The shared leave returned must be returned in accordance with office of financial management policies.

(2) Unused shared leave may not be cashed out by a recipient.

NEW SECTION

WAC 357-31-450 Must an employee who receives shared leave repay the value of the leave that he or she

used? An employee who uses leave that is donated under the state leave sharing program is not required to repay the value of the leave that he or she used.

NEW SECTION

WAC 357-31-455 What records must an employer maintain pertaining to the state leave sharing program? Agencies must maintain records which contain sufficient information to provide for any state review.

WSR 05-01-248

PROPOSED RULES

DEPARTMENT OF PERSONNEL

[Filed December 22, 2004, 11:44 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 357-31-310 If an employee is required to report for jury duty service, must the employee be granted a leave of absence with pay?, 357-31-315 May employees keep compensation received for serving as a member of a jury?, 357-31-320 If an employee has received a subpoena, must the employee be granted a leave of absence with pay?, 357-31-325 Must an employer grant leave with pay for other miscellaneous reasons such as to take a state examination?, 357-31-330 For what reasons may an employer authorize leave without pay?, 357-31-335 How long can an employee remain on leave without pay?, 357-31-340 When an employee returns from authorized leave without pay, what position will he/she be returned to?, 357-31-345 How does leave without pay affect a general government employee's anniversary date, unbroken service date and periodic increment date?, 357-31-350 How does leave without pay affect a general government employee's seniority date?, 357-31-355 How does leave without pay affect the duration of an employee's probationary period or trial service period?, 357-31-360 Must employees who have been ordered to active duty or active training duty be granted paid military leave?, 357-31-370 In addition to paid military leave, must an employee be granted a military leave of absence without pay?, and 357-31-375 What provisions exist for employees to participate in medical expense plans?

Hearing Location(s): Department of Personnel, 600 South Franklin, Olympia, WA, on January 26, 2005, at 2:00 p.m.

Date of Intended Adoption: January 26, 2005.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by January 20, 2005. FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT."

Assistance for Persons with Disabilities: Contact Department of Personnel by January 20, 2005, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed

PROPOSED

rules address leave used for jury duty, subpoenas, miscellaneous leave, leave without pay, military leave, and medical expense plans.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Due to the passage of SHB 1268 the director of the Department of Personnel has rule-making authority regarding leave for state employees. The proposed rules implement this provision of the Personnel System Reform Act.

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

December 22, 2004

E. C. Matt
Director

NEW SECTION

WAC 357-31-310 If an employee is required to report for jury duty service, must the employee be granted a leave of absence with pay? The employer must grant a leave of absence with pay when an employee is required to report for jury duty service. Employers may require documentation or verification of jury service.

NEW SECTION

WAC 357-31-315 May employees keep compensation received for serving as a member of a jury? Employees are allowed to keep any compensation they receive for serving as a member of a jury in addition to their regular pay.

NEW SECTION

WAC 357-31-320 If an employee has received a subpoena, must the employee be granted a leave of absence with pay? The employer must grant a leave of absence with pay for the employee to respond to a subpoena when:

- (1) The employee has been subpoenaed on the employer's behalf; or
- (2) The subpoena is for a legal proceeding which is unrelated to the personal or financial matters of the employee.

NEW SECTION

WAC 357-31-325 Must an employer grant leave with pay for other miscellaneous reasons such as to take a state examination? (1) Leave with pay must be granted to an employee:

(a) To allow an employee to receive assessment from the employee advisory service; or

(b) When an employee is scheduled to take an examination or participate in an interview for a position with a state employer during scheduled work hours.

(i) Employers may limit the number of occurrences or the total amount of paid leave that will be granted to an employee to participate in an interview or take an examination during scheduled work hours.

(ii) Employers may deny an employee's request to participate in an interview or take an examination during scheduled work hours based upon operational necessity.

(2) An employer may grant leave with pay for an employee to perform civil duties including but not limited to fire fighting, search and rescue efforts or donating blood. In the department of natural resources, leave with pay equivalent to one regular workshift may be allowed for the purpose of rest and recuperation after ten (10) consecutive calendar days performing emergency work under an incident command system, defined in RCW 38.52.010.

NEW SECTION

WAC 357-31-330 For what reasons may an employer authorize leave without pay? Leave without pay may be allowed for any of the following reasons in accordance with the employer's leave policy:

- (1) For any reason leave with pay may be granted, as long as the conditions for leave with pay are met;
- (2) Educational leave;
- (3) Leave for government service in the public interest;
- (4) Military leave of absence as required by WAC 357-31-370;
- (5) Parental leave as required by WAC 357-31-460;
- (6) Family care emergencies as required by WAC 357-31-295;
- (7) Bereavement or condolence as provided in WAC 357-31-250;
- (8) Absence due to inclement weather as provided in WAC 357-31-255;
- (9) To accommodate annual work schedules of employees occupying cyclic year positions as specified in WAC 357-19-295;
- (10) Serious health condition of an eligible employee's child, spouse, or parent as required by WAC 357-31-525;
- (11) Leave taken voluntarily to reduce the effect of an employer's layoff;
- (12) Leave that is authorized in advance by the appointing authority as part of a plan to reasonably accommodate a person of disability; or
- (13) Employees receiving time loss compensation.

NEW SECTION

WAC 357-31-335 How long can an employee remain on leave without pay? The employer determines the length of time an employee may remain on leave without pay. The employer's leave policy must address any limitations on the length of time for which leave without pay will be approved.

NEW SECTION

WAC 357-31-340 When an employee returns from authorized leave without pay, what position will he/she be returned to? Employees returning from authorized leave without pay must be employed in the same position or a similar position in the same class and in the same geographical area, provided that such return to employment is not in conflict with rules relating to layoff.

NEW SECTION

WAC 357-31-345 How does leave without pay affect a general government employee's anniversary date, unbroken service date and periodic increment date? (1) For a general government employee, the anniversary date, unbroken service date, and periodic increment date is adjusted for any period of leave without pay which exceeds fifteen (15) consecutive calendar days except when the leave without pay is taken for:

- (a) Military leave of absence without pay as provided in WAC 357-31-370;
- (b) Compensable work-related injury or illness leave;
- (c) Government service leave not to exceed two (2) years and one (1) month;
- (d) Educational leave, contingent upon successful completion of the coursework; and/or
- (e) Voluntarily reducing the effect of an employer's lay-off.

(2) When an employee is on leave without pay for more than fifteen (15) consecutive calendar days and the absence is not due to one of the reasons listed above, the employee's anniversary date, unbroken service date and periodic increment date must be moved forward in an amount equal to the number of calendar days on leave without pay.

NEW SECTION

WAC 357-31-350 How does leave without pay affect a general government employee's seniority date? WAC 357-46-055 describes how leave without pay affects a general government employee's seniority date.

NEW SECTION

WAC 357-31-355 How does leave without pay affect the duration of an employee's probationary period or trial service period? If an employee uses leave without pay for an entire workshift while serving a probationary period or trial service period, the probationary period or trial service period is extended by one work day for each workshift of leave without pay. Leave without pay for military leave of absence as provided in WAC 357-31-370 does not extend a probationary period or trial service period.

NEW SECTION

WAC 357-31-360 Must employees who have been ordered to active duty or active training duty be granted paid military leave? (1) Employees must be granted military leave with pay not to exceed fifteen (15) working days during

each year, beginning October 1st and ending the following September 30th, in order to report for active duty or to take part in active training duty in the Washington National Guard or the Army, Navy, Air Force, Coast Guard, or Marine Corps reserves of the United States or any organized reserve or armed forces of the United States.

(2) Military leave with pay is in addition to any vacation and sick leave to which an employee is entitled and does not reduce benefits, performance ratings, privileges, or pay.

(3) During paid military leave, the employee must receive the normal base salary.

(4) Employees required to appear during working hours for a physical examination to determine physical fitness for military service must receive full pay for the time required to complete the examination.

NEW SECTION

WAC 357-31-370 In addition to paid military leave, must an employee be granted a military leave of absence without pay? (1) Employees must be granted a military leave of absence without pay for service in the uniformed services of the United States or the state, and to reinstatement as provided in chapter 73.16 RCW.

(2) No adjustments are made to the seniority date, anniversary date, unbroken service date, vacation leave accrual rate, or periodic increment date while an employee is on paid military leave or a military leave of absence without pay or any combination thereof.

NEW SECTION

WAC 357-31-375 What provisions exist for employees to participate in medical expense plans? (1) Employers may provide a medical expense plan to eligible employees that provides for reimbursement of medical expenses. Instead of cash out of sick leave at retirement as provided in WAC 357-31-150(2), employers may deposit equivalent funds in a medical expense plan for eligible employees. The medical expense plan must meet the requirements of the Internal Revenue Code.

(2) Medical expense plans must be implemented only after consultation with affected groups of employees.

(3) As a condition of participation, the medical expense plan must require that each covered eligible employee sign an agreement with the employer. The agreement must include the following provisions.

(a) A provision to hold the employer harmless should the United States government find that the employer or the employee is indebted to the United States as a result of:

(i) The employee not paying income taxes due on the equivalent funds placed into the plan, or

(ii) The employer not withholding or deducting a tax, assessment, or other payment on funds placed into the plan as required by federal law.

(b) A provision to require each covered eligible employee to forfeit remuneration for accrued sick leave at retirement if the employee is covered by a medical expense plan and the employee refuses to sign the required agreement.

PROPOSED

(4) Each medical expense plan offered by an agency must apply to all eligible employees in any one of the following groups:

(a) Employees in a state agency or higher education institution;

(b) Employees in a major organizational subdivision of a state agency or higher education institution;

(c) Employees at a major operating location of a state agency or higher education institution;

(d) Classified employees in a bargaining unit established by the Public Employees Relations Commission;

(e) Another group of employees defined by the employer that is not designed to provide an individual-employee choice regarding participation in a medical expense plan.

(5) The following definitions are used for the medical expense plan:

(a) "Eligible employees" means all employees in a designated group in (4) of this section.

(b) "Covered eligible employee" means an eligible employee who is in a group for which the employer has established a medical expense plan.

(6) An established medical expense plan must be applicable to all retirements of covered eligible employees within a calendar year. The medical expense plan may be discontinued in any future year, but once discontinued it may not be reinstated for the same group of eligible employees within the same calendar year as it was discontinued.

WSR 05-01-249

PROPOSED RULES

DEPARTMENT OF PERSONNEL

[Filed December 22, 2004, 11:44 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 357-31-001 What definitions apply to this chapter of the civil service rules?, 357-31-005 What legal holidays are designated by statute?, 357-31-010 Which employees qualify for holiday compensation?, 357-31-015 How many hours are general government employees compensated for on a holiday?, 357-31-020 For general government part-time employees, how is holiday compensation pro rated?, 357-31-025 How many hours are higher education employees compensated for on a holiday?, 357-31-030 What happens when a holiday falls on an employee's scheduled day off?, 357-31-035 How is an employee who works on a holiday compensated?, 357-31-040 What happens when a holiday as identified in WAC 357-31-005 falls on Saturday or Sunday?, 357-31-045 If an employee resigns or is dismissed or separated during a month in which there is a holiday, will he/she be compensated for the holiday?, 357-31-050 How is an employee's holiday determined when an employee works a night shift schedule which begins on one calendar day and ends on the next?, 357-31-055 When does an employee qualify for a personal holiday?, 357-31-060 How many hours are general government employees compensated for when taking a personal holiday?, 357-31-065 How many hours are higher

education employees compensated for when taking a personal holiday?, 357-31-070 When is an employer required to approve an employee's request to use a personal holiday?, 357-31-075 Within what timeframe must the personal holiday be taken?, 357-31-080 What happens if an employee requests to use his/her personal holiday in accordance with the employer's leave procedures and the employer denies the request?, 357-31-090 Can an employee request to donate or use part of a personal holiday?, 357-31-095 If an employee donates a personal holiday to another employee and a portion of the personal holiday is returned, can the donating employee use the remaining hours?, 357-31-100 Must an employer have a policy for requesting and approving leave?, 357-31-105 How will an unauthorized absence be treated?, 357-31-110 What happens to an employee's accrued leave when the employee changes employers?, 357-31-115 How many hours of sick leave does an employee earn each month?, 357-31-120 Do employees accrue sick leave if they have taken leave without pay during the month?, 357-31-125 For general government part-time employees, how is leave accrual pro rated?, 357-31-130 When can an employee use accrued sick leave?, 357-31-135 When and how does an employee request the use of sick leave?, 357-31-140 May an employee use sick leave before it is accrued?, 357-31-145 When an employee is on vacation leave and a condition listed in WAC 357-31-130(1) arises, can the employee use sick leave in place of vacation leave?, 357-31-150 Can an employee be paid for accrued sick leave?, 357-31-155 Does an employee who separates for any reason other than retirement or death get paid for accrued sick leave?, and 357-31-160 When a former employee is reemployed, is sick leave restored?

Hearing Location(s): Department of Personnel, 600 South Franklin, Olympia, WA, on January 26, 2005, at 2:00 p.m.

Date of Intended Adoption: January 26, 2005.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by January 20, 2005. FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT."

Assistance for Persons with Disabilities: Contact Department of Personnel by January 20, 2005, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules address definitions that apply to chapter 357-31 WAC, Holidays and leave, holidays and sick leave.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Due to the passage of SHB 1268 the director of the Department of Personnel has rule-making authority regarding holidays and leave for state employees. The proposed rules implement this provision of the Personnel System Reform Act.

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

December 22, 2004

E. C. Matt
Director

Chapter 357-31 WAC

Holidays and Leave

NEW SECTION

WAC 357-31-001 What definitions apply to this chapter of the civil service rules? The following definitions apply to chapter 357-31 WAC:

(1) **Anniversary date (Higher Education):** For employees of higher education institutions or related higher education boards, anniversary date is the most recent date of hire into state service. The anniversary date is used to determine when vacation leave over two hundred forty (240) hours is lost. Higher education employers may make the anniversary date the first calendar day of the month in which the date of hire occurred. A higher education employee receives a new anniversary date when that employee is rehired following a break in state service, but not when the employee promotes, demotes, or transfers to another higher education employer.

(2) **Anniversary date (General Government):** For employees of general government agencies, anniversary date is the unbroken service date plus prior state service minus leave without pay when it exceeds fifteen (15) consecutive calendar days as provided in WAC 357-31-345. The anniversary date is used to determine when vacation leave over two hundred forty (240) hours is lost and for computing the rate of vacation leave accrual beginning with the fifth (5th) year of total state employment.

(3) **Unbroken service date (General Government):** The date a general government employee began current continuous state service. This date is used for computing the rate of vacation leave accrual through and including the employee's fourth (4th) year of continuous service. The unbroken service date is adjusted by leave without pay when it exceeds fifteen (15) consecutive calendar days as provided in WAC 357-31-345.

(4) **Minor/dependent child:** A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is:

- Under eighteen (18) years of age, or
- Eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability.

Persons who are *in loco parentis* are those with day-to-day responsibilities to care for and financially support a child.

(5) **Child:** A biological, adopted, or foster child, or a stepchild.

(6) **Family members:** Individuals considered to be members of the family are parent, step-parent, sister, brother, parent-in-law, spouse, grandparent, grandchild, minor/dependent child, and child.

(7) **Household members:** Persons who reside in the same home who have reciprocal duties to and do provide financial support for one another. The term does not include persons sharing the same house when the living style is primarily that of a dormitory or commune.

(8) **Parent:** A biological parent of an employee or an individual who stood *in loco parentis* to an employee when the employee was a child. A person who had day-to-day responsibilities to care for and financially support the employee when he or she was a child is considered to have stood *in loco parentis* to the employee.

(9) **Parent-in-law:** A biological parent of an employee's spouse or an individual who stood *in loco parentis* to an employee's spouse when the employee's spouse was a child. A person who had day-to-day responsibilities to care for and financially support the employee's spouse when he or she was a child is considered to have stood *in loco parentis* to the employee's spouse.

(10) **Emergency health condition:** A sudden, generally unexpected occurrence or set of circumstances related to a person's health, which requires immediate action and is typically short-term in nature.

(11) **Full-time employee:** An employee who is scheduled to work:

- Forty (40) hours in one (1) workweek;
- Eighty (80) hours over two (2) workweeks; or
- For law enforcement positions, one hundred sixty hours (160) in the twenty-eight-day work period.

(12) **Part-time employee:** An employee who is scheduled to work less than that required for a full-time employee.

NEW SECTION

WAC 357-31-005 What legal holidays are designated by statute? The following are legal holidays, which are established by RCW 1.16.050:

- (1) The first day of January (New Year's Day);
- (2) The third Monday of January (Martin Luther King, Jr.'s birthday);
- (3) The third Monday of February (Presidents' Day);
- (4) The last Monday of May (Memorial Day);
- (5) The fourth day of July (Independence Day);
- (6) The first Monday in September (Labor Day);
- (7) The eleventh day of November (Veterans Day);
- (8) The fourth Thursday of November (Thanksgiving Day);
- (9) The day immediately following Thanksgiving Day; and
- (10) The twenty-fifth day of December (Christmas Day).

Higher education employers may designate other days to be observed in place of the above holidays. Holiday schedules for higher education employers may be determined on a calendar or fiscal year basis. When a higher education

employer establishes a modified schedule, paid holidays must be granted based on the modified schedule.

NEW SECTION

WAC 357-31-010 Which employees qualify for holiday compensation? (1) Full-time employees and cyclic year position employees who work full monthly schedules qualify for holiday compensation if they are employed before the holiday and are in pay status:

(a) For at least eighty (80) non-overtime hours during the month of the holiday; or

(b) For the entire work shift preceding the holiday.

(2) Cyclic year position employees scheduled to work less than full monthly schedules throughout their work year qualify for holiday compensation if they work or are in pay status on their last regularly scheduled working day before the holiday(s) in that month.

(3) Part-time general government employees who are in pay status during the month of the holiday qualify for holiday pay on a pro rata basis in accordance with WAC 357-31-020.

(4) Part-time higher education employees who satisfy the requirements of subsection (1) of this section are entitled to the number of paid hours on a holiday that their monthly schedule bears to a full-time schedule.

NEW SECTION

WAC 357-31-015 How many hours are general government employees compensated for on a holiday? When a holiday designated under WAC 357-31-005 falls on a general government employee's scheduled work day:

(1) Full-time employees receive holiday pay for the number of hours they are scheduled to work on that day.

(2) Part-time employees are entitled to the number of paid hours on a holiday on a pro rata basis in accordance with WAC 357-31-020 (General Government pro-rata)

NEW SECTION

WAC 357-31-020 For general government part-time employees, how is holiday compensation pro rated? Compensation for holidays (including personal holiday) for part-time general government employees will be proportionate to the number of hours in pay status in the month to that required for full-time employment, excluding all holiday hours.

NEW SECTION

WAC 357-31-025 How many hours are higher education employees compensated for on a holiday? When a holiday as designated under WAC 357-31-005 falls on a higher education employee's scheduled work day:

(1) Full-time employees receive eight (8) hours of regular holiday pay per holiday. Any differences between the scheduled shift for the day and eight (8) hours may be adjusted by use of vacation leave, use of accumulation of compensatory time as appropriate, or leave without pay.

(2) Part-time higher education employees are entitled to the number of paid hours on a holiday that their monthly schedule bears to a full-time schedule.

NEW SECTION

WAC 357-31-030 What happens when a holiday falls on an employee's scheduled day off? When a holiday (as identified in WAC 357-31-005) falls on an employee's regularly scheduled day off, the employer must provide that employee an in-lieu of holiday as follows:

(1) For a full-time employee who is eligible for holiday compensation, the employer may:

(a) Designate the prior or the following work day as the holiday;

(b) Provide the employee with equivalent paid time off; or

(c) Allow the employee to request an alternate work day to observe as the holiday. The employer may require that the employee request an alternate day off within the same pay period as the holiday.

(2) For a part-time general government employee who is eligible for holiday compensation, the employer must compensate the employee on a pro rata basis in accordance with WAC 357-31-020.

(3) For a part-time higher education employee who is eligible for holiday compensation, the employee is entitled to the equivalent paid time off for the holiday that their monthly schedule bears to a full-time schedule.

NEW SECTION

WAC 357-31-035 How is an employee who works on a holiday compensated? Time worked on a holiday must be compensated as provided in WAC 357-28-200.

NEW SECTION

WAC 357-31-040 What happens when a holiday as identified in WAC 357-31-005 falls on Saturday or Sunday? When a holiday falls on Saturday, the preceding Friday is observed as the nonworking or legal holiday. When a holiday falls on Sunday, the following Monday is observed as the nonworking or legal holiday.

NEW SECTION

WAC 357-31-045 If an employee resigns or is dismissed or separated during a month in which there is a holiday, will he/she be compensated for the holiday? Employees who resign or are dismissed or separated before a holiday do not qualify for holidays occurring after the effective date of resignation, dismissal or separation.

NEW SECTION

WAC 357-31-050 How is an employee's holiday determined when an employee works a night shift schedule which begins on one calendar day and ends on the next? For employees working a shift which begins on one calendar day and ends on the next, the twenty-four (24) hour

period during which the holiday occurs must be determined by the employer to start either at the start of the shift that begins on the legal or observed holiday, or at the start of the shift that precedes the legal or observed holiday.

NEW SECTION

WAC 357-31-055 When does an employee qualify for a personal holiday? Employees are entitled to one (1) paid personal holiday per calendar year in addition to those specified in WAC 357-31-005 if the employee is scheduled to be, or has been, continuously employed by the State of Washington for at least four (4) months.

An employee who is scheduled to work less than six (6) continuous months over a period covering two (2) calendar years only receives one (1) personal holiday during this period.

NEW SECTION

WAC 357-31-060 How many hours are general government employees compensated for when taking a personal holiday? (1) Full-time employees receive holiday pay for the number of hours they are scheduled to work on the day they select as their personal holiday.

(2) Part-time employees are entitled to the number of paid hours for a personal holiday on a pro rata basis in accordance with WAC 357-31-020.

NEW SECTION

WAC 357-31-065 How many hours are higher education employees compensated for when taking a personal holiday? (1) Full-time employees receive eight (8) hours of regular holiday pay on a personal holiday. Any differences between the scheduled shift for the day and eight (8) hours may be adjusted by use of vacation leave, use or accumulation of compensatory time as appropriate, or leave without pay.

(2) Part-time higher education employees are entitled to the number of paid hours on a personal holiday that their monthly schedule bears to a full time schedule.

NEW SECTION

WAC 357-31-070 When is an employer required to approve an employee's request to use a personal holiday?

(1) An employer must approve the use of a personal holiday as long as:

- (a) The employee is entitled to a personal holiday in accordance with RCW 1.16.050 and WAC 357-31-055;
- (b) The employee has requested the personal holiday in accordance with the employer's leave procedures; and
- (c) The employee's absence does not interfere with the operational needs of the employer.

(2) At any time, an employer must allow an employee to use part or all of the personal holiday for either of the following reasons:

- (a) To care for a child with a health condition that requires treatment or supervision.

(b) To care for a spouse, parent, parent-in-law or grandparent of the employee who has a serious health condition or an emergency health condition.

NEW SECTION

WAC 357-31-075 Within what timeframe must the personal holiday be taken? The personal holiday must be used within the calendar year.

NEW SECTION

WAC 357-31-080 What happens if an employee requests to use his/her personal holiday in accordance with the employer's leave procedures and the employer denies the request? If before the end of the calendar year the employee requests the use of his/her personal holiday in accordance with the employer's leave procedures and the employer denies the request, the employee is entitled to carry over the personal holiday to the next calendar year.

NEW SECTION

WAC 357-31-090 Can an employee request to donate or use part of a personal holiday? An employee is only allowed to use part of a personal holiday in these two circumstances:

(1) When donating a portion of the personal holiday to the shared leave program as provided in WAC 357-31-425(3), or

(2) When using a portion of the personal holiday to provide care as provided in WAC 357-31-070(2).

Any portion of the personal holiday that remains and is not used for the purposes specified in WAC 357-31-070(2) must be taken by the employee in one absence not to exceed the work shift on the day of the absence.

NEW SECTION

WAC 357-31-095 If an employee donates a personal holiday to another employee and a portion of the personal holiday is returned, can the donating employee use the remaining hours? An employee who has donated his/her personal holiday for purposes of shared leave and then has a portion of the personal holiday returned to him/her during the same calendar or fiscal year may use the remaining hours. If the hours are returned during a different calendar or fiscal year, the employee cannot use the remaining hours.

NEW SECTION

WAC 357-31-100 Must an employer have a policy for requesting and approving leave? Each employer must develop a leave policy which specifies the procedure for requesting and approving all leave, as provided in the civil service rules. The employer's policy must allow an employee to use vacation leave without advance approval when the employee is requesting to use vacation leave to respond to family care emergencies, or for an emergency health condition as provided in WAC 357-31-200(2).

NEW SECTION

WAC 357-31-105 How will an unauthorized absence be treated? Unauthorized absence must be treated as unauthorized leave without pay and may be grounds for separation under the provisions of WAC 357-46-210 or discipline under chapter 357-40 WAC.

NEW SECTION

WAC 357-31-110 What happens to an employee's accrued leave when the employee changes employers? Unused sick and vacation leave credits of employees who change state employers without a break in service, as defined in WAC 357-01-145, transfer with the employee to the new employer.

NEW SECTION

WAC 357-31-115 How many hours of sick leave does an employee earn each month? (1) Full-time employees earn eight (8) hours of sick leave per month.

(2) Part-time general government employees earn sick leave on a pro rata basis in accordance with WAC 357-31-125.

(3) Part-time higher education employees earn sick leave on the same pro rata basis that their appointment bears to a full-time appointment.

NEW SECTION

WAC 357-31-120 Do employees accrue sick leave if they have taken leave without pay during the month? (1) Full-time general government employees who are in pay status for less than eighty (80) non-overtime hours in a month do not earn a monthly accrual of sick leave.

(2) Full-time and part-time higher education employees who have more than ten (10) working days of leave without pay in a month do not earn a monthly accrual of sick leave.

NEW SECTION

WAC 357-31-125 For general government part-time employees, how is leave accrual pro rated? Vacation and sick leave accruals for part-time general government employees will be proportionate to the number of hours in pay status in the month to that required for full-time employment.

NEW SECTION

WAC 357-31-130 When can an employee use accrued sick leave? The employer may require medical verification or certification of the reason for sick leave use in accordance with the employer's leave policy.

(1) Employers **must** allow the use of accrued sick leave under the following conditions:

(a) Because of and during illness, disability, or injury that has incapacitated the employee from performing required duties.

(b) By reason of exposure of the employee to a contagious disease when the employee's presence at work would jeopardize the health of others.

(c) To care for a minor/dependent child with a health condition requiring treatment or supervision.

(d) To care for a spouse, parent, parent-in-law, or grandparent of the employee who has a serious health condition or emergency health condition.

(e) For family care emergencies per WAC 357-31-290.

(f) For personal health care appointments.

(g) For family members' health care appointments when the presence of the employee is required if arranged in advance with the employing official or designee.

(h) When an employee is required to be absent from work to care for members of the employee's household or relatives of the employee/employee's spouse who experience an illness or injury, not including situations covered by subsection (1)(d) of this section.

(i) The employer must approve up to five (5) days of accumulated sick leave each occurrence. Employers may approve more than five (5) days.

(ii) For purposes of this subsection, "relatives" is limited to spouse, child, grandchild, grandparent or parent.

(2) Employers **may** allow the use of accrued sick leave under the following conditions:

(a) For condolence or bereavement.

(b) When an employee is unable to report to work due to inclement weather in accordance with the employer's policy on inclement weather.

NEW SECTION

WAC 357-31-135 When and how does an employee request the use of sick leave? All requests for sick leave must be made as specified in the employer's leave policy.

NEW SECTION

WAC 357-31-140 May an employee use sick leave before it is accrued? An employee is not entitled to use sick leave in advance of its accrual.

NEW SECTION

WAC 357-31-145 When an employee is on vacation leave and a condition listed in WAC 357-31-130(1) arises, can the employee use sick leave in place of vacation leave? When a condition listed in WAC 357-31-130(1) arises while the employee is on vacation leave, the employer may allow the employee to use accrued sick leave in place of vacation leave. The employee must request the use of accrued sick leave in place of vacation leave according to the employer's leave policy.

NEW SECTION

WAC 357-31-150 Can an employee be paid for accrued sick leave? In accordance with the attendance incentive program established by RCW 41.04.340, employees are eligible to be paid for accrued sick leave as follows:

(1) In January of each year, an employee whose sick leave balance at the end of the previous year exceeds four hundred eighty (480) hours may elect to convert the sick

leave hours earned in the previous calendar year, minus those hours used during the year, to monetary compensation.

(a) No sick leave hours may be converted which would reduce the calendar year-end balance below four hundred eighty (480) hours.

(b) Monetary compensation for converted hours is paid at the rate of twenty-five (25) percent and is based on the employee's current salary.

(c) All converted hours are deducted from the employee's sick leave balance.

(d) Hours which are accrued, donated, and returned from the shared leave program in the same calendar year may be included in the converted hours for monetary compensation:

(2) Employees who separate from state service because of retirement or death must be compensated for their total unused sick leave accumulation at the rate of twenty-five (25) percent or the employer may deposit equivalent funds in a medical expense plan as provided in WAC 357-31-330. Compensation must be based on the employee's salary at the time of separation. For the purpose of this subsection, retirement does not include "vested out-of-service" employees who leave funds on deposit with the department of retirement systems (DRS).

(3) No contributions are to be made to the department of retirement systems (DRS) for payments under subsection (1) or (2) of this section, nor are such payments reported to DRS as compensation.

NEW SECTION

WAC 357-31-155 Does an employee who separates for any reason other than retirement or death get paid for accrued sick leave? Employees who separate for any reason other than retirement or death are not paid for their accrued sick leave.

NEW SECTION

WAC 357-31-160 When a former employee is re-employed, is sick leave restored? Former employees who are re-employed within five (5) years of their separation from service must be restored unused sick leave credits, if any, to which they were entitled at the time of separation. The employee may use the restored balance in accordance with WAC 357-31-130.

If the employee was retired from government service before being re-employed, when the employee subsequently retires again or dies, only that unused sick leave accrued since the date of reemployment minus that taken within the same period may be compensated per the conversion provisions of WAC 357-31-150.

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

Title of Rule and Other Identifying Information: WAC 357-31-165 At what rate do employees accrue vacation leave?, 357-31-170 At what rate do part-time employees accrue vacation leave?, 357-31-175 Do employees accrue vacation leave if they have taken leave without pay during the month?, 357-31-180 When an employee has taken leave without pay during the month is the employee's rate of accrual adjusted for the leave without pay?, 357-31-185 When and how does an employee request the use of vacation leave?, 357-31-190 When can an employee start to use accrued vacation leave?, 357-31-195 Can an employee use vacation leave before it is accrued?, 357-31-200 When must an employer grant the use of vacation leave?, 357-31-205 What may an employer consider in granting the use of vacation leave?, 357-31-210 What is the maximum number of hours of vacation leave that an employee can accumulate?, 357-31-215 When may vacation leave be accumulated above the maximum two hundred forty (240) hours?, 357-31-220 What must be included in the statement of necessity for excess vacation leave?, 357-31-225 When employees separate from state service, are they entitled to a lump sum payment of unused vacation leave?, 357-31-230 When can an employee use accrued compensatory time?, 357-31-235 May an employee use leave if the employee sustains a work-related injury or illness that is compensable under the state workers' compensation law?, 357-31-240 What happens if an employee uses accrued sick leave during a period when he/she is receiving time loss compensation?, 357-31-245 What happens if an employee uses accrued vacation leave, accrued compensatory time, or receives holiday pay during a period when he/she is receiving time loss compensation?, 357-31-250 Are employees entitled to paid bereavement leave?, 357-31-255 What types of leave may an employee use when absent from work or arriving late to work because of inclement weather?, 357-31-260 When may an agency head or institution president suspend operations?, 357-31-265 What is the effect of suspended operations on employees who are not required to work during the closure?, 357-31-270 When an employer has suspended operations, how are employees who are required to work during the closure affected?, 357-31-275 What must be included in the employer's suspended operations procedure?, 357-31-280 How long can operations be suspended?, 357-31-285 Is an employer required to authorize the absence of an employee for family care emergencies?, 357-31-290 What qualifies as a family care emergency?, 357-31-295 What type of leave may employees use for family care emergencies?, 357-31-300 Is there a limit to how much leave can be used for a family care emergency?, and 357-31-305 Is advance approval required for an employee to take time off for a family care emergency?

Hearing Location(s): Department of Personnel, 600 South Franklin, Olympia, WA, on January 26, 2005, at 2:00 p.m.

Date of Intended Adoption: January 26, 2005.

Submit Written Comments to: Sharon Whitehead, Department of Personnel; P.O. Box 47500, fax (360) 586-4694, by January 20, 2005. FOR DOP TRACKING PURPOSES

WSR 05-01-250

PROPOSED RULES

DEPARTMENT OF PERSONNEL

[Filed December 22, 2004, 11:45 a.m.]

Original Notice.

PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT."

Assistance for Persons with Disabilities: Contact Department of Personnel by January 20, 2005, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules address vacation leave, compensatory time, bereavement leave, leave due to inclement weather, suspended operations, and leave used for family care emergencies.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Due to the passage of SHB 1268 the director of the Department of Personnel has rule-making authority regarding leave for state employees. The proposed rules implement this provision of the Personnel System Reform Act.

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

December 22, 2004

E. C. Matt

Director

NEW SECTION

WAC 357-31-165 At what rate do employees accrue vacation leave? (1) Full-time employees accrue vacation leave at the following rates:

- (a) During the first year of continuous state employment - 12 days (8.0 hours per month);
- (b) During the second year of continuous state employment - 13 days (8 hours, 40 minutes per month);
- (c) During the third and fourth years of continuous state employment - 14 days (9 hours, 20 minutes per month);
- (d) During the fifth, sixth, and seventh years of total state employment - 15 days (10 hours per month);
- (e) During the eighth, ninth, and tenth years of total state employment - 16 days (10 hours, 40 minutes per month);
- (f) During the eleventh year of total state employment - 17 days (11 hours, 20 minutes per month).
- (g) During the twelfth year of total state employment - 18 days (12 hours per month).
- (h) During the thirteenth year of total state employment - 19 days (12 hours, 40 minutes per month).
- (i) During the fourteenth year of total state employment - 20 days (13 hours, 20 minutes per month).
- (j) During the fifteenth year of total state employment - 21 days (14 hours per month).

(k) During the sixteenth and succeeding years of total state employment - 22 days (14 hours, 40 minutes per month).

(2) Higher education employers may establish accrual rates that exceed the rates listed in subsection (1) of this section.

(3) The following applies for purposes of computing the rate of vacation leave accrual:

(a) as an elected official or in a judicial appointment is credited.

(b) Employment exempt by the provisions of WAC 357-04-040, 357-04-045, 357-04-050, 357-04-055 is not credited.

(c) Each contract year, or equivalent, of full-time faculty and/or administrative exempt employment with a higher education employer is credited as one (1) year of qualifying service.

(d) Exempt employment with a general government employer is credited, other than that specified in WAC 357-04-055 which is excluded.

NEW SECTION

WAC 357-31-170 At what rate do part-time employees accrue vacation leave? (1) Part-time general government employees accrue vacation leave credits on a pro rata basis in accordance with WAC 357-31-125.

(2) Part-time higher education employees accrue on the same pro rata basis that their appointment bears to a full-time appointment.

NEW SECTION

WAC 357-31-175 Do employees accrue vacation leave if they have taken leave without pay during the month? (1) Full-time general government employees who are in pay status for less than eighty (80) nonovertime hours in a month do not earn a monthly accrual of vacation leave.

(2) Full-time and part-time higher education employees who have more than ten (10) working days of leave without pay in a month do not earn a monthly accrual of vacation leave.

NEW SECTION

WAC 357-31-180 When an employee has taken leave without pay during the month is the employee's rate of accrual adjusted for the leave without pay? Leave without pay taken for military leave of absence without pay or for scheduled mandatory periods of leave without pay for employees in cyclic year positions do not affect the rate at which employees accrue vacation leave. For all other periods of leave without pay, the following applies:

(1) When a general government employee takes leave without pay, the employee's anniversary date and unbroken service date are adjusted in accordance with WAC 357-31-345. These adjustments affect the rate at which an employee accrues vacation leave.

(2) When a higher education employee takes more than ten (10) working days of leave without pay, that month does not qualify as a month of employment under WAC 357-31-165.

NEW SECTION

WAC 357-31-185 When and how does an employee request the use of vacation leave? All requests for vacation leave must be made in accordance with the employer's leave policy.

NEW SECTION

WAC 357-31-190 When can an employee start to use accrued vacation leave? An employee (part-time or full-time) must complete six (6) months of continuous state employment before he/she can use vacation leave.

NEW SECTION

WAC 357-31-195 Can an employee use vacation leave before it is accrued? An employee is not entitled to use vacation leave in advance of its accrual.

NEW SECTION

WAC 357-31-200 When must an employer grant the use of vacation leave? An employee's request to use vacation leave must be approved under the following conditions:

- (1) As a result of the employee's serious health condition.
 - (2) To care for a spouse, parent, parent-in-law, or grandparent of the employee who has a serious health condition or an emergency health condition.
 - (3) To care for a minor/dependent child with a health condition that requires treatment or supervision.
 - (4) For parental leave as provided in WAC 357-31-460.
- In accordance with the employer's leave policy, approval may be subject to verification that the condition exists.

NEW SECTION

WAC 357-31-205 What may an employer consider in granting the use of vacation leave? When considering requests for vacation leave, the employer must consider the needs of the employee but may require that leave be taken when it will least interfere with the operational needs of the employer.

NEW SECTION

WAC 357-31-210 What is the maximum number of hours of vacation leave that an employee can accumulate? Vacation leave may be accumulated to a maximum of thirty (30) working days (240 hours). Exceptions to this maximum are described in WAC 357-31-215.

NEW SECTION

WAC 357-31-215 When may vacation leave be accumulated above the maximum two hundred forty (240) hours? There are two circumstances in which vacation leave may be accumulated above the maximum of thirty (30) working days (240 hours).

- (1) If an employee's request for vacation leave is denied by the employer, and the employee is close to the maximum

vacation leave (240 hours), the employer must grant an extension for each month that the employer defers the employee's request for vacation leave. The employer must maintain a statement of necessity justifying the extension.

(2) As an alternative to subsection (1), employees may also accumulate vacation leave in excess of two hundred forty (240) hours as follows:

(a) An employee may accumulate the vacation leave days between the time thirty (30) days is accrued and his/her next anniversary date of state employment.

(b) Leave accumulated above two hundred forty (240) hours must be used by the next anniversary date and in accordance with the employer's leave policy. If such leave is not used before the employee's anniversary date, the excess leave is automatically lost and considered to have never existed.

(c) Any leave accumulated above two hundred forty (240) hours without a statement of necessity between anniversary dates must not, regardless of circumstances, be deferred by the employer by a statement of necessity as described in (1) above. For example:

On June 15, an employee is assigned to work on a special project. It is expected that the assignment will last six months. Due to an ambitious timeline and strict deadlines, the employee will not be able to take any vacation leave during that time. On June 15, the employee's vacation leave balance is 260 hours. The employee accrues 10 hours monthly and his/her anniversary date is October 16. If a statement of necessity is filed in June, his/her leave accrual for the four months between June and October will be deferred and not lost as long as the employee uses those 40 deferred hours by his/her next anniversary date (October 16 of the following year). The hours of excess vacation leave the employee has on June 15 (20 hours) will not be deferred and will be lost if not used by the approaching anniversary date (October 16 of the present year).

NEW SECTION

WAC 357-31-220 What must be included in the statement of necessity for excess vacation leave? At a minimum, a statement of necessity for excess vacation leave must include all of the following:

- (1) The date on which the statement of necessity was authorized;
- (2) Justification of denial of the employee's leave request;
- (3) Date upon which the employee will be able to resume leave usage;
- (4) The employee's total leave balance on his/her anniversary date;
- (5) The employee's accrual rate; and
- (6) The employee's leave balance at the time of the request.

NEW SECTION

WAC 357-31-225 When employees separate from state service, are they entitled to a lump sum payment of unused vacation leave? (1) When an employee who has completed six (6) continuous months of employment separates from service by reason of resignation with adequate

notice, layoff, trial service reversion, separation, dismissal, retirement, or death, the employee is entitled to a lump sum payment of unused vacation leave. The payment is computed by using the formula published by the office of financial management. No contributions are to be made to the department of retirement systems (DRS) for lump sum payment of excess vacation leave accumulated under the provisions of WAC 357-31-215(2), nor shall such payment be reported to the DRS as compensation.

(2) General government permanent employees may defer the payment of accumulated vacation leave to which they are entitled for a period of thirty (30) calendar days in any of these circumstances:

(a) If the separation resulted from a layoff, trial service reversion, or conclusion of a project or nonpermanent appointment and there is a reasonable probability of re-employment, or

(b) If the separation resulted from an employee returning to a classified position from an exempt position under the provision of RCW 41.06.070.

NEW SECTION

WAC 357-31-230 When can an employee use accrued compensatory time? (1) Employees must request to use accrued compensatory time in accordance with the employer's leave policy. When considering employees' requests, employers must consider the work requirements of the department and the wishes of the employee.

(2) An employee must be granted the use of accrued compensatory time to care for a spouse, parent, parent-in-law, or grandparent of the employee who has a serious health condition or an emergency health condition, or to care for a minor/dependent child with a health condition that requires treatment or supervision. In accordance with the employer's leave policy, approval of the employee's request to use accrued compensatory time maybe subject to verification that the condition exists.

(3) Compensatory time off may be scheduled by the employer during the final sixty (60) days of a biennium.

(4) Employers may require that accumulated compensatory time be used before vacation leave is approved, except in those instances where this requirement would result in loss of accumulated vacation leave.

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 357-31-235 May an employee use leave if the employee sustains a work-related injury or illness that is compensable under the state workers' compensation law? An employee who sustains a work related injury or illness that is compensable under the workers' compensation law may choose to receive time-loss compensation exclusively, use accrued paid leave exclusively, or combine time loss compensation and accrued paid leave.

NEW SECTION

WAC 357-31-240 What happens if an employee uses accrued sick leave during a period when he/she is receiving time loss compensation? An employee who uses accrued sick leave during a period when the employee receives time-loss compensation must have his/her payment for sick leave reduced by the amount of time-loss compensation received by the employee. Until eligibility for workers' compensation is determined by the department of labor and industries, the employer may pay full sick leave; however, the employee must return any overpayment to the employer when the salary adjustment is determined.

NEW SECTION

WAC 357-31-245 What happens if an employee uses accrued vacation leave, accrued compensatory time, or receives holiday pay during a period when he/she is receiving time loss compensation? An employee who uses accrued vacation leave, accrued compensatory time, or receives holiday pay during a period when he/she is receiving time loss compensation is entitled to time-loss compensation and full pay for vacation leave, compensatory time, and holiday pay.

NEW SECTION

WAC 357-31-250 Are employees entitled to paid bereavement leave? (1) If an employee's family member or household member dies, the employee is entitled to three (3) days of paid bereavement leave. An employee may request less than three (3) days of paid bereavement leave.

(2) In accordance with the employer's leave policy, the employer may require verification of the family member's or household member's death.

(3) In addition to paid bereavement leave, the employer may approve an employee's request to use paid leave (accrued compensatory time, sick leave, vacation leave, and/or a personal holiday) or to take leave without pay for purposes of bereavement.

NEW SECTION

WAC 357-31-255 What types of leave may an employee use when absent from work or arriving late to work because of inclement weather? When the employer determines inclement weather conditions exist, the employer's leave policy governs the order in which accrued leave and compensatory time may be used to account for the time an employee is absent from work due to the inclement weather. The employer's policy must allow the use of accrued vacation leave, accrued sick leave up to a maximum of three (3) days in any calendar year, and the use of leave without pay in lieu of paid leave at the request of the employee.

NEW SECTION

WAC 357-31-260 When may an agency head or institution president suspend operations? When it is deter-

mined that public safety, health, or property is jeopardized due to emergency conditions, the agency head or institution president may suspend operations for the entire agency, higher education institution, related board, or any portion of the organization, in accordance with the employer's suspended operations procedure.

NEW SECTION

WAC 357-31-265 What is the effect of suspended operations on employees who are not required to work during the closure? At a minimum, employees not required to work during suspended operations must be allowed to use their personal holiday, accrued vacation leave, accrued compensatory time, or leave without pay to account for the time lost due to the closure. If an employer's suspended operations procedure allows, employees may also be released without a loss in pay or given a reasonable opportunity to make up work time lost as a result of the suspended operations. For overtime eligible employees, compensation for making up lost work time must be granted on a compensatory time basis at not less than straight time nor more than time and one-half, and must be part of the employer's suspended operations procedures. The amount of compensation earned under this section must not exceed the amount of salary lost by the employee due to suspended operation.

NEW SECTION

WAC 357-31-270 When an employer has suspended operations, how are employees who are required to work during the closure affected? Employees required to work during the closure must receive their regular rate of pay for work performed during the period of suspended operations. Overtime worked during the closure must be compensated in accordance with chapter 357-28 WAC. The employer may petition the director for approval of a special premium pay allowance due to hazardous working conditions encountered by employees required to work during the period of suspended operations.

NEW SECTION

WAC 357-31-275 What must be included in the employer's suspended operations procedure? Each employer must develop a suspended operations procedure. The procedure must at a minimum address all of the following:

- (1) How employees will be notified of suspended operations.
- (2) What happens when prior notification has not been given and employees are released until further notice after reporting to work.
- (3) How employees who are not required to work during suspended operations are affected.

NEW SECTION

WAC 357-31-280 How long can operations be suspended? The period of suspended operations must not exceed fifteen (15) calendar days without director approval.

NEW SECTION

WAC 357-31-285 Is an employer required to authorize the absence of an employee for family care emergencies? Absence because of an employee's inability to report for or continue scheduled work due to a family care emergency:

(1) **Must** be authorized for care of the employee's spouse, household member or the employee's/spouse's child, parent or grandparent up to the limits specified in WAC 357-31-300.

(2) **May** be authorized for care of others in accordance with the employer's leave policy.

NEW SECTION

WAC 357-31-290 What qualifies as a family care emergency? The employer's leave policy must define what qualifies as a family care emergency. At a minimum, the employer's definition must include:

(1) Minor/dependent child care emergencies such as unexpected absence of regular care provider, unexpected closure of child's school, or unexpected need to pick up child at school earlier than normal.

(2) Elder care emergencies such as the unexpected absence of a regular care provider or unexpected closure of an assisted living facility.

NEW SECTION

WAC 357-31-295 What type of leave may employees use for family care emergencies? (1) After an employee has used all accrued compensatory time, the employee may choose which of following leave categories to use to account for time away from work for family care emergencies:

- (a) Vacation leave.
- (b) Sick leave in accordance with WAC 357-31-130.
- (c) Leave without pay.
- (d) Personal holiday.

(2) Use of any of these leave categories is dependent on the employee's eligibility to use that leave.

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 357-31-300 Is there a limit to how much leave can be used for a family care emergency? (1) For purposes of family care emergencies, each calendar year an employee must be allowed to use up to three (3) work days of:

- (a) Vacation leave,
- (b) Sick leave, and
- (c) Leave without pay.

(2) At the employer's discretion, additional leave in excess of three (3) days for each category of leave may be granted.

NEW SECTION

WAC 357-31-305 Is advance approval required for an employee to take time off for a family care emergency?

No advance approval is required for an employee to take time off for a family care emergency; however, the employee must notify the employer at the beginning of the absence. In accordance with the employer's leave policy, the employee may be required to provide verification of the need to take leave and that the situation was such that advance notice was not possible.

PROPOSED

WSR 05-01-098

EXPEDITED RULES

DEPARTMENT OF HEALTH

(Medical Quality Assurance Commission)

[Filed December 14, 2004, 8:52 a.m.]

Title of Rule and Other Identifying Information: WAC 246-919-600 Prescriptions.

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 THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Beverly A. Thomas, Department of Health, Medical Quality Assurance Commission, P.O. Box 47866, Olympia, WA 98504, AND RECEIVED BY March 5, 2005.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 246-919-600 Prescriptions, is being proposed as an expedited repeal because it is duplicative of other rules and statutes by the Board of Pharmacy, WAC 246-887-045 Pharmacy—Regulations implementing the Uniform Controlled Substances Act. This proposal to repeal will eliminate redundancy and will clarify the Board of Pharmacy's authority in the area of prescriptions.

Reasons Supporting Proposal: Eliminating duplication will ensure that licensees will follow the most specific rules related to prescriptions.

Statutory Authority for Adoption: RCW 18.71.017.

Statute Being Implemented: Chapter 18.71 RCW.

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

Name of Proponent: Beverly A. Thomas, Administrator, Department of Health, Medical Quality Assurance Commission, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Beverly A. Thomas, P.O. Box 47866, Olympia, WA 98504, (360) 236-4788.

November 17, 2004

Maryella E. Jansen

Deputy Executive Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-919-600 Prescriptions—Schedule II stimulant drugs.

WSR 05-01-139

EXPEDITED RULES

PUBLIC DISCLOSURE COMMISSION

[Filed December 16, 2004, 4:09 p.m.]

Title of Rule and Other Identifying Information: Title 390 WAC, repeal WAC 390-16-311 Automatically affiliated entities maintaining separate contribution limits; and amending WAC 390-16-310 Limitations on contributions, 390-20-0101 Forms for lobbyists registration, 390-20-110 Forms for lobbyists employers report, 390-16-011 Forms—Registration statement for political committees, 390-16-012 Forms—Registration statement for candidates, 390-24-010 Forms for statement of financial affairs, and 390-24-020 Forms for amending statement of financial affairs.

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 THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Douglas Ellis, Public Disclosure Commission, 711 Capitol Way, Room 206, Olympia, WA 98504, AND RECEIVED BY February 22, 2005.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Repeal of WAC 390-16-311 is consistent with Washington State Supreme Court ruling in *Robert Edelman v. State of Washington ex rel. Public Disclosure Commission #74152-2*. WAC 390-16-310 amendment would clean up minor errors in current rule language; WAC 390-20-0101, amendment to PDC L-1 form would remove the requirement that lobbyists photographs must be in black and white and include an e-mail address for the lobbyist employer; WAC 390-20-110, amendment to PDC L-3 form would include the year the report covers; WAC 390-16-011 and 390-16-012, amendments to PDC forms C-1pc and C-1 would eliminate the check off section requesting forms and instructions; WAC 390-24-010 and 390-24-020, amendments to PDC forms F-1 and F-1A would include a designation for professional staff.

Reasons Supporting Proposal: To conform to current court orders, provide filers with additional information on PDC forms designed to clarify dates and filing status and to eliminate outdated language.

Statutory Authority for Adoption: RCW 42.17.370.

Statute Being Implemented: Chapter 42.17 RCW.

Rule is necessary because of state court decision, *Robert Edelman v. Public Disclosure Commission No. 74152-2*.

Name of Proponent: Public Disclosure Commission, governmental.

Name of Agency Personnel Responsible for Drafting: Douglas Ellis, 711 Capitol Way, Room 206, Olympia, WA 98504, (360) 664-2735; Implementation: Susan Harris, 711 Capitol Way, Room 206, Olympia, WA 98504, (360) 753-

EXPEDITED

1981; and Enforcement: Phil Stutzman, 711 Capitol Way,
Room 206, Olympia, WA 98504, (360) 664-8853.

December 16, 2004

Vicki Rippie

Executive Director

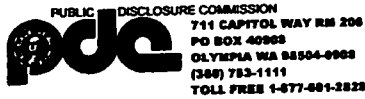
AMENDATORY SECTION (Amending WSR 04-02-028,
filed 12/31/03, effective 1/31/04)

WAC 390-20-0101 Forms for lobbyist registration.

The official form for lobbyist registration as required by
RCW 42.17.150 is designated "L-1," revised (~~12/03~~) 2/05.
Copies of this form are available at the commission office,
Room 206, Evergreen Plaza Building, Olympia, Washington
98504. Any paper attachments shall be on 8-1/2" x 11" white
paper.

EXPEDITED

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LOBBYIST REGISTRATION

L1 <small>(12/03)</small>	<small>THIS SPACE FOR OFFICE USE</small>
	Business Telephone Numbers Permanent () Temporary () Cell Phone () or Pager
E-Mail Address	
Employer's occupation, business or description of purpose of organization	
E-Mail Address	

1. Lobbyist Name

Permanent Business Address

City State Zip

2. Temporary Thurston County address during legislative session

3. Employer's name and address (person or group for which you lobby)

4. Name and address of person having custody of accounts, receipts, books or other documents which substantiate lobbyist reports. (Person responsible for producing the annual L3 report)

5. What is your pay (compensation) for lobbying?
 \$ _____ per _____
 (hour, day, month, year)
 Other: Explain:

6. Are you reimbursed for lobbying expenses? Explain which expenses.
 Yes: \$ _____ per _____
 Yes: I am reimbursed for expenses.
 No: I am not reimbursed for expenses.

7. How long do you expect to lobby for this organization?
 Permanent lobbyist Only during legislative session Other, Explain:

8. Is your employer a business or trade association or similar organization which lobbies on behalf of its members? If "yes," attach a list showing the name and address of each member who has paid the association fees, dues or other payments over \$500 during either of the past two years or is expected to pay over \$500 this year.
 No Yes. However, no member has paid, pays, or is expected to pay over \$500.
 Yes. The list is attached

9. Does your employer have a connected, related or closely affiliated political action committee which will provide funds for you to make political contributions including purchase tickets to fund raising events? If so, list the name of that political action committee.
 No
 Yes. Name of the committee is:

10. If lobbyist is a company, partnership or similar business entity which employs others to perform actual lobbying duties, list name of each person who will lobby. (See WAC 390-20-143 and 144 for instructions.)

11. Areas of Interest. Lobbying is most frequent before legislative committee members or state agencies concerned with following subjects: <table border="0"> <tr> <td>CODE SUBJECT</td> <td>CODE SUBJECT</td> </tr> <tr> <td>01 <input type="checkbox"/> Agriculture</td> <td>09 <input type="checkbox"/> Higher education</td> </tr> <tr> <td>02 <input type="checkbox"/> Business and consumer affairs</td> <td>10 <input type="checkbox"/> Human services</td> </tr> <tr> <td>03 <input type="checkbox"/> Constitutions and elections</td> <td>11 <input type="checkbox"/> Labor</td> </tr> <tr> <td>04 <input type="checkbox"/> Education</td> <td>12 <input type="checkbox"/> Law and justice</td> </tr> <tr> <td>05 <input type="checkbox"/> Energy and utilities</td> <td>13 <input type="checkbox"/> Local government</td> </tr> <tr> <td>06 <input type="checkbox"/> Environmental affairs - natural resources - parks</td> <td>14 <input type="checkbox"/> State government</td> </tr> <tr> <td>07 <input type="checkbox"/> Financial institutions and insurance</td> <td>15 <input type="checkbox"/> Transportation</td> </tr> <tr> <td>08 <input type="checkbox"/> Fiscal</td> <td>16 <input type="checkbox"/> Other - Specify:</td> </tr> </table>	CODE SUBJECT	CODE SUBJECT	01 <input type="checkbox"/> Agriculture	09 <input type="checkbox"/> Higher education	02 <input type="checkbox"/> Business and consumer affairs	10 <input type="checkbox"/> Human services	03 <input type="checkbox"/> Constitutions and elections	11 <input type="checkbox"/> Labor	04 <input type="checkbox"/> Education	12 <input type="checkbox"/> Law and justice	05 <input type="checkbox"/> Energy and utilities	13 <input type="checkbox"/> Local government	06 <input type="checkbox"/> Environmental affairs - natural resources - parks	14 <input type="checkbox"/> State government	07 <input type="checkbox"/> Financial institutions and insurance	15 <input type="checkbox"/> Transportation	08 <input type="checkbox"/> Fiscal	16 <input type="checkbox"/> Other - Specify:	Remarks:
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08 <input type="checkbox"/> Fiscal	16 <input type="checkbox"/> Other - Specify:																		

CERTIFICATION: I hereby certify that the above is a true, complete and correct statement. 12. LOBBYIST'S SIGNATURE _____ DATE _____	EMPLOYER'S AUTHORIZATION: Confirming the employment authority to lobby described in this registration statement. EMPLOYER'S SIGNATURE, NAME TYPED OR PRINTED, AND TITLE _____ DATE _____
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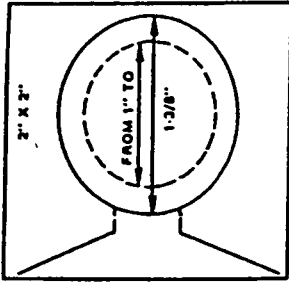
NOT VALID UNLESS SIGNED BY BOTH

EXPEDITED

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[**LOBBYIST IDENTIFICATION FORM**



NAME:
BUSINESS ADDRESS:

PHONE:

OLYMPIA ADDRESS:

PHONE:

EMPLOYERS' NAMES:

YEAR FIRST EMPLOYED AS A LOBBYIST:
BIOGRAPHY:

.....
INSTRUCTIONS

ATTACH THIS PAGE TO YOUR L-1 REGISTRATION.
ATTACH 2" x 2" PASSPORT TYPE, BLACK AND WHITE PHOTO. PHOTO SHOULD BE HEAD AND SHOULDERS, FULL FACE, AND TAKEN WITHIN LAST 12 MONTHS.
PLEASE WRITE, LIGHTLY IN PENCIL, NAME ON BACK OF PHOTO BEFORE ATTACHING.
PHOTOS WILL NOT BE RETURNED.
PLEASE SEE INSTRUCTION BOOKLET FOR EXAMPLE OF BIOGRAPHY. LIST ALL EMPLOYERS ON THIS PAGE IF YOU HAVE MORE THAN ONE EMPLOYER. IF YOU LATER ADD ADDITIONAL EMPLOYERS, PDC WILL INCLUDE THEM FOR YOU.
PLEASE USE TYPEWRITER TO COMPLETE THIS PAGE.

FORM L-1, PAGE 2 (Rev. 2/77) -20-

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LOBBYIST REGISTRATION

L1

THIS SPACE FOR OFFICE USE

1. Lobbyist Name

Permanent Business Address

City State Zip

Business Telephone Numbers

Permanent ()

Temporary ()

Cell Phone () or Pager

2. Temporary Thurston County address during legislative session

E-Mail Address

3. Employer's name and address (person or group for which you lobby)

Employer's occupation, business or description of purpose of organization

4. Name and address of person having custody of accounts, receipts, books or other documents which substantiate lobbyist reports.

E-Mail Address

5. What is your pay (compensation) for lobbying?
\$ _____ per _____
(hour, day, month, year)
Other: Explain:

Description of employment (check one or more boxes)

Full time employee Sole duty is lobbying
 Part time or temporary employee Lobbying is only a part of other duties
 Contractor, retainer or similar agreement
 Unalaried officer or member of group

6. Are you reimbursed for lobbying expenses? Explain which expenses.
 Yes: \$ _____ per _____
 Yes: I am reimbursed for expenses.
 No: I am not reimbursed for expenses.

Does employer pay any of your lobbying expenses directly?
If yes, explain which ones.

7. How long do you expect to lobby for this organization?
 Permanent lobbyist Only during legislative session Other, Explain:

8. Is your employer a business or trade association or similar organization which lobbies on behalf of its members? If "yes," attach a list showing the name and address of each member who has paid the association fees, dues or other payments over \$500 during either of the past two years or is expected to pay over \$500 this year.
 No Yes. However, no member has paid, pays, or is expected to pay over \$500.
 Yes. The list is attached

9. Does your employer have a connected, related or closely affiliated political action committee which will provide funds for you to make political contributions including purchase tickets to fund raising events? If so, list the name of that political action committee.
 No
 Yes. Name of the committee is:

11. Areas of interest. Lobbying is most frequent before legislative committee members or state agencies concerned with following subjects:

CODE SUBJECT	CODE SUBJECT
01 <input type="checkbox"/> Agriculture	08 <input type="checkbox"/> Fiscal
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07 <input type="checkbox"/> Financial institutions and insurance	14 <input type="checkbox"/> State government
	15 <input type="checkbox"/> Transportation
	16 <input type="checkbox"/> Other - Specify:

Remarks:

CERTIFICATION: I hereby certify that the above is a true, complete and correct statement.

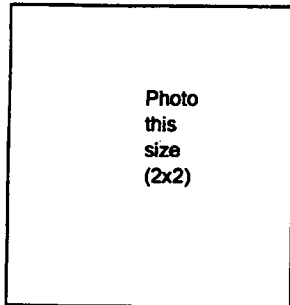
EMPLOYER'S AUTHORIZATION: Confirming the employment authority to lobby described in this registration statement.

12. LOBBYIST'S SIGNATURE DATE

EMPLOYER'S SIGNATURE, NAME TYPED OR PRINTED, AND TITLE DATE

EXPEDITED

LOBBYIST IDENTIFICATION FORM



NAME:
BUSINESS ADDRESS:

PHONE:

OLYMPIA ADDRESS:

PHONE:

EMPLOYERS' NAMES:

YEAR FIRST EMPLOYED AS A LOBBYIST:
BIOGRAPHY:

INSTRUCTIONS

- ATTACH THIS PAGE TO YOUR L-1 REGISTRATION.
- ATTACH 2" x 2" PASSPORT TYPE PHOTO. PHOTO SHOULD BE HEAD AND SHOULDERS, FULL FACE, AND TAKEN WITHIN LAST 12 MONTHS.
- PLEASE WRITE NAME, LIGHTLY IN PENCIL, ON BACK OF PHOTO BEFORE ATTACHING.
- PHOTOS WILL NOT BE RETURNED.
- PLEASE SEE INSTRUCTION BOOKLET FOR EXAMPLE OF BIOGRAPHY.
- LIST ALL EMPLOYERS ON THIS PAGE.

PDC FORM L-1, PAGE 2 (Rev. 205)

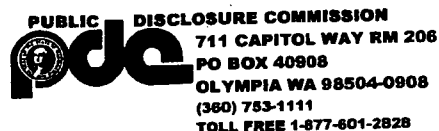
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AMENDATORY SECTION (Amending WSR 04-02-028, filed 12/31/03, effective 1/31/04)

WAC 390-20-110 Forms for lobbyist employers report. The official form for statement by employers of registered lobbyists as required by RCW 42.17.180 is designated

"L-3," revised ((12/03)) 2/05. Copies of this form are available at the Commission Office 711 Capitol Way, Room 206, Evergreen Plaza Building, PO Box 40908, Olympia, Washington, 98504-0908. Any paper attachments shall be on 8-1/2" x 11" white paper.

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Employer's Lobbying Expenses

L3 12/03

THIS SPACE FOR OFFICE USE

1. Employer's Name (Use complete company, association, union or entity name.)
Attention (Identify person to whom inquiries about the information below should be directed; NOT the lobbyist.)
Mailing Address Telephone
City State Zip + 4 E-Mail Address

THIS REPORT MUST BE FILED BY THE LAST DAY OF FEBRUARY. Include expenditures made and accrued during the previous calendar year for lobbying the Washington State Legislature and/or any state agency. Complete all sections. Use "none" or "0" when applicable.

2. Identify each of your lobbyists/lobbying firms below. In column 1, show the full amount of salary or fee each earned for lobbying. In column 2, show the full amount paid (plus obligated) for other lobbying related expenses that were made by or through the lobbyist and reported by the lobbyist on the monthly L-2 report (e.g., contributions to legislative candidates, reimbursement for entertainment expenses, etc.). Compute the subtotals across and down the columns; put the grand total of expenses incurred by or through lobbyists in the space designated.

Table with 3 columns: Names of Registered Lobbyists (if payments were to lobbying firm, list firm name), Col 1-Salary, Col 2-Other, Total Amount. Includes a Total From Attached Page row and a Total Expenses By or Through Lobbyists row.

Information continued on attached pages

DO NOT INCLUDE EXPENDITURES ALREADY ACCOUNTED FOR IN ITEM 2 ABOVE when completing Items 3 through 7 below.

- 3. Other expenditures made by the employer for lobbying purposes. Show total expenditures made/accrued:
a. to vendors on behalf of or in support of registered lobbyists (e.g., entertainment credit card purchases);
b. to or on behalf of expert witnesses or others retained to provide lobbying services who offer specialized knowledge or expertise that assists the employer's lobbying effort;
c. for entertainment, tickets, passes, travel expenses (e.g., transportation, meals, lodging, etc.) and enrollment or course fees provided to legislators, state officials, state employees and members of their immediate families; (Also complete Item 9.)
d. for composing, designing, producing and distributing informational materials for use primarily to influence legislation; and
e. for grass roots lobbying expenses, including those previously reported by employer on Form L-6, and payments for lobbying communications to clients/customers (other than to corporate stockholders and members of an organization or union).
4. Political contributions to candidates for legislative or statewide executive office, committees supporting or opposing these candidates, or committees supporting or opposing statewide ballot measures. (Also complete Item 10.)
a. Contributions made directly by the employer, including those previously reported on PDC Form L-3c.
b. If contributions were made by a political committee associated, affiliated or sponsored by the employer, show the PAC name below. (Information reported by the PAC on C-4 reports need not be again included as part of this L-3 report.)
Name of PAC
5. Independent expenditures supporting or opposing a candidate for legislative or statewide executive office or a statewide ballot measure. (Also complete Item 11.)
6. Expenditures to or on behalf of legislators, state officials, their spouses and dependents for the purpose of influencing, honoring or benefiting the legislator or official. (Normal course of business payments are not reportable.) (Also complete Item 14.)
7. Other lobbying-related expenditures, whether through or on behalf of a registered lobbyist. Attach list itemizing each expense (i.e., show date, recipient, purpose and amount). Do not include payments accounted for above.
Total Lobbying Expenses (Items 2 thru 7)

8. This report must be certified by the president, secretary-treasurer or similar office of lobbying employer.

Certification: I certify that this report is true, complete and correct to the best of my knowledge.
Printed Name and Title of Officer: Signature of Employer Officer Date

CONTINUE ON REVERSE

EXPEDITED

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Page 2

L3

Employer's Name

Year report covers:

9. Entertainment, tickets, passes, travel expenses (including transportation, meals, lodging, etc.) and enrollment or course fees provided to legislators, state officials, state employees and members of their immediate families. See instruction manual for details.

Name and Title	Cost or Value \$	Date and Description of Expense
<input type="checkbox"/> Information continued on attached pages		

10. Contributions (not reported by the lobbyist) totalling over \$25 to a legislative or statewide executive office candidate, a committee formed to support or oppose one of these candidates or a committee supporting or opposing a statewide ballot measure. Do not list employer-affiliated PAC contributions.

Name of Recipient	Amount \$	Date (and, if In-Kind, Description)
<input type="checkbox"/> Information continued on attached pages		

11. Independent expenditures in support of or opposition to a) a legislative or statewide executive office candidate or b) a statewide ballot proposition. See instruction manual for definition of "independent expenditure."

Candidate's Name, Office Sought & Party or Ballot Proposition Number & Brief Description	Amount \$	Date and Description of Expense (Note if Support or Oppose)
<input type="checkbox"/> Information continued on attached pages		

12. Compensation of \$1,500 or more during the preceding calendar year for employment or professional services paid to state elected officials, successful candidates for state office and each member of their immediate family.

Name	Relationship to Candidate or Elected Official if Member of Family	Amount (Code)**	Description of Consideration or Services Exchanged for Compensation
<input type="checkbox"/> Information continued on attached pages			

13. Compensation of \$1,500 or more during the preceding calendar year for professional services paid to any corporation, partnership, joint venture, association or other entity in which state elected official, successful state candidate or member of their immediate family hold office, partnership, directorship or ownership interest of 10% or more.

Firm Name	Person's Name	Amount (Code)**	Description of Consideration or Services Exchanged for Compensation
<input type="checkbox"/> Information continued on attached pages			

14. Any expenditure, not otherwise reported, made directly or indirectly to a state elected official, successful candidate for state office or member of their immediate family, if made to honor, influence or benefit the person because of his or her official position.

Name	Amount \$	Date and Purpose
<input type="checkbox"/> Information continued on attached pages		

****DOLLAR CODE AMOUNT**
 A - \$1 to \$2,999
 B - \$3,000 to \$14,999
 C - \$15,000 to \$29,999

****DOLLAR CODE AMOUNT**
 D - \$30,000 to \$74,999
 E - \$75,000 or more

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EXPEDITED

PUBLIC DISCLOSURE COMMISSION
pdc
 711 CAPITOL WAY RM 206
 PO BOX 40908
 OLYMPIA WA 98504-0908
 (360) 753-1111
 TOLL FREE 1-877-601-2828

**Employer's
 Lobbying Expenses**

L3
 205

THIS SPACE FOR OFFICE USE

1. Employer's Name (Use complete company, association, union or entity name.)
 Attention (Identify person to whom inquiries about the information below should be directed; NOT the lobbyist.)
 Mailing Address Telephone
 ()
 City State Zip + 4 E-Mail Address Year Report Covers

THIS REPORT MUST BE FILED BY THE LAST DAY OF FEBRUARY. Include expenditures made and accrued during the previous calendar year for lobbying the Washington State Legislature and/or any state agency. Complete all sections. Use "none" or "0" when applicable.

2. Identify each of your lobbyists/lobbying firms below. In column 1, show the full amount of salary or fee each earned for lobbying. In column 2, show the full amount paid (plus obligated) for other lobbying related expenses that were made by or through the lobbyist and reported by the lobbyist on the monthly L-2 report (e.g., contributions to legislative candidates, reimbursement for entertainment expenses, etc.). Compute the subtotals across and down the columns; put the grand total of expenses incurred by or through lobbyists in the space designated.

Names of Registered Lobbyists (if payments were to lobbying firm, list firm name)	Col 1-Salary	Col 2-Other	Total Amount
	\$	\$	\$
Total From Attached Page			
	Total Expenses By or Through Lobbyists		\$

Information continued on attached pages

DO NOT INCLUDE EXPENDITURES ALREADY ACCOUNTED FOR IN ITEM 2 ABOVE when completing Items 3 through 7 below.

3. Other expenditures made by the employer for lobbying purposes. Show total expenditures made/accrued:
- a. to vendors on behalf of or in support of registered lobbyists (e.g., entertainment credit card purchases); \$ _____
 - b. to or on behalf of expert witnesses or others retained to provide lobbying services who offer specialized knowledge or expertise that assists the employer's lobbying effort; _____
 - c. for entertainment, tickets, passes, travel expenses (e.g., transportation, meals, lodging, etc.) and enrollment or course fees provided to legislators, state officials, state employees and members of their immediate families; (Also complete Item 9.) _____
 - d. for composing, designing, producing and distributing informational materials for use primarily to influence legislation; and _____
 - e. for grass roots lobbying expenses, including those previously reported by employer on Form L-6, and payments for lobbying communications to clients/customers (other than to corporate stockholders and members of an organization or union). _____
4. Political contributions to candidates for legislative or statewide executive office, committees supporting or opposing these candidates, or committees supporting or opposing statewide ballot measures. (Also complete Item 10.)
- a. Contributions made directly by the employer, including those previously reported on PDC Form L-3c. _____
 - b. If contributions were made by a political committee associated, affiliated or sponsored by the employer, show the PAC name below. (Information reported by the PAC on C-4 reports need not be again included as part of this L-3 report.)
 Name of PAC _____
5. Independent expenditures supporting or opposing a candidate for legislative or statewide executive office or a statewide ballot measure. (Also complete Item 11.) _____
6. Expenditures to or on behalf of legislators, state officials, their spouses and dependents for the purpose of influencing, honoring or benefiting the legislator or official. (Normal course of business payments are not reportable.) (Also complete Item 14.) _____
7. Other lobbying-related expenditures, whether through or on behalf of a registered lobbyist. Attach list itemizing each expense (i.e., show date, recipient, purpose and amount). Do not include payments accounted for above. _____
- Total Lobbying Expenses** \$ _____
(Items 2 thru 7)

8. This report must be certified by the president, secretary-treasurer or similar office of lobbying employer.

Certification: I certify that this report is true, complete and correct to the best of my knowledge.
 Signature of Employer Officer _____ Date _____
 Printed Name and Title of Officer: _____

CONTINUE ON REVERSE

EXPEDITED

Employer's Name _____ Year report covers: _____

9. Entertainment, tickets, passes, travel expenses (including transportation, meals, lodging, etc.) and enrollment or course fees provided to legislators, state officials, state employees and members of their immediate families. See instruction manual for details.

Name and Title	Cost or Value \$	Date and Description of Expense
<input type="checkbox"/> Information continued on attached pages		

10. Contributions (not reported by the lobbyist) totalling over \$25 to a legislative or statewide executive office candidate, a committee formed to support or oppose one of these candidates or a committee supporting or opposing a statewide ballot measure. Do not list employer-affiliated PAC contributions.

Name of Recipient	Amount \$	Date (and, if In-Kind, Description)
<input type="checkbox"/> Information continued on attached pages		

11. Independent expenditures in support of or opposition to a) a legislative or statewide executive office candidate or b) a statewide ballot proposition. See instruction manual for definition of "Independent expenditure."

Candidate's Name, Office Sought & Party or Ballot Proposition Number & Brief Description	Amount \$	Date and Description of Expense (Note if Support or Oppose)
<input type="checkbox"/> Information continued on attached pages		

12. Compensation of \$1,500 or more during the preceding calendar year for employment or professional services paid to state elected officials, successful candidates for state office and each member of their immediate family.

Name	Relationship to Candidate or Elected Official if Member of Family	Amount (Code)**	Description of Consideration or Services Exchanged for Compensation
<input type="checkbox"/> Information continued on attached pages			

13. Compensation of \$1,500 or more during the preceding calendar year for professional services paid to any corporation, partnership, joint venture, association or other entity in which state elected official, successful state candidate or member of their immediate family hold office, partnership, directorship or ownership interest of 10% or more.

Firm Name	Person's Name	Amount (Code)**	Description of Consideration or Services Exchanged for Compensation
<input type="checkbox"/> Information continued on attached pages			

14. Any expenditure, not otherwise reported, made directly or indirectly to a state elected official, successful candidate for state office or member of their immediate family, if made to honor, influence or benefit the person because of his or her official position.

Name	Amount \$	Date and Purpose
<input type="checkbox"/> Information continued on attached pages		

****DOLLAR
CODE AMOUNT**
A - \$1 to \$2,999
B - \$3,000 to \$14,999
C - \$15,000 to \$29,999

****DOLLAR
CODE AMOUNT**
D - \$30,000 to \$74,999
E - \$75,000 or more

EXPEDITED

AMENDATORY SECTION (Amending WSR 01-10-049, filed 4/26/01, effective 6/1/01)

WAC 390-16-011 Forms—Registration statement for political committees. The official form for providing the statement of organization by political committees for designating a campaign treasurer and depository and for reporting information required to qualify for mini campaign finance reporting is designated "C-1pc," revised ~~((6/01))~~ 2/05. Copies of this form are available at the Commission Office, 711 Capitol Way, Room 206, P.O. Box 40908, Olympia, Washington 98504-0908. Any attachments shall be on 8-1/2" x 11" white paper.

EXPEDITED

((STRICKEN GRAPHIC))



PUBLIC DISCLOSURE COMMISSION
711 CAPITOL WAY RM 206
PO BOX 40988
OLYMPIA WA 98504-0988
(360) 753-1111
Toll Free 1-877-691-3828

Political Committee Registration

C1PC
(6/01)

Committee Name (Show entire official name.)
Acronym:
Mailing Address
Telephone: ()
City County Zip + 4
Fax: ()
E-mail:

NEW OR AMENDED REGISTRATION?
NEW. Complete entire form.
AMENDS previous report. Complete entire form.
COMMITTEE STATUS
Continuing (On-going; not established in anticipation of any particular campaign election.)
election year only. Date of general or special election: (Year)

1. What is the purpose or description of the committee?
Bona Fide Political Party Committee - official state or county central committee or legislative district committee.
Ballot Committee - Initiative, Bond, Levy, Recall, etc. Name or description of ballot measure: Ballot Number FOR AGAINST
Other Political Committee - PAC, caucus committee, political club, etc. If committee is related or affiliated with a business, association, union or similar entity, specify name:

For single election-year only committees (not continuing committees): Is the committee supporting or opposing
(a) one or more candidates? Yes No If yes, attach a list of each candidate's name, office sought and political party affiliation.
(b) the entire ticket of a political party? Yes No If yes, identify the party.

2. Related or affiliated committees. List name, address and relationship.
3. How much do you plan to spend during this entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below.
If no box is checked you are obligated to use Full Reporting. See instruction manuals for information about reports required and changing reporting options.
MINI REPORTING
FULL REPORTING

4. Campaign Manager's or Media Contact's Name and Address Telephone Number: ()
5. Treasurer's Name and Address (List deputy treasurers on attached sheet.) Continued on attached sheet Daytime Telephone Number: ()
6. Committee Officers. List name, title, and address. Continue on attached sheet if necessary. See reverse for definition of "officer." Continued on attached sheet

7. Campaign Bank or Depository Branch City

8. Campaign books must be open to the public, except on a weekend or legal holiday, during the eight days before the election: (a) on the eighth day for two consecutive hours between 8 a.m. and 8 p.m.; if the eighth day is a legal holiday - two consecutive hours on the seventh day between 8 a.m. and 8 p.m.; and (b) on the other weekdays by appointment between 8 a.m. and 8 p.m. Specify location and hours below. It is not acceptable to provide a post office box or an out-of-area address.
Street Address, Room Number, City Hours [Two consecutive hours; see 8(a)]
In order to make an appointment, contact the campaign at (telephone, fax, e-mail): ()

9. Eligibility to Give to State Office Candidates: During the 180 days prior to making a contribution to a state office 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 state office candidates (legislative and statewide executive candidates).

10. Signature and Certification. I certify that this statement is true, complete and correct to the best of my knowledge.
Committee Treasurer's Signature Date

Need campaign finance forms and instructions? Please check one of the following boxes.
I already have forms and instructions.
I will get forms and instructions from my county elections office.
I want the Public Disclosure Commission to mail me the proper forms and instructions.

SEE INSTRUCTIONS ON REVERSE

((STRICKEN GRAPHIC))

EXPEDITED

~~((STRICKEN GRAPHIC~~

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

Persons, committees, organizations or groups that receive contributions or make expenditures in support of or opposition to: candidates in jurisdictions of 5,000 or more registered voters as of the last general election; statewide ballot issues; or local ballot issues in jurisdictions with 1,000 or more registered voters as of the last general election.

When To File

Within 2 weeks of organizing a committee or first expecting to receive contributions or make expenditures, whichever occurs first. (Committees that organize within three weeks of an election must file within three business days of forming or of expecting to receive contributions or make expenditures.)

File an amended C-1pc form within 10 calendar days of any material change to the registration information furnished previously. For single election-year only committees, a material change includes providing or modifying the list of candidates the committee is supporting or opposing.

Continuing political committees using Mini Reporting must also file a C-1pc annually in January. Reports are considered filed as of the postmark date or date hand-delivered to PDC.

Where To File

Send the original to PDC at the above address. Send a copy to County Auditor (county elections office) of the county in which the committee headquarters is located. If there is no headquarters, send to the County Auditor of the county in which the treasurer resides. Keep a copy as part of the committee's records.

"Officer" of a Political Committee – Definition

Officer of a political committee includes the following persons:

- the treasurer,
- any person designated as an officer on the C-1pc registration statement, and
- any person who alone or in conjunction with other persons makes contribution, expenditure, strategic or policy decisions on behalf of the committee. (WAC 390-05-245)

Contact PDC or County Elections Office for Instruction Manuals and Reporting Forms or look under the "Filer Assistance" menu category on PDC's Web Site: www.pdc.wa.gov

~~STRICKEN GRAPHIC))~~

EXPEDITED



Political Committee Registration

C1Pc (2/05)

Committee Name (Show entire official name.)
Acronym:
Telephone: ()
Mailing Address
City County Zip + 4
Fax: ()
E-mail:

NEW OR AMENDED REGISTRATION?
COMMITTEE STATUS
NEW. Complete entire form.
AMENDS previous report. Complete entire form.
Continuing (On-going; not established in anticipation of any particular campaign election.)
election year only. Date of general or special election: (Year)

1. What is the purpose or description of the committee?
Bona Fide Political Party Committee - official state or county central committee or legislative district committee. If you are not supporting the entire party ticket, attach a list or specify here the names of the candidates you support

Ballot Committee - Initiative, Bond, Levy, Recall, etc. Name or description of ballot measure:
Ballot Number FOR AGAINST

Other Political Committee - PAC, caucus committee, political club, etc. If committee is related or affiliated with a business, association, union or similar entity, specify name:

For single election-year only committees (not continuing committees): Is the committee supporting or opposing
(a) one or more candidates? Yes No If yes, attach a list of each candidate's name, office sought and political party affiliation.
(b) the entire ticket of a political party? Yes No If yes, identify the party.

2. Related or affiliated committees. List name, address and relationship.
Continued on attached sheet

3. How much do you plan to spend during this entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below. (If your committee status is continuing, estimate spending on a calendar year basis.)
If no box is checked you are obligated to use Full Reporting. See instruction manuals for information about reports required and changing reporting options.
MINI REPORTING Full Reporting is selected. No more than \$3,500 will be raised or spent and no more than \$300 in the aggregate will be accepted from any one contributor.
FULL REPORTING Full Reporting is selected. The frequent, detailed campaign reports mandated by law will be filed as required.

4. Campaign Manager's or Media Contact's Name and Address
Telephone Number: ()

5. Treasurer's Name and Address (List deputy treasurers on attached sheet.)
Continued on attached sheet
Daytime Telephone Number: ()

6. Committee Officers. List name, title, and address. Continue on attached sheet if necessary. See reverse for definition of "officer."
Continued on attached sheet

7. Campaign Bank or Depository
Branch
City

8. Campaign books must be open to the public, except on a weekend or legal holiday, during the eight days before the election: (a) on the eighth day for two consecutive hours between 8 a.m. and 8 p.m.; if the eighth day is a legal holiday - two consecutive hours on the seventh day between 8 a.m. and 8 p.m.; and (b) on the other weekdays by appointment between 8 a.m. and 8 p.m. Specify location and hours below. It is not acceptable to provide a post office box or an out-of-area address.
Street Address, Room Number, City
Hours [Two consecutive hours; see 8(a)]

In order to make an appointment, contact the campaign at (telephone, fax, e-mail): ()

9. Eligibility to Give to State Office Candidates: During the 180 days prior to making a contribution to a state office 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 state office candidates (legislative and statewide executive candidates).
10. Signature and Certification. I certify that this statement is true, complete and correct to the best of my knowledge.
Committee Treasurer's Signature Date

SEE INSTRUCTIONS ON REVERSE

EXPEDITED



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	Persons, committees, organizations or groups that receive contributions or make expenditures in support of or opposition to: candidates in jurisdictions of 5,000 or more registered voters as of the last general election; statewide ballot issues; or local ballot issues in jurisdictions with 1,000 or more registered voters as of the last general election.
When To File	<p><u>Within 2 weeks of organizing a committee</u> or first expecting to receive contributions or make expenditures, whichever occurs first. (Committees that organize within three weeks of an election must file within three business days of forming or of expecting to receive contributions or make expenditures.)</p> <p>File an amended C-1pc form within 10 calendar days of any material change to the registration information furnished previously. <u>For single election-year only committees, a material change includes providing or modifying the list of candidates the committee is supporting or opposing.</u></p> <p>Continuing political committees using Mini Reporting must also file a C-1pc annually in January. Reports are considered filed as of the postmark date or date hand-delivered to PDC.</p>
Where To File	Send the original to PDC at the above address. Send a copy to County Auditor (county elections office) of the county in which the committee headquarters is located. If there is no headquarters, send to the County Auditor of the county in which the treasurer resides. Keep a copy as part of the committee's records.
"Officer" of a Political Committee – Definition	<p>Officer of a political committee includes the following persons:</p> <ul style="list-style-type: none"> • the treasurer, • any person designated as an officer on the C-1pc registration statement; and • any person who alone or in conjunction with other persons makes contribution, expenditure, strategic or policy decisions on behalf of the committee. (WAC 390-05-245)

For Instruction Manuals and Reporting Forms or look under the "Filer Assistance" menu category on PDC's Web Site: www.pdc.wa.gov

EXPEDITED

AMENDATORY SECTION (Amending WSR 01-10-054, filed 4/26/01, effective 6/1/01)

WAC 390-16-012 Forms—Registration statement for candidates. The official form for providing the statement of organization by candidates and candidate's committees, for designating a campaign treasurer and depository and for reporting information required to qualify for mini campaign finance reporting is designated "C-1," revised ~~((6/01))~~ 2/05. Copies of this form are available at the Commission Office, 711 Capitol Way, Room 206, P.O. Box 40908, Olympia, Washington, 98504-0908. Any attachments shall be on 8-1/2" x 11" white paper.

EXPEDITED

((STRICKEN GRAPHIC



Candidate Registration

C1 (601)

Candidate's Name (Give candidate's full name.) Telephone Numbers ()
Candidate's Committee Name (Do not abbreviate.) ()
Mailing Address Fax Number ()
City County Zip + 4 E-Mail Address

1. What office are you running for? Legislative District, County or City Position No. Do you now hold this office? Yes [] No []
2. Political party (if partisan office) 3. Date of general or special election

4. How much do you plan to spend during your entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below. If no box is checked you are obligated to use Option II, Full Reporting. See instruction manuals for information about reports required and changing reporting options.
[] Option I MINI REPORTING: In addition to my filing fee of \$_____, I will raise and spend no more than \$3,500, including any charges for inclusion in state and local voters pamphlets. I will not accept more than \$300 in the aggregate from any contributor except myself.
[] Option II FULL REPORTING: I will use the Full Reporting system. I will file the frequent, detailed campaign reports required by law.

5. Treasurer's Name and Address. Candidate may be treasurer. List deputy treasurers on attached sheet. [] Continued on attached sheet Daytime Telephone Number ()

6. Committee Officers. List name, title and address. Continue on attached sheet if necessary. See reverse for definition of "officer." [] Continued on attached sheet

7. Campaign Bank or Depository Branch City

8. Related or Affiliated Political Committees. List name, address and relationship. [] Continued on attached sheet

9. Campaign books must be open to the public, except on a weekend or legal holiday, during the eight days before the election: (a) on the eighth day for two consecutive hours between 8 a.m. and 8 p.m.; if the eighth day is a legal holiday - two consecutive hours on the seventh day between 8 a.m. and 8 p.m.; and (b) on the other weekdays, by appointment between 8 a.m. and 8 p.m. Specify location and hours below. It is not acceptable to provide a post office box or an out-of-area address.
Street Address, Room Number, City Hours (Two consecutive hours; see 9(a))

In order to make an appointment, contact the campaign at (telephone, fax, e-mail): ()

10. CERTIFICATION: I certify that this report is true, complete and correct to the best of my knowledge. Date
Candidate's Signature

Please advise us about which forms and instructions you need. Remember, candidates must file a Financial Affairs Statement (F-1) unless a current one is already on file with PDC. Check all boxes that apply.
[] I already have financial affairs and campaign disclosure forms and instructions.
[] I am using Mini Reporting and, therefore, do not need the other campaign disclosure forms. In addition, I have already filed my Financial Affairs Statement and need no additional F-1 forms.
[] I will obtain all forms and instructions from my county elections office.
[] I want PDC to mail me: [] the F-1 instruction booklet (which includes forms) [] the appropriate campaign disclosure forms and instructions.

Distribution of This Report: ORIGINAL - Public Disclosure Commission COPY - County Elections Office (Auditor) COPY - Your own records (Note: City candidates contact City Clerk to see if local filing is required.)

SEE INSTRUCTIONS ON REVERSE

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EXPEDITED

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Please consult PDC instruction manuals when completing this report.
Reporting requirements are contained in and governed by RCW 42.17 and WAC 390

EXPEDITED

Who Must File

Candidates who seek

- state office (legislative or statewide executive),
- a state supreme court or state court of appeals position,
- local office in jurisdictions having 5,000 or more registered voters as of the last general election or in jurisdictions covering an entire county

When To File

Within 2 weeks of becoming a candidate. A person becomes a candidate for PDC purposes when he or she first does any of the following:

- receives contributions, makes expenditures, or reserves space or facilities with intent to promote his or her candidacy;
- purchases commercial advertising space or broadcast time to promote his or her candidacy;
- authorizes another person to take one of these above actions on his or her behalf;
- announces publicly that he or she is seeking office; or
- files a declaration of candidacy with the appropriate elections official.

File an amended registration within 10 days of a material change to information provided on previously filed C-1. Reports are considered filed as of the postmark date or date hand-delivered to PDC.

Where To File

Send the **original to PDC** at the above address. Send a copy to **County Auditor** (county elections office) of the county in which the candidate resides. Candidates for city offices are advised to contact their City Clerk to learn if local filing is required by local ordinance. Keep a copy as part of the campaign's records.

"Officer" of a Candidate's Committee – Definition

Officer of a candidate's authorized committee or officer of a candidate's committee includes the following persons:

- the treasurer,
- any person designated as an officer on the C-1 registration statement, and
- any person who alone or in conjunction with other persons makes contribution, expenditure, strategic or policy decisions on behalf of the committee. (WAC 390-05-245)

Contact PDC or County Elections Office for Instruction Manuals and Reporting Forms or look under the "Filer Assistance" menu category on PDC's Web Site: www.pdc.wa.gov

~~STRICKEN GRAPHIC))~~



Candidate Registration

C1
(2/05)

Candidate's Name (Give candidate's full name.)	Telephone Numbers ()
--	--------------------------

Candidate's Committee Name (Do not abbreviate.)	()
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Mailing Address	Fax Number ()
-----------------	-------------------

City	County	Zip + 4	E-Mail Address
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1. What office are you running for?	Legislative District, County or City	Position No.	Do you now hold this office? Yes <input type="checkbox"/> No <input type="checkbox"/>
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2. Political party (if partisan office)	3. Date of general or special election
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4. How much do you plan to spend during your entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below. If no box is checked you are obligated to use Option II, Full Reporting. See instruction manuals for information about reports required and changing reporting options.

Option I **MINI REPORTING:** In addition to my filing fee of \$_____, I will raise and spend no more than \$3,500, including any charges for inclusion in state and local voters pamphlets. I will not accept more than \$300 in the aggregate from any contributor except myself.

Option II **FULL REPORTING:** I will use the Full Reporting system. I will file the frequent, detailed campaign reports required by law.

5. Treasurer's Name and Address. Candidate may be treasurer. List deputy treasurers on attached sheet. <input type="checkbox"/> Continued on attached sheet	Daytime Telephone Number ()
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6. Committee Officers. List name, title and address. Continue on attached sheet if necessary. See reverse for definition of "officer." Continued on attached sheet

7. Campaign Bank or Depository	Branch	City
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8. Related or Affiliated Political Committees. List name, address and relationship. Continued on attached sheet

9. Campaign books must be open to the public, except on a weekend or legal holiday, during the eight days before the election: (a) on the eighth day for two consecutive hours between 8 a.m. and 8 p.m.; if the eighth day is a legal holiday - two consecutive hours on the seventh day between 8 a.m. and 8 p.m.; and (b) on the other weekdays, by appointment between 8 a.m. and 8 p.m. Specify location and hours below. It is not acceptable to provide a post office box or an out-of-area address.

Street Address, Room Number, City Hours [Two consecutive hours; see 9(a)]

In order to make an appointment, contact the campaign at (telephone, fax, e-mail): ()

10. **CERTIFICATION:**
I certify that this report is true, complete and correct to the best of my knowledge.

Candidate's Signature Date

SEE INSTRUCTIONS ON REVERSE

EXPEDITED



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

Candidates who seek

- state office (legislative or statewide executive),
- a state supreme court or state court of appeals position,
- local office in jurisdictions having 5,000 or more registered voters as of the last general election or in jurisdictions covering an entire county.

When To File

Within 2 weeks of becoming a candidate. A person becomes a candidate for PDC purposes when he or she **first** does any of the following:

- receives contributions, makes expenditures, or reserves space or facilities with intent to promote his or her candidacy;
- purchases commercial advertising space or broadcast time to promote his or her candidacy;
- authorizes another person to take one of these above actions on his or her behalf;
- announces publicly that he or she is seeking office; or
- files a declaration of candidacy with the appropriate elections official.

File an amended registration within 10 days of a material change to information provided on previously filed C-1. Reports are considered filed as of the postmark date or date hand-delivered to PDC.

Where To File

Send the **original** to PDC at the above address. Send a **copy** to **County Auditor** (county elections office) of the county in which the candidate resides. Candidates for city offices are advised to contact their City Clerk to learn if local filing is required by local ordinance. Keep a copy as part of the campaign's records.

"Officer" of a Candidate's Committee – Definition

Officer of a candidate's authorized committee or officer of a candidate's committee includes the following persons:

- the treasurer,
- any person designated as an officer on the C-1 registration statement, and
- any person who alone or in conjunction with other persons makes contribution, expenditure, strategic or policy decisions on behalf of the committee. (WAC 390-05-245)

For Instruction Manuals and Reporting Forms look under the "Filer Assistance" menu category on PDC's Web Site: www.pdc.wa.gov

EXPEDITED

AMENDATORY SECTION (Amending WSR 96-05-001, filed 2/7/96, effective 3/9/96)

WAC 390-16-310 Limitations on contributions. The limitations on contributions as provided in RCW 42.17.105(8) and RCW 42.17.640 shall be ~~((applied))~~ as follows:

(1)(a) The limitation on contributions in RCW 42.17.640 shall not apply to a "candidate" as that term is defined in RCW 42.17.020(8) when the candidate is contributing to his or her own campaign using his or her own personal funds as defined in WAC 390-17-305.

(b) The limitation on contributions in RCW 42.17.640 shall apply to contributions to the candidate from the candidate's spouse or other immediate family members.

(2) The limitations on contributions shall apply separately to the contributions made by each spouse.

(3) Emancipated minor children (children under 18 years of age) may make contributions which do not exceed the limitations on contributions and the contribution is properly attributed to the emancipated minor child if;

(a) The decision to contribute is made knowingly and voluntarily by the emancipated minor child;

(b) The funds, goods, or services contributed are owned or controlled exclusively by the emancipated minor child, such as income earned by the child, the proceeds of a trust for which the child is the beneficiary, or a savings account opened and maintained exclusively in the child's name; and

(c) The contribution is not made from the proceeds of a gift, the purpose of which was to provide funds to be contributed, or is not in any other way controlled by another person.

Contributions by emancipated minor children which do not meet these requirements and contributions by unemancipated minor children shall be considered contributions by the child's parents. Fifty percent of the contributions will be attributed to each parent, or in the case of a single custodial parent, the total amount is attributed to the parent.

(4) Contributions from a business organized as a sole proprietorship and contributions from the owner of the sole proprietorship shall be aggregated for purposes of determining the limitations of contributions under ~~((to))~~ RCW 42.17.105(8) and 42.17.640.

(5) The limitations on contributions shall apply separately to the contributions made by a partnership from the contributions made by an individual partner except that;

Contributions made from or charged against the capital account of an individual partner shall be aggregated with the partner's individual contributions for purposes of determining the limitations on contributions under RCW 42.17.105(8) and 42.17.640.

(6) The limitations on contributions shall apply separately to the contributions made by an entity (corporation, ~~((other similar organization from the contributions made by the))~~) subsidiary or branch, national union and local unions, collective bargaining organizations and local units, membership organizations and local units and other organizations and their local units) pursuant to the standards set forth in WAC 390-16-309.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 390-16-311


Automatically affiliated entities maintaining separate contribution limits.

AMENDATORY SECTION (Amending WSR 02-20-036, filed 9/24/02, effective 10/25/02)

WAC 390-24-010 Forms for statement of financial affairs. The official form for statements of financial affairs as required by RCW 42.17.240 is designated "F-1," revised ~~((9/02))~~ 2/05. Copies of this form are available at the Commission Office, 711 Capitol Way, Room 206, Evergreen Plaza Building, PO Box 40908, Olympia, Washington 98504-0908. Any paper attachments must be on 8-1/2" x 11" white paper.

EXPEDITED

((STRICKEN GRAPHIC))

PUBLIC DISCLOSURE COMMISSION

 711 CAPITOL WAY RM 206
 PO BOX 40908
 OLYMPIA WA 98504-0908
 (360) 753-1111
 TOLL FREE 1-877-601-2828
 EMAIL: pdc@pdc.wa.gov

PDC FORM F-1 (9/02)	PERSONAL FINANCIAL AFFAIRS STATEMENT	P M PDC OFFICE USE O A R K S T
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Refer to instruction manual for detailed assistance and examples.

Deadlines: Incumbent elected and appointed officials – by April 15.
 Candidates and others – within two weeks of becoming a candidate or being newly appointed to a position.

DOLLAR CODE	AMOUNT
A	\$1 to \$2,999
B	\$3,000 to \$14,999
C	\$15,000 to \$29,999
D	\$30,000 to \$74,999
E	\$75,000 or more

RECEIVED

SEND REPORT TO PUBLIC DISCLOSURE COMMISSION

Last Name	First	Middle Initial	Names of immediate family members. If there is no reportable information to disclose for dependent children, or other dependents living in your household, do not identify them. Do identify your spouse. See F-1 manual for details.
Mailing Address (Use PO Box or Work Address)			
City	County	Zip + 4	

Filing Status (Check only one box.) <input type="checkbox"/> An elected or state appointed official filing annual report <input type="checkbox"/> Final report as an elected official. Term expired: _____ <input type="checkbox"/> Candidate running in an election: month _____ year _____ <input type="checkbox"/> Newly appointed to an elective office <input type="checkbox"/> Newly appointed to a state appointive office	Office Held or Sought Office title: _____ County, city, district or agency of the office, name and number: _____ Position number: _____ Term begins: _____ ends: _____
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1 INCOME List each employer, or other source of income (pension, social security, legal judgment) from which you or a family member received \$1,500 or more during the period. (Report interest and dividends in Item 3 on reverse)

1	Show Self (S) Spouse (SP) Dependent (D)	Name and Address of Employer or Source of Compensation	Occupation or How Compensation Was Earned	Amount: (Use Code)
Check Here <input type="checkbox"/> if continued on attached sheet				

2 REAL ESTATE List street address, assessor's parcel number, or legal description AND county for each parcel of Washington real estate with value of over \$7,500 in which you or a family member held a personal financial interest during the reporting period. (Show partnership, company, etc. real estate on F-1 supplement.)

Property Sold or Interest Divested	Assessed Value (Use Code)	Name and Address of Purchaser	Nature and Amount (Use Code) of Payment or Consideration Received		
Property Purchased or Interest Acquired		Creditor's Name/Address	Payment Terms	Security Given	Mortgage Amount - (Use Code) Original Current
All Other Property Entirely or Partially Owned					

Check here if continued on attached sheet

CONTINUE ON REVERSE

((STRICKEN GRAPHIC))

EXPEDITED

((STRICKEN GRAPHIC

3 ASSETS / INVESTMENTS - INTEREST / DIVIDENDS List bank and savings accounts, insurance policies, stock, bonds and other intangible property held during the reporting period.

A. Name and address of each bank or financial institution in which you or a family member had an account over \$15,000 any time during the report period.	Type of Account or Description of Asset	Asset Value (Use Code)	Income Amount (Use Code)
B. Name and address of each insurance company where you or a family member had a policy with a cash or loan value over \$15,000 during the period.			
C. Name and address of each company, association, government agency, etc. in which you or a family member owned or had a financial interest worth over \$1,500. Include stocks, bonds, ownership, retirement plan, IRA, notes, and other intangible property.			

Check here if continued on attached sheet.

4 CREDITORS List each creditor you or a family member owed \$1,500 or more any time during the period. Don't include retail charge accounts, credit cards, or mortgages or real estate reported in Item 2.

Creditor's Name and Address	Terms of Payment	Security Given	AMOUNT (USE CODE)	
			Original	Present

Check here if continued on attached sheet.

5 All filers answer questions A thru D below. If the answer is YES to any of these questions, the F-1 Supplement must also be completed as part of this report. If all answers are NO and you are a candidate for state or local office, an appointee to a vacant elective office, or a state executive officer filing your initial report, no F-1 Supplement is required.

Incumbent elected officials and state executive officers filing an annual financial affairs report also must answer question E. An F-1 Supplement is required of these officeholders unless all answers to questions A thru E are NO.

A. Were you, your spouse or dependents an officer, director, general partner or trustee of any corporation, company, union, association, joint venture or other entity at any time during the reporting period? If yes, complete Supplement, Part A.

B. Did you, your spouse or dependents have an ownership of 10% or more in any company, corporation, partnership, joint venture or other business at any time during the reporting period? If yes, complete Supplement, Part A.

C. Did you, your spouse or dependents own a business at any time during the reporting period? If yes, complete Supplement, Part A.

D. Did you, your spouse or dependents prepare, promote or oppose state legislation, rules, rates or standards for current or deferred compensation (other than pay for a currently-held public office) at any time during the reporting period? If yes, complete Supplement, Part B.

E. Only for Persons Filing Annual Report. Regarding the receipt of items not provided or paid for by your governmental agency during the previous calendar year: 1) Did you, your spouse or dependents (or any combination thereof) accept a gift of food or beverages costing over \$50 per occasion? or 2) Did any source other than your governmental agency provide or pay in whole or in part for you, your spouse and/or dependents to travel or to attend a seminar or other training? If yes to either or both questions, complete Supplement, Part C.

<p>ALL FILERS EXCEPT CANDIDATES. Check the appropriate box.</p> <p><input type="checkbox"/> I hold a state elected office or am an executive state officer. I have read and am familiar with RCW 42.52.180 regarding the use of public resources in campaigns.</p> <p><input type="checkbox"/> I hold a local elected office. I have read and am familiar with RCW 42.17.130 regarding the use of public facilities in campaigns.</p>	<p>CERTIFICATION: I certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.</p> <p>Signature _____ Date _____</p> <p>Contact Telephone: () _____</p> <p>Email: _____ (Work)</p> <p>Email: _____ (Home)</p>
--	--

REPORT NOT ACCEPTABLE WITHOUT FILER'S SIGNATURE

((STRICKEN GRAPHIC))

EXPEDITED

((STRICKEN GRAPHIC

PUBLIC DISCLOSURE COMMISSION

 711 CAPITOL WAY RM 206
 PO BOX 40908
 OLYMPIA WA 98504-0908
 (360) 753-1111
 TOLL FREE 1-877-801-2828
 EMAIL: pdc@pdc.wa.gov

PDC FORM F-1 SUPPLEMENT (9/02)	SUPPLEMENT PAGE PERSONAL FINANCIAL AFFAIRS STATEMENT
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PROVIDE INFORMATION FOR YOURSELF, SPOUSE, DEPENDENT CHILDREN AND OTHER DEPENDENTS IN YOUR HOUSEHOLD

Last Name	First	Middle Initial	DATE
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A OFFICE HELD, BUSINESS INTERESTS: For each corporation, non-profit organization, association, union, partnership, joint venture or other entity in which you, your spouse or dependents are an officer, director, general partner, trustee, or 10 percent or more owner – provide the following information:

- Legal Name: Report name used on legal documents establishing the entity.
- Trade or Operating Name: Report name used for business purposes if different from the legal name.
- Position or Percent of Ownership: The office, title and/or percent of ownership held.
- Brief Description of the Business/Organization: Report the purpose, product(s), and/or the service(s) rendered.
- Payments from Governmental Unit: If the governmental unit in which you hold or seek office made payments to the business entity concerning which you're reporting, show the purpose of each payment and the actual amount received.
- Payments from Business Customers and Other Government Agencies: List each corporation, partnership, joint venture, sole proprietorship, union, association, business or other commercial entity and each government agency (other than the one you seek/hold office) which paid compensation of \$7,500 or more during the period to the entity. Briefly say what property, goods, services or other consideration was given or performed for the compensation.
- Washington Real Estate: Identify real estate owned by the business entity if the qualifications referenced below are met.

ENTITY NO. 1 Reporting For: Self Spouse Dependent

LEGAL NAME: POSITION OR PERCENT OF OWNERSHIP

TRADE OR OPERATING NAME:

ADDRESS:

BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION:

PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE:
 Purpose of payments Amount (actual dollars)
\$

PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS AND OTHER GOVERNMENT AGENCIES OVER \$7,500:
 Customer name: Purpose of payment (amount not required)

WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$15,000. List street address, assessor parcel number, or legal description and county for each parcel):

Check here if continued on attached sheet

CONTINUE PARTS B AND C ON REVERSE

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EXPEDITED

((STRICKEN GRAPHIC))

Page 2

F-1 Supplement

Name _____

Reporting For: Self Spouse Dependent

ENTITY NO. 2 _____ POSITION OR PERCENT OF OWNERSHIP _____

LEGAL NAME: _____

TRADE OR OPERATING NAME: _____

ADDRESS: _____

BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION: _____

PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE:
 Purpose of payments _____ Amount (actual dollars) _____
 \$ _____

PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS AND OTHER GOVERNMENT AGENCIES OVER \$7,500:
 Customer name: _____ Purpose of payment (amount not required) _____

WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$15,000. List street address, assessor parcel number, or legal description and county for each parcel):

Check here if continued on attached sheet

EXPEDITED

B LOBBYING: List persons for whom you or any immediate family member lobbied or prepared state legislation or state rules, rates or standards for current or deferred compensation. Do not list pay from government body in which you are an elected official or professional staff member.

Person to Whom Services Rendered	Description of Legislation, Rules, Etc.	Compensation (Use Code)

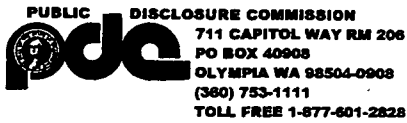
Check here if continued on attached sheet

C FOOD TRAVEL SEMINARS Complete this section if a source other than your own governmental agency paid for or otherwise provided all or a portion of the following items to you, your spouse or dependents, or a combination thereof: 1) Food and beverages costing over \$50 per occasion; 2) Travel occasions; or 3) Seminars, educational programs or other training.

Date Received	Donor's Name, City and State	Brief Description	Actual Dollar Amount	Value (Use Code)
			\$ _____	

Check here if continued on attached sheet

((STRICKEN GRAPHIC))



PDC FORM
F-1
(2/05)
PERSONAL FINANCIAL AFFAIRS STATEMENT

P M PDC OFFICE USE
O A R K
S T K
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V
E
D

Refer to instruction manual for detailed assistance and examples.

Deadlines: Incumbent elected and appointed officials – by April 15.
Candidates and others – within two weeks of becoming a candidate or being newly appointed to a position.

DOLLAR CODE	AMOUNT
A	\$1 to \$2,999
B	\$3,000 to \$14,999
C	\$15,000 to \$29,999
D	\$30,000 to \$74,999
E	\$75,000 or more

SEND REPORT TO PUBLIC DISCLOSURE COMMISSION

Last Name First Middle Initial

Names of immediate family members. If there is no reportable information to disclose for dependent children, or other dependents living in your household, do not identify them. Do identify your spouse. See F-1 manual for details.

Mailing Address (Use PO Box or Work Address)

City County Zip + 4

Filing Status (Check only one box.)

- An elected or state appointed official filing annual report
- Final report as an elected official. Term expired: _____ year _____
- Candidate running in an election: month _____ year _____
- Newly appointed to an elective office
- Newly appointed to a state appointive office
- Professional staff of the Governor's Office and the Legislature

Office Held or Sought
Office title: _____
County, city, district or agency of the office, name and number: _____
Position number: _____
Term begins: _____ ends: _____

1

INCOME

List each employer, or other source of income (pension, social security, legal judgment, etc.) from which you or a family member received \$1,500 or more during the period. (Report interest and dividends in Item 3 on reverse)

Show Self (S)
Spouse (SP)
Dependent (D)

Name and Address of Employer or Source of Compensation	Occupation or How Compensation Was Earned	Amount: (Use Code)
Check Here <input type="checkbox"/> if continued on attached sheet.		

2

REAL ESTATE

List street address, assessor's parcel number, or legal description AND county for each parcel of Washington real estate with value of over \$7,500 in which you or a family member held a personal financial interest during the reporting period. (Show partnership, company, etc. real estate on F-1 supplement.)

Property Sold or Interest Divested	Assessed Value (Use Code)	Name and Address of Purchaser	Nature and Amount (Use Code) of Payment or Consideration Received			
Property Purchased or Interest Acquired		Creditor's Name/Address	Payment Terms	Security Given	Mortgage Amount - (Use Code) Original Current	
All Other Property Entirely or Partially Owned						
Check here <input type="checkbox"/> if continued on attached sheet						

CONTINUE ON NEXT PAGE

EXPEDITED

EXPEDITED

3 ASSETS / INVESTMENTS - INTEREST / DIVIDENDS List bank and savings accounts, insurance policies, stock, bonds and other intangible property held during the reporting period.

A. Name and address of each bank or financial institution in which you or a family member had an account over \$15,000 any time during the report period.	Type of Account or Description of Asset	Asset Value (Use Code)	Income Amount (Use Code)
B. Name and address of each insurance company where you or a family member had a policy with a cash or loan value over \$15,000 during the period.			
C. Name and address of each company, association, government agency, etc. in which you or a family member owned or had a financial interest worth over \$1,500. Include stocks, bonds, ownership, retirement plan, IRA, notes, and other intangible property.			

Check here if continued on attached sheet.

4 CREDITORS List each creditor you or a family member owed \$1,500 or more any time during the period. Don't include retail charge accounts, credit cards, or mortgages or real estate reported in Item 2.

Creditor's Name and Address	Terms of Payment	Security Given	AMOUNT (USE CODE)	
			Original	Present

Check here if continued on attached sheet.

5 All filers answer questions A thru D below. If the answer is YES to any of these questions, the F-1 Supplement must also be completed as part of this report. If all answers are NO and you are a candidate for state or local office, an appointee to a vacant elective office, or a state executive officer filing your initial report, no F-1 Supplement is required.

Incumbent elected officials and state executive officers filing an annual financial affairs report also must answer question E. An F-1 Supplement is required of these officeholders unless all answers to questions A thru E are NO.

- A. Were you, your spouse or dependents an officer, director, general partner or trustee of any corporation, company, union, association, joint venture or other entity at any time during the reporting period? ___ If yes, complete Supplement, Part A.
- B. Did you, your spouse or dependents have an ownership of 10% or more in any company, corporation, partnership, joint venture or other business at any time during the reporting period? ___ If yes, complete Supplement, Part A.
- C. Did you, your spouse or dependents own a business at any time during the reporting period? ___ If yes, complete Supplement, Part A.
- D. Did you, your spouse or dependents prepare, promote or oppose state legislation, rules, rates or standards for current or deferred compensation (other than pay for a currently-held public office) at any time during the reporting period? ___ If yes, complete Supplement, Part B.
- E. Only for Persons Filing Annual Report. Regarding the receipt of items not provided or paid for by your governmental agency during the previous calendar year: 1) Did you, your spouse or dependents (or any combination thereof) accept a gift of food or beverages costing over \$50 per occasion? ___ or 2) Did any source other than your governmental agency provide or pay in whole or in part for you, your spouse and/or dependents to travel or to attend a seminar or other training? ___ If yes to either or both questions, complete Supplement, Part C.

<p>ALL FILERS EXCEPT CANDIDATES. Check the appropriate box.</p> <p><input type="checkbox"/> I hold a state elected office, am an executive state officer or professional staff. I have read and am familiar with RCW 42.52.180 regarding the use of public resources in campaigns.</p> <p><input type="checkbox"/> I hold a local elected office. I have read and am familiar with RCW 42.17.130 regarding the use of public facilities in campaigns.</p>	<p>CERTIFICATION: I certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.</p> <p>Signature _____ Date _____</p> <p>Contact Telephone: () _____</p> <p>Email: _____ (work)</p> <p>Email: _____ (Home)</p>
--	--

REPORT NOT ACCEPTABLE WITHOUT FILER'S SIGNATURE

PUBLIC DISCLOSURE COMMISSION
pdc
 711 CAPITOL WAY RM 206
 PO BOX 49999
 OLYMPIA WA 98504-0999
 (360) 783-1111
 TOLL FREE 1-877-601-2828
 EMAIL: pdc@pdc.wa.gov

PDC FORM F-1 SUPPLEMENT (208)	SUPPLEMENT PAGE PERSONAL FINANCIAL AFFAIRS STATEMENT
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PROVIDE INFORMATION FOR YOURSELF, SPOUSE, DEPENDENT CHILDREN AND OTHER DEPENDENTS IN YOUR HOUSEHOLD

Last Name	First	Middle Initial	DATE
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A

OFFICE HELD, BUSINESS INTERESTS:

For each corporation, non-profit organization, association, union, partnership, joint venture or other entity in which you, your spouse or dependents are an officer, director, general partner, trustee, or 10 percent or more owner - provide the following information:

- Legal Name: Report name used on legal documents establishing the entity.
- Trade or Operating Name: Report name used for business purposes if different from the legal name.
- Position or Percent of Ownership: The office, title and/or percent of ownership held.
- Brief Description of the Business/Organization: Report the purpose, product(s), and/or the service(s) rendered.
- Payments from Governmental Unit: If the governmental unit in which you hold or seek office made payments to the business entity concerning which you're reporting, show the purpose of each payment and the actual amount received.
- Payments from Business Customers and Other Government Agencies: List each corporation, partnership, joint venture, sole proprietorship, union, association, business or other commercial entity and each government agency (other than the one you seek/hold office) which paid compensation of \$7,500 or more during the period to the entity. Briefly say what property, goods, services or other consideration was given or performed for the compensation.
- Washington Real Estate: Identify real estate owned by the business entity if the qualifications referenced below are met.

ENTITY NO. 1 Reporting For: Self Spouse Dependent

LEGAL NAME: POSITION OR PERCENT OF OWNERSHIP

TRADE OR OPERATING NAME:

ADDRESS:

BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION:

PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE:

Purpose of payments	Amount (actual dollars)
	\$

PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS AND OTHER GOVERNMENT AGENCIES OVER \$7,500:

Customer name:	Purpose of payment (amount not required)
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WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$15,000. List street address, assessor parcel number, or legal description and county for each parcel):

Check box if identified as attached sheet

CONTINUE PARTS B AND C ON NEXT PAGE

EXPEDITED

Page 2

F-1 Supplement

Name _____

Reporting For: Self Spouse Dependent

ENTITY NO. 2 _____ POSITION OR PERCENT OF OWNERSHIP _____

LEGAL NAME: _____

TRADE OR OPERATING NAME: _____

ADDRESS: _____

BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION: _____

PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE: _____

Purpose of payments _____ Amount (actual dollars) _____

_____ \$ _____

PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS AND OTHER GOVERNMENT AGENCIES OVER \$7,500: _____

Customer name: _____ Purpose of payment (amount not required) _____

WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$15,000. List street address, assessor parcel number, or legal description and county for each parcel): _____

Check here if continued on attached sheet

B LOBBYING: List persons for whom you or any immediate family member lobbied or prepared state legislation or state rules, rules or standards for current or deferred compensation. Do not list pay from government body in which you are an elected official or professional staff member.

Person to Whom Services Rendered	Description of Legislation, Rules, Etc.	Compensation (Use Code)

Check here if continued on attached sheet

C FOOD TRAVEL SEMINARS Complete this section if a source other than your own governmental agency paid for or otherwise provided all or a portion of the following items to you, your spouse or dependents, or a combination thereof: 1) Food and beverages costing over \$50 per occasion; 2) Travel occasions; or 3) Seminars, educational programs or other training.

Date Received	Donor's Name, City and State	Brief Description	Actual Dollar Amount	Value (Use Code)
			\$	

Check here if continued on attached sheet

EXPEDITED

AMENDATORY SECTION (Amending WSR 02-20-036, filed 9/24/02, effective 10/25/02)

WAC 390-24-020 Forms for amending statement of financial affairs. (1) The official form for amending statements of financial affairs as required by RCW 42.17.240 for all persons who have previously filed the Form F-1 is designated Form "F-1A," revised ((9/02)) 2/05.

(2) No more than three F-1A forms may be filed to amend a previously submitted statement of financial affairs (Form F-1). The form can be used only to update information required on an F-1.

(3) The commission reserves the right to reject amendatory forms and require a new statement of financial affairs (Form F-1) at any time the amendments are confusing or create misunderstandings. Authority is delegated to the commission's executive director to make this determination.

(4) Copies of Form F-1A are available at the Commission Office, 711 Capitol Way, Room 206, Evergreen Plaza Building, PO Box 40908, Olympia, Washington 98504-0908. Any paper attachments must be on 8-1/2" x 11" white paper.

EXPEDITED

((STRICKEN GRAPHIC))



PDC FORM F-1A (9/02) PERSONAL FINANCIAL AFFAIRS STATEMENT Short Form

P M PDC OFFICE USE
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D

The F-1A form is designed to simplify reporting for persons who have no changes or only minor changes to an F-1 report previously filed. A complete F-1 form must be filed at least every four years; an F-1A form may be used for no more than three consecutive reports. Deadlines: Incumbent elected and appointed officials -- by April 15. Candidates and others -- within two weeks of becoming a candidate or being newly appointed to a position.

Table with 2 columns: DOLLAR CODE (A, B, C, D, E) and AMOUNT (\$1 to \$2,999, \$3,000 to \$14,999, \$15,000 to \$29,999, \$30,000 to \$74,999, \$75,000 or more)

Last Name First Middle Initial
Mailing Address (Use PO Box or Work Address)
City County Zip + 4

Names of immediate family members. If there is no reportable information to disclose for dependent children, or other dependents living in your household, do not identify them. Do identify your spouse. See F-1 manual for details.

Filing Status (Check only one box.)
[] An elected or state appointed official filing annual report
[] Final report as an elected official. Term expired:
[] Candidate running in an election: month year
[] Newly appointed to an elective office
[] Newly appointed to a state appointive office

Office Held or Sought
Office title:
County, city, district or agency of the office, name and number:
Position number:
Term begins: ends:

Select either "No Change Report" or "Minor Change Report," whichever reflects your situation. Supply all the requested information.

- [] NO CHANGE REPORT. I have reviewed my last complete F-1 report dated and F-1A reports (if any) dated (1) and (2). The information disclosed on those reports is accurate for the current reporting period.
[] MINOR CHANGES REPORT. I have reviewed my last complete F-1 report dated. The changes listed below have occurred during the reporting period. Specify F-1 Form Item numbers describing changes. Provide all information required on F-1 report.

FOOD TRAVEL SEMINARS Complete this section if a source other than your own governmental agency paid for or otherwise provided all or a portion of the following items to you, your spouse or dependents, or a combination thereof: 1) Food and beverages costing over \$50 per occasion; 2) Travel occasions; or 3) Seminars, educational programs or other training.

Table with 5 columns: Date Received, Donor's Name, City and State, Brief Description, Actual Dollar Amount, Value (Use Code)

Check here [] If continued on attached sheet

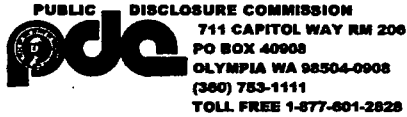
ALL FILERS EXCEPT CANDIDATES. Check the appropriate box.
[] I hold a state elected office or am an executive state officer. I have read and am familiar with RCW 42.52.180 regarding the use of public resources in campaigns.
[] I hold a local elected office. I have read and am familiar with RCW 42.17.130 regarding the use of public facilities in campaigns.

CERTIFICATION: I certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.
Signature Date
Contact Telephone: ()
Email: (Work)
Email: (Home)

Report Not Acceptable Without Filer's Signature

((STRICKEN GRAPHIC))

EXPEDITED



PDC FORM F-1A (2/08)	PERSONAL FINANCIAL AFFAIRS STATEMENT Short Form	PDC OFFICE USE P O S T R E C E I V E D
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The F-1A form is designed to simplify reporting for persons who have no changes or only minor changes to an F-1 report previously filed. A complete F-1 form must be filed at least every four years; an F-1A form may be used for no more than three consecutive reports.

Deadlines: Incumbent elected and appointed officials – by April 15.
 Candidates and others – within two weeks of becoming a candidate or being newly appointed to a position.

DOLLAR CODE	AMOUNT
A	\$1 to \$2,999
B	\$3,000 to \$14,999
C	\$15,000 to \$29,999
D	\$30,000 to \$74,999
E	\$75,000 or more

EXPEDITED

Last Name	First	Middle Initial	Names of immediate family members. If there is no reportable information to disclose for dependent children, or other dependents living in your household, do not identify them. Do identify your spouse. See F-1 manual for details.
Mailing Address (Use PO Box or Work Address)			
City	County	Zip + 4	

Filing Status (Check only one box.) <input type="checkbox"/> An elected or state appointed official filing annual report <input type="checkbox"/> Final report as an elected official. Term expired: _____ <input type="checkbox"/> Candidate running in an election: month _____ year _____ <input type="checkbox"/> Newly appointed to an elective office <input type="checkbox"/> Newly appointed to a state appointive office <input type="checkbox"/> Professional Staff	Office Held or Sought Office title: _____ County, city, district or agency of the office, name and number: _____ Position number: _____ Term begins: _____ ends: _____
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Select either "No Change Report" or "Minor Change Report," whichever reflects your situation. Supply all the requested information.

- NO CHANGE REPORT.** I have reviewed my last complete F-1 report dated _____ and F-1A reports (if any) dated (1) _____ and (2) _____. The information disclosed on those reports is accurate for the current reporting period.
- MINOR CHANGES REPORT.** I have reviewed my last complete F-1 report dated _____. The changes listed below have occurred during the reporting period. Specify F-1 Form Item numbers describing changes. Provide all information required on F-1 report.

Check here if continued on attached sheet

FOOD TRAVEL SEMINARS Complete this section if a source other than your own governmental agency paid for or otherwise provided all or a portion of the following items to you, your spouse or dependents, or a combination thereof: 1) Food and beverages costing over \$80 per occasion; 2) Travel occasions; or 3) Seminars, educational programs or other training.

Date Received	Donor's Name, City and State	Brief Description	Actual Dollar Amount	Value (Use Code)
Check here <input type="checkbox"/> if continued on attached sheet				

- ALL FILERS EXCEPT CANDIDATES.** Check the appropriate box.
- I hold a state elected office, am an executive state officer or professional staff. I have read and am familiar with RCW 42.52.180 regarding the use of public resources in campaigns.
 - I hold a local elected office. I have read and am familiar with RCW 42.17.130 regarding the use of public facilities in campaigns.

CERTIFICATION: I certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.

Signature _____ Date _____

Contact Telephone: () _____

Email: _____ (work)

Email: _____ (Home)

Report Not Acceptable Without Filer's Signature

WSR 05-01-233
EXPEDITED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed December 22, 2004, 11:23 a.m.]

Title of Rule and Other Identifying Information: Marine preserve 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 THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Evan Jacoby, Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, AND RECEIVED BY March 21, 2005.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Adds six new marine preserves, which have already been established by Seattle City Parks.

Reasons Supporting Proposal: Areas will be used for outdoor education regarding intertidal ecology.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

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

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

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, (360) 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, (360) 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2373.

December 22, 2004

Evan Jacoby

Rules Coordinator

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 removal of organisms from the intertidal areas, except that finfish may be harvested using hook and line gear, provided it is lawful under other WDFW fishing regulations. 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 of unclassified marine invertebrates in numbers less than the daily limits is an infraction. All other penalties for larger numbers removed apply.

NEW SECTION

WAC 220-16-820 Golden Gardens Marine Preserve.

"Golden Gardens Marine Preserve" is defined as those tidelands owned by the city of Seattle and the water column above those tidelands down to 4.5 feet below MLLW at Golden Gardens city park, bounded on the southwest by a line projected northwest from a sign at the walkway entrance to the beach, and on the northeast by a line projected due west from 122°24'07.2" W, 47°41'51.8" N.

NEW SECTION

WAC 220-16-830 Carkeek Park Marine Preserve.

"Carkeek Park Marine Preserve" is defined as two sections of tidelands owned by the city of Seattle and the water column above those tidelands down to 4.5 feet below MLLW at Carkeek city park, with a southern section bounded on the south by a line projected perpendicular to the beach from 122°22'49.0" W, 47°42'31.7" N and bounded on the north by a line projected northwest from 122°22'47.41" W, 47°42'43.51" N, and with a northern section bounded on the south by a line projected due west from a point 300 yards north of 122°22'47.41" W, 47°42'43.51" N and bounded on the north by a line projected due west from a point 500 yards north of 122°22'47.41" W, 47°42'43.51" N.

NEW SECTION

WAC 220-16-840 Lincoln Park Marine Preserve.

"Lincoln Park Marine Preserve" is defined as those tidelands owned by the city of Seattle and the water column above those tidelands down to 4.5 feet below MLLW at Lincoln city park, bounded on the south by a line projected due west from

122°23'40.4" W, 47°31'33.1" N, and bounded on the north by a line projected due west from 122°24'05.0" W, 47°31'49.8" N.

NEW SECTION

WAC 220-16-850 Discovery Park Marine Preserve.

"Discovery Park Marine Preserve" is defined as two sections of tidelands owned by the city of Seattle and the water column above those tidelands down to 4.5 feet below MLLW at Discovery city park, with a southern section located south of West Point bounded on the southeast by a line projected west-southwest from 122°25'31.7" W, 47°39'26.8" N and bounded on the northeast by a line projected west-southwest from the sign posted at the sidewalk entrance to the beach, and with a northern section bounded on the southwest by a line projected northwest from 122°25'20.7" W, 47°40'3.3" N and bounded on the northeast by a line projected northwest from 122°25'4.2" W, 47°40'11.1" N.

NEW SECTION

WAC 220-16-860 Emma Schmitz Marine Preserve.

"Emma Schmitz Marine Preserve" is defined as those tidelands owned by the city of Seattle and the water column above those tidelands down to 4.5 feet below MLLW at Emma Schmitz city park, bounded on the south by a line projected along the north edge of SW Oregon Street and bounded on the north by a line projected west-southwest from the high tide line at 122°24'26.5" W, 47°33'53.5" N.

NEW SECTION

WAC 220-16-870 Richey Viewpoint Marine Preserve.

"Richey Viewpoint Marine Reserve" is defined as those tidelands owned by the city of Seattle and the water column above those tidelands down to 4.5 feet below MLLW at Richey Viewpoint city park, bounded on the southeast by a line projected due west from 122°24'49.0" W, 47°34'20.2" N, and bounded on the northwest by a line projected southwest from 122°25'8.8" W, 47°34'30.0" N.

EXPEDITED

WSR 05-01-001
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed December 1, 2004, 1:51 p.m., effective January 3, 2005]

Effective Date of Rule: January 3, 2005.

Purpose: Rule making is to provide a mechanism for the initial issuance of a limited number, up to the first twenty-five sequential special license plates to sponsoring organizations.

Statutory Authority for Adoption: RCW 46.01.110.

Adopted under notice filed as WSR 04-19-092 on September 20, 2004.

Changes Other than Editing from Proposed to Adopted Version: In subsection (4) added the words "Washington valid" before the word "licensed."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 23, 2004.

Fred Stephens
 Director

NEW SECTION

WAC 308-96A-048 Distribution of the first twenty-five sequential special license plates. (1) What is required for obtaining the distribution of the first twenty-five sequential plates of each special license plate series?

(a) The organizational sponsor liaison that signed the original special license plate series application (or their successor) may submit a list of registered owners and vehicle information to be recipients of up to the first twenty-five special license plates issued. Only vehicles required to display two license plates may be considered. The list must be submitted to the vehicle services special plate manager at least one month before the release date of the initial plate series. Plates will be issued in sequential order in the order specified on the list.

(b) If fewer than twenty-five names are provided on the list, the remainder of those plates will be made available to other applicants in sequential order.

(c) All applicable fees and taxes, as well as any required documentation, are due and must be submitted for each individual vehicle when the plates are issued.

(2) **Where and when are the plates distributed?** The license plates will only be distributed from the Olympia

headquarters vehicle licensing office and only on the first release date of the new special license plate series.

(3) **Who may pick up the plates?** The registered owner or a person authorized by the registered owner may take delivery of the special license plates.

(4) **Are there restrictions on issuing the special plates?** Yes, the first twenty-five special plates will only be issued to Washington valid licensed vehicles requiring two license plates.

WSR 05-01-002
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed December 1, 2004, 1:52 p.m., effective January 3, 2005]

Effective Date of Rule: January 3, 2005.

Purpose: Rule making is to establish terms and conditions for the use of professional fire fighters and paramedics special vehicle license plate series.

Statutory Authority for Adoption: RCW 46.16.316.

Adopted under notice filed as WSR 04-19-091 on September 20, 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 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.

Date Adopted: November 23, 2004.

Fred Stephens
 Director

NEW SECTION

WAC 308-96A-078 Professional fire fighters and paramedics special vehicle license plate series. (1) Who may apply for the professional fire fighters and paramedics (PFFP) license plate(s)? Only members of the Washington state council of fire fighters who are indicated on the vehicle record as a registered or coregistered owner of a vehicle may apply. The professional fire fighters and paramedics license plate(s) will be issued upon proof of eligibility and receipt of all applicable fees.

(2) **What must be provided as proof that the applicant is a current member to the Washington state council of fire fighters (WSCFF)?** A member of the Washington state council of fire fighters must provide a current letter from the WSCFF and either a valid Washington state drivers

license or identification card, or International Federation of Fire Fighters identification showing current membership.

(3) **When is proof of WSCFF membership required?** Upon initial application or vehicle registration renewal.

(4) **When ownership of a vehicle issued professional fire fighters and paramedics license plate(s) is transferred, what happens to the plate(s)?** The special license plate owner must remove the plate(s) from the vehicle. The plate owner may transfer the special plate(s) to a replacement vehicle. License plate transfer fees apply.

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

(6) **Will professional fire fighters and paramedics license plate(s) ever need replacing?** Yes, the professional fire fighters and paramedics license plate(s) are subject to the mandatory vehicle license plate replacement schedule.

(7) **When replacing professional fire fighters and paramedics license plate(s), is same license plate number/letter combination issued?** Yes. If the vehicle owner requests and pays the fees described in RCW 46.16.233, the professional fire fighters and paramedics license plate(s) may be replaced with the same number/letter combination as shown on the vehicle computer record.

(8) **Will my license plates that have been reported stolen be replaced with new license plates with the same number/letter combination?** If the license plate(s) has been reported as stolen or if the department record indicates the plate has been stolen, the same number/letter combination will not be issued. This is a law enforcement issue and is for the protection of the public.

WSR 05-01-003

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed December 1, 2004, 1:54 p.m., effective January 3, 2005]

Effective Date of Rule: January 3, 2005.

Purpose: Rule making is to establish terms and conditions for the use of law enforcement memorial special vehicle license plate series license plates.

Statutory Authority for Adoption: RCW 46.16.316.

Adopted under notice filed as WSR 04-19-090 on September 20, 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 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.

Date Adopted: November 23, 2004.

Fred Stephens
Director

NEW SECTION

WAC 308-96A-076 Law enforcement memorial special vehicle license plate series. (1) **When ownership of a vehicle issued a law enforcement memorial license plate(s) changes, what happens to the plate(s)?** The special license plate owner may relinquish the plate(s) to the new vehicle owner or remove the plate(s) from the vehicle for transfer to a replacement vehicle. License plate transfer fees apply.

(2) **Will any new fees be charged when the law enforcement memorial license plate(s) are transferred?** If the registration expiration date for the new vehicle is later than registration expiration date of the previous vehicle, an additional fee for the law enforcement memorial license plate will be charged at the rate of one-twelfth of the annual law enforcement memorial license plate(s) fee for each additional month and partial month beyond the registration expiration date of the previous vehicle. If the new registration expiration date is sooner than the previous registration expiration date, a refund will not be made for the remaining registration period.

(3) **May law enforcement memorial license number plates be replaced with the same number if they become lost, defaced, or destroyed?** Yes. Upon the loss, defacement, or destruction of one or both plate(s), the owner must make application for new law enforcement memorial or other license plate(s) and pay the fees described in RCW 46.16.270. See subsection (5) of this section.

(4) **Are law enforcement memorial license plate(s) subject to the vehicle license plate replacement schedule?** Yes, the law enforcement memorial license plate(s) are subject to the mandatory vehicle license plate replacement schedule in WAC 308-96A-021(8).

(5) **When replacing law enforcement memorial license plate(s), is same license plate number/letter combination issued?** Yes. If the vehicle owner requests and pays the fees in RCW 46.16.233, the law enforcement memorial license plate(s) will be replaced with the same number/letter combination as shown on the vehicle computer record.

(6) **Will my license plates that have been reported stolen be replaced with new license plates with the same number/letter combination?** If the license plate(s) have been reported as stolen or if the department record indicates the plate has been stolen, the same number/letter combination

will not be issued. This is a law enforcement issue for the protection of the public.

WSR 05-01-004
PERMANENT RULES
OFFICE OF
FINANCIAL MANAGEMENT

[Filed December 1, 2004, 2:02 p.m., effective January 2, 2005]

Effective Date of Rule: January 2, 2005.

Purpose: The current public disclosure rules were last updated in 1976. The proposed changes are intended to update the rules to ensure consistency with current law, the organizational structure and current agency practices. The changes also make technical adjustments and clarifications, where needed and repeal unnecessary and redundant provisions.

Citation of Existing Rules Affected by this Order: Repealing WAC 82-48-070; and amending WAC 82-48-010, 82-48-020, 82-48-030, 82-48-040, 82-48-050, 82-48-060, 82-48-080, 82-48-090, 82-48-100, 82-48-110, 82-48-120, 82-48-130, 82-48-140, 82-48-150, 82-48-160, and 82-48-170.

Statutory Authority for Adoption: RCW 42.17.260.

Adopted under notice filed as WSR 04-20-085 on October 5, 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 16, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 16, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 16, Repealed 1.

Date Adopted: December 1, 2004.

Roselyn Marcus
Director of Legal Affairs
Rule-making Coordinator

AMENDATORY SECTION (Amending Order 34, filed 9/16/76)

WAC 82-48-010 Purpose. The purpose of this chapter ~~((shall be to ensure compliance by))~~ is to provide rules for the office of ((program planning and fiscal)) financial management ((with)) to implement the provisions of chapter 42.17 RCW((; Disclosure Campaign finances Lobbying Records; and in particular, with RCW 42.17.250 through 42.17.340 dealing with)) relating to public records.

AMENDATORY SECTION (Amending Order 34, filed 9/16/76)

WAC 82-48-020 Definitions. ~~((1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.~~

~~(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.~~

~~(3) The abbreviation, OPP&FM, as used hereinafter shall mean)) The definitions set forth in RCW 42.17.020 shall apply to this chapter.~~

~~(1) "OFM" or agency means the office of ((program planning and fiscal)) financial management. Where appropriate, ((the abbreviation OPP&FM)) OFM or agency also refers to the staff and employees of the office of ((program planning and fiscal)) financial management.~~

~~(2) "Director" means the director of the office of financial management.~~

AMENDATORY SECTION (Amending Order 34, filed 9/16/76)

WAC 82-48-030 Description of the office of program planning and fiscal management. ~~((OPP&FM)) OFM is the state agency having ((primary responsibility)) decision-making and operational responsibilities for the ((fiscal)) financial and management affairs of state government in accordance with chapters 43.41 and 43.88 RCW. It is organized into a ((budgeting)) budget division, an accounting division, ((and)) labor relations division, executive policy division, and a contracting, forecasting and risk management division along with other divisions which support and augment these activities.~~

AMENDATORY SECTION (Amending Order 34, filed 9/16/76)

WAC 82-48-040 Responsibilities. The responsibilities of ~~((OPP&FM)) OFM~~ include preparation of the governor's budget for presentation to the legislature~~((;))~~ and budget implementation monitoring through the operation of the budget and allotment systems, and maintenance of the statewide financial and administrative systems central books of account containing timely records of changes in the financial status of the state and other financial data bases. ((OPP&FM)) OFM also provides technical assistance to the governor and legislature by preparing notes and recommendations, based on information it has obtained, concerning needs and policies recommended for meeting these needs through state programs. In addition, OFM oversees statewide personal services contracting activities, provides a comprehensive risk management program for all state agencies and plays a critical role in statewide public employee labor management rela-

~~tions. Finally, the Revised Code of Washington contains ((a body of)) statutes ((which)) that assign specific duties of an advisory, supervisory, regulatory or similar nature to ((OPP&FM)) the agency. All of these relate either directly or indirectly to the financial affairs of the state ((of)) and its agencies thereof. ((A summary of statutes under which the agency operates is maintained in the office of the deputy director of OPP&FM. This summary is hereby designated as a portion of this chapter.))~~

AMENDATORY SECTION (Amending Order 34, filed 9/16/76)

WAC 82-48-050 Method of operation. In carrying out its responsibilities, ((OPP&FM)) OFM receives information about the management and operation of state agencies and their programs. This information includes, but is not limited to: Budget proposals, short and long-range goals and the plans developed to meet them, present and projected workloads, capital and operating resource requirements, detailed and summary reports of current expenditures, financial commitments, etc. This information is obtained both on a routine basis and in response to requests from the executive and legislative branches. It is recorded and evaluated by ((OPP&FM)) OFM and becomes the basis for reports, recommendations, approval of expenditures and, in certain cases, for the establishment of firm criteria for the disbursement of state funds. An example of the latter use is the annual determination of the population of all cities and towns in the state, required by RCW 43.62.030, which is the basis for distribution of tax revenues to these communities.

In obtaining the necessary data to perform these functions, ((OPP&FM)) OFM employs numerous methods of communication including, but not limited to: Reports submitted by state agencies, meetings with agency representatives, memoranda and informal contacts between its personnel and that of respondent agencies.

When necessary for the timely and uniform execution of its duties, ((OPP&FM)) OFM exercises its statutory power to place standardized reporting requirements upon other agencies of state government.

((OPP&FM)) OFM has published and currently maintains ((a manual of "Policies and regulations" for)) the State Administrative and Accounting Manual, which contains policies, regulations and guidance ((of)) for state agencies in fiscally-related matters.

AMENDATORY SECTION (Amending Order 34, filed 9/16/76)

WAC 82-48-060 Public records available. All public records of this agency, as defined in ((WAC 82-48-020)) RCW 42.17.020, are ((deemed to be)) available for public inspection and copying pursuant to these rules, except as otherwise provided by ((RCW 42.17.260 and 42.17.310)) chapter 42.17 RCW, any other laws and these rules.

AMENDATORY SECTION (Amending Order 34, filed 9/16/76)

WAC 82-48-080 Public records officer. The public records officer, designated by the ((agency)) director, shall be in charge of the agency's public records ((of OPP&FM)). The person so designated shall be located in the office of the ((deputy)) director. The public records officer shall be responsible for ((the following:)) implementation of the agency's rules and regulations regarding release of public records for inspection and copying, coordinating the staff of the agency in this regard, and generally ((insuring)) ensuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW ((42.17.250-42.17.340. In the absence of the public records officer when a request for public records is made, a designated representative shall act on his behalf in carrying)). The public records officer may choose a designee, as may be necessary, to act in his or her absence to carry out the above-described responsibilities.

AMENDATORY SECTION (Amending Order 34, filed 9/16/76)

WAC 82-48-090 Availability of records. Public records of ((OPP&FM)) OFM shall be ((made)) available for inspection and the preparation of requested copies in the office of the ((deputy)) director or other agency location as applicable, during normal office hours. For the purposes of this chapter, normal office hours of ((OPP&FM)) OFM shall be from 8:00 a.m. until noon and from 1:00 p.m. until 5:00 p.m., Monday through Friday, excluding legal holidays.

AMENDATORY SECTION (Amending Order 34, filed 9/16/76)

WAC 82-48-100 Inspection of public records. Public records of ((OPP&FM)) OFM required by any person to be disclosed in accordance with the provisions of chapter 42.17 RCW, shall be provided by the public records officer or his or her designee for inspection in the office of the ((deputy)) director or other agency location as applicable. Persons requesting such records may not remove them from the agency office ((of the deputy director)). Public records requested will be made available as promptly as is possible without excessive interference with the other essential functions of the agency, and in accordance with rules provided to protect the records so requested from damage or disorganization.

AMENDATORY SECTION (Amending Order 34, filed 9/16/76)

WAC 82-48-110 Copying of public records. No fee shall be charged for the inspection of public records. The agency may impose a charge for providing copies of public records. Such charges shall not exceed the amount necessary to reimburse the agency for its actual costs incident to such copying. If it is unduly burdensome for the agency to calculate the actual cost, OFM may charge \$.15 per page. No person shall be provided a copy of a public record which has been copied by the agency at the request of such person until

and unless such person has tendered payment of the charge for such copying.

AMENDATORY SECTION (Amending Order 34, filed 9/16/76)

WAC 82-48-120 Commercial purposes. No provisions of any regulation contained in this chapter 82-48 WAC shall be construed as giving authority to any officer or ~~((staff member of OPP&FM))~~ OFM employee to give, sell, or provide access to lists of individuals requested for commercial purposes. If a list of individuals is included in the materials requested, OFM reserves the right to request a signed statement that the requestor will not use the list of individuals for commercial purposes.

AMENDATORY SECTION (Amending Order 34, filed 9/16/76)

WAC 82-48-130 Agency rules for inspection and copying of public records. In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions, ~~((OPP&FM))~~ OFM has established ~~((rules))~~ procedures under which public records may be inspected and copies of such records obtained ~~((The text of these rules is available to all persons in the office of the deputy director, and is designated as a part of this chapter))~~ as follows:

(1) Written public records request may be sent to the agency by mail, facsimile or e-mail. Requests may be made in person or by telephone; however, the requesting party may be asked to reduce the request to writing. The purpose of requiring a written request is to assist the agency in tracking, managing and responding to requests in a timely and orderly fashion.

(2) The request shall include the name of the requesting party, contact information and the public records requested. Identification of the records requested shall be sufficiently described so that the agency may identify the record. If the record is not clearly identified, the requesting party may be asked for clarification.

(3) The public records officer or his or her designee may assist persons making public records requests to appropriately identify the public records being sought.

AMENDATORY SECTION (Amending Order 34, filed 9/16/76)

WAC 82-48-140 Exemptions—Court protection. ~~((OPP&FM))~~ OFM reserves the right to determine that a public record or portion of a public record requested in accordance with the procedures outlined in chapter 82-48 WAC ~~((82-48-140))~~ is exempt from disclosure under the provisions of chapter 42.17 RCW ~~((42-17-310))~~.

In addition, pursuant to RCW 42.17.260, ~~((OPP&FM))~~ OFM reserves the right to delete identifying details when it makes available any public record in cases when there is reason to believe that disclosure of such details would be an

invasion of personal privacy protected by chapter 42.17 RCW.

Responses by ~~((OPP&FM))~~ OFM refusing, in whole or in part, inspection or copying of any public record shall be in writing and shall include a statement of the specific exemption authorizing the withholding of the public record or part and a brief explanation of how the exemption applies to the record withheld.

~~((Pursuant to RCW 42.17.330, OPP&FM reserves the right to seek to enjoin the examination of any record, the examination of which the agency determines would clearly not be in the public interest and would substantially and irreparably damage vital government functions.))~~

AMENDATORY SECTION (Amending Order 34, filed 9/16/76)

WAC 82-48-150 Review of denial of public records request. Upon denial of any request for public records ~~((based on the exemptions contained in RCW 42.17.310, the written record)), the requesting party may petition for review of such denial ((shall be submitted))~~ to the director ~~((of OPP&FM))~~. The director or his or her designee ~~((for))~~ shall review ~~((the denial and provide the results of such review ((shall be delivered))~~ in writing to the petitioner and the public records officer before the end of the second business day following the ~~((denial. The public records officer shall make the results of such review immediately available to the person whose request was denied))~~ receipt of the request for review. This review shall constitute final agency action for purposes of judicial review.

AMENDATORY SECTION (Amending Order 34, filed 9/16/76)

WAC 82-48-160 Records index. The office of ~~((program planning and fiscal))~~ financial management shall maintain and make available for public inspection and copying an appropriate index in accordance with RCW 42.17.260.

AMENDATORY SECTION (Amending Order 34, filed 9/16/76)

WAC 82-48-170 Communications with the agency. All communications with ~~((OPP&FM))~~ OFM for the purpose of obtaining information, making submittals or requests, or making inquiries concerning the agency's rules for compliance with chapter 42.17 RCW shall be addressed as follows:

Office of ~~((Program Planning and Fiscal))~~ Financial Management
Public Records Officer
~~((House Office Building))~~
300 Insurance Building
P.O. Box 43113
Olympia, WA 98504-3113

The telephone number of the public records officer is ~~((206-753-5460))~~ 360-902-0525. Or you can e-mail your request to publicdisclosure@ofm.wa.gov.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 82-48-070 Commercial purposes.

**WSR 05-01-012
PERMANENT RULES
NOXIOUS WEED
CONTROL BOARD**

[Filed December 2, 2004, 9:08 a.m., effective January 2, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The state noxious weed list provides the basis for noxious weed control efforts by county noxious weed control boards, weed districts, the state weed board and the Washington State Department of Agriculture, under the auspices of chapter 17.10 RCW. The effect of the state noxious weed list is to prioritize control of noxious weed species statewide, concentrating on prevention and early detection, while still allowing for local program flexibility.

This rule-making order adds one species to the Class B weed list, adds two species to the Class C weed list and moves one species from the Class C list to the Class B list. It also changes the designated control areas for four Class B weeds: One has its designated control areas decreased and three have their designated control areas increased.

Citation of Existing Rules Affected by this Order: Amending WAC 16-750-011 and 16-750-015.

Statutory Authority for Adoption: Chapters 17.10 and 34.05 RCW.

Adopted under notice filed as WSR 04-20-028 on September 28, 2004; and under continuance notice filed as WSR 04-24-035 on November 24, 2004.

Changes Other than Editing from Proposed to Adopted Version: **Revision to proposed language concerning grass-leaved arrowhead, *Sagittaria graminea***, all testimony concerning this plant, which included two pieces of written testimony and one person's oral testimony, indicated that this weed should be classified as a Class B noxious weed, instead of a Class A weed as proposed. All testimony argued that it would be difficult, expensive and perhaps impossible to eradicate this aquatic weed from lakes where it is established. The board agreed and listed it as a Class B noxious weed, designated for mandatory control everywhere in the state except four lakes in Snohomish County and one lake in Mason County.

Revision to proposed language concerning saltcedar, *Tamarix ramosissima*, the board was unable to agree to change the listing of saltcedar, so the proposed changes 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 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.

Date Adopted: December 2, 2004.

Ray H. Fann
Chairman

AMENDATORY SECTION (Amending WSR 04-13-014, filed 6/4/04, effective 7/5/04)

WAC 16-750-011 State noxious weed list—Class B noxious weeds.

	Name		Will be a "Class B designate" in all lands lying within:
(1)	alyssum, hoary <i>Berteroa incana</i>	(a)	regions 1, 2, 5, 6, 8, 9, 10
		(b)	region 3, except Okanogan County
		(c)	Okanogan County, of region 3, except Ranges 29 through 31 East of Townships 37 through 40 North
(2)	<u>arrowhead</u> , <u>grass-leaved</u> <u><i>Sagittaria</i></u> <u><i>graminea</i></u>	(d)	Adams and Whitman counties of region 7.
		(a)	<u>regions 1, 3, 4, 6, 7, 8, 9, 10</u>
		(b)	<u>region 2 except Lake Roesiger, Lake Serene, Lake Loma and Echo Lake in Snohomish County</u>
		(c)	<u>region 5 except Mason Lake in Mason County.</u>
(3)	blackgrass <i>Alopecurus myosuroides</i>	(a)	regions 1, 2, 3, 5, 6, 8, 9, 10
		(b)	Ferry, Stevens, Pend Oreille counties of region 4
		(c)	Adams County of region 7.
((3)) (4)	blueweed <i>Echium vulgare</i>	(a)	regions 1, 2, 3, 4, 5, 6, 8, 9, 10
		(b)	region 7 except for an area starting at the Stevens County line on SR 291 south to the SR 291 bridge over the Little Spokane River, thence upstream along the Little Spokane River to the first Rutter Parkway Bridge; thence south along the Rutter Parkway to the intersection of Rutter Parkway and Indian Trail Road; thence southerly along Indian Trail Road to a point three miles south (on section line between sections 22 and 27, T-26N, R-42E); thence due west to a point intersecting the line between Ranges 41 and 42; thence north along this line to a point 1/4 mile south of Charles

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Name		Will be a "Class B designate" in all lands lying within:	Name	Will be a "Class B designate" in all lands lying within:
		Road; thence northwesterly parallel to Charles Road to a point 1/4 miles south of the intersection of Charles Road and West Shore Road; thence northerly along West Shore Road to the Spokane River (Long Lake); thence southeasterly along the Spokane River to the point of beginning.		(c) region 6, except Yakima County (except where intentionally cultivated)
((4)) (5)	broom, Scotch <i>Cytisus scoparius</i>	(a) regions 3, 4, 6, 7, 9, 10.	((10)) (11) catsear, common <i>Hypochaeris radicata</i>	(d) region 9, except Yakima County (except where intentionally cultivated)
((5)) (6)	bryony, white <i>Bryonia alba</i>	(a) regions 1, 2, 3, 4, 5, 6, 8, 9 (b) region 7 except Whitman County (c) Franklin County of region 10.	((11)) (12) chervil, wild <i>Anthriscus sylvestris</i>	(e) region 10, except Walla Walla County (except where intentionally cultivated).
((6)) (7)	bugloss, common <i>Anchusa officinalis</i>	(a) regions 1, 2, 3, 5, 6, 8, 9, 10 (b) region 4 except Stevens and Spokane counties (c) Lincoln, Adams, and Whitman counties of region 7.	((12)) (13) cinquefoil, sulfur <i>Potentilla recta</i>	(a) regions 3, 4, 6, 7, 10 (b) region 9 except Klickitat County.
((7)) (8)	bugloss, annual <i>Anchusa arvensis</i>	(a) regions 1, 2, 3, 4, 5, 6, 8, 9 (b) Lincoln and Adams counties (c) Whitman County except ranges 43 through 46 East of Townships 16 through 20 North.		(a) regions 1, 3, 4, 6, 7, 9, 10 (b) region 5 except those portions of Thurston County within T15, 16, 17N, R2, 3, 4W (c) region 2 except Guemes Island in Skagit County
((8)) (9)	camelthorn <i>Alhagi maurorum</i>	(a) regions 1, 2, 3, 4, 5, 7, 8, 9 (b) region 6 except those portions of Sections 23, 24, 25, and 29 through 36, T16N, R27E, W.M. lying outside Intercounty Weed District No. 52 and except Sections 1 through 12, T15N, R27E, W.M. in Grant County and except the area west of Highway 17 and north of Highway 26 in Adams County (c) Franklin, Columbia, Garfield, and Asotin counties of region 10 (d) an area beginning at the Washington—Oregon border at the southwest portion of section 5, R32E, T6N, then north to the northwest corner of section 3, R32E, T7N, then east to the northeast corner of section 3, R36E, T7N, then south to southeast portion of section 15, R36E, T6N, at the Washington—Oregon border, then west along the Washington—Oregon border to the point of beginning.	((13)) (14) cordgrass, smooth <i>Spartina alterniflora</i>	(d) region 8 except Clark County. (a) regions 1, 3, 8, 10 (b) region 2 except Skagit County (c) region 4 except Stevens, Ferry, and Pend Oreille counties (d) region 5 except Thurston ((County)) and Pierce counties (e) region 6 except Yakima County (f) region 7 except Spokane County (g) region 8 except Lewis County (h) region 9 except Klickitat County.
((9)) (10)	carrot, wild <i>Daucus carota</i>	(a) regions 3, 7 (except where intentionally cultivated) (b) Spokane and Ferry counties of region 4 (except where intentionally cultivated)	((14)) (15) cordgrass, common <i>Spartina anglica</i>	(a) regions 1, 3, 4, 5, 6, 7, 8, 9, 10 (b) region 2 except Padilla Bay of Skagit County (c) region 8 except bays and estuaries of Pacific County.
			((15)) (16) daisy, oxeye <i>Leucanthemum vulgare</i>	(a) regions 1, 3, 4, 5, 6, 7, 8, 9, 10 (b) region 2 except bays and estuaries of Skagit and Island counties and except bays and estuaries north of Everett in Snohomish County.
			((16)) (17) elodea, Brazilian <i>Egeria densa</i>	(a) regions 7, 10 (b) region 9 except those areas lying within Klickitat and Yakima counties west of Range 13 East (c) region 6 except those areas lying within Yakima and Kittitas counties west of Range 13 E.
			((17)) (18) fanwort <i>Cabomba caroliniana</i>	(a) regions 3, 4, 6, 7, 9, 10 (b) Lewis County of region 8 (c) Clallam County of region 1 (d) King County of region 5, except lakes Washington, Sammamish, Union and Fenwick.
				(a) regions 1, 2, 3, 4, 5, 6, 7, 9, 10 (b) region 8 except T8N, R3W of Cowlitz County.

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		Will be a "Class B designate" in all lands lying within:				Will be a "Class B designate" in all lands lying within:	
	Name				Name		
((18)) <u>(19)</u>	fieldcress, Austrian <i>Rorippa austriaca</i>	(a)	regions 1, 2, 3, 4, 5, 6, 8, 9	((28)) <u>(29)</u>	helmet, policeman's <i>Impatiens glandulifera</i>	(a)	regions 1, 3, 4, 6, 7, 8, 9, 10
		(b)	regions 7 and 10 except within the Palouse River Canyon from Big Palouse Falls to the Snake River.			(b)	region 2 except Whatcom County
((19)) <u>(20)</u>	floating heart, yellow <i>Nymphoides peltata</i>	(a)	regions 1, 2, 3, 5, 6, 7, 8, 9, 10	((29)) <u>(30)</u>	herb-Robert <i>Geranium robertianum</i>	(a)	regions 3, 4, 6, 7, 9, 10
		(b)	region 4 except the Spokane River between Long Lake Dam and Nine Mile Dam.	((30)) <u>(31)</u>	houndstongue <i>Cynoglossum officinale</i>	(a)	Kittitas County of region 6
((20)) <u>(21)</u>	gorse <i>Ulex europaeus</i>	(a)	regions 1, 3, 4, 6, 7, 9, 10			(b)	<u>Douglas County of regions 3 and 6.</u>
		(b)	Skagit and Whatcom counties of region 2	((31)) <u>(32)</u>	indigobush <i>Amorpha fruticosa</i>	(a)	regions 1, 2, 3, 4, 5, 6
		(c)	Thurston, Pierce, and King counties of region 5			(b)	regions 7 and 10 except within 200 feet of the Snake River from Central Ferry downstream
		(d)	Wahkiakum, Cowlitz, and Lewis counties of region 8.	((32)) <u>(33)</u>	knapweed, black <i>Centaurea nigra</i>	(a)	regions 1, 2, 3, 4, 7, 9, 10
((21)) <u>(22)</u>	hawkweed, mouseear <i>Hieracium pilosella</i>	(a)	regions 1, 2, 3, 4, 6, 7, 8, 9, 10			(b)	region 5 except that area below the ordinary highwater mark of the Nisqually River, beginning at Alder Dam and downstream to the mouth of the Nisqually River in Pierce and Thurston counties
		(b)	region 5 except Thurston County			(c)	region 6 except Kittitas County
		(c)	Thurston County lying within T17N, R1W, S31; T16N, R2W, S30 W1/2; T16N, R3W, S25, SE1/4; T16N, R3W, S36, N1/2; T16N, R2W, S31, NW1/4.	((33)) <u>(34)</u>	knapweed, brown <i>Centaurea jacea</i>	(a)	regions 1, 2, 3, 4, 7, 9, 10
((22)) <u>(23)</u>	hawkweed, orange <i>Hieracium aurantiacum</i>	(a)	regions 3, 6, 9, 10			(b)	region 5 except that area below the ordinary highwater mark of the Nisqually River, beginning at Alder Dam and downstream to the mouth of the Nisqually River in Pierce and Thurston counties
		(b)	Clallam County of region 1			(c)	region 8 except Clark County.
		(c)	Skagit County of region 2			(a)	regions 1, 2, 3, 4, 7, 9, 10
		(d)	Ferry County of region 4			(b)	region 5 except that area below the ordinary highwater mark of the Nisqually River, beginning at Alder Dam and downstream to the mouth of the Nisqually River in Pierce and Thurston counties
		(e)	Thurston and King counties of region 5			(c)	region 6 except Kittitas County
		(f)	Lincoln and Adams counties of region 7			(d)	region 8 except Clark County.
		(g)	Lewis County of region 8.	((34)) <u>(35)</u>	knapweed, diffuse <i>Centaurea diffusa</i>	(a)	regions 1, 2, 5, 8
((23)) <u>(24)</u>	hawkweed, polar <i>Hieracium atratum</i>	(a)	regions 1, 2, 3, 4, 6, 7, 8, 9, 10			(b)	Grant County lying in Townships 13 through 16 North, Ranges 25 through 27 East; Townships 17 and 18 N., Ranges 25 through 30 East; Townships 19 and 20 North, Ranges 29 and 30 East; T21N, R23E, Sections 1 through 30; T21N, R26E., Sections 5, 6, 7, 8, 17, and 18; East 1/2 Township 21N, Range 27E.; T21N, Ranges 28 through 30 E; those portions of Townships 22 through 28N, Ranges 28 through 30 E.; those portions of Township 22 through 28N., Ranges 23 through 30E. lying in Grant County; all W.M.
		(b)	region 5 outside the boundaries of Mt. Rainier National Park.				
((24)) <u>(25)</u>	hawkweed, queen-devil <i>Hieracium glomeratum</i>	(a)	regions 1, 2, 3, 5, 6, 7, 8, 9, 10				
		(b)	Ferry County of region 4.				
((25)) <u>(26)</u>	hawkweed, smooth <i>Hieracium laevigatum</i>	(a)	regions 1, 3, 4, 5, 6, 7, 8, 9, 10				
		(b)	San Juan, Island, and Skagit counties of region 2.				
((26)) <u>(27)</u>	hawkweed, yellow <i>Hieracium caespitosum</i>	(a)	regions 1, 2, 3, 5, 6, 7, 8, 10				
		(b)	region 4 except Stevens and Pend Oreille counties				
		(c)	region 9 except sections 32, 33 and 34 of T6N, R12E, and sections 4, 5, 6, and 7 of T5N, R12E, and section 12 of T5N, R11E, of Klickitat County.				
((27)) <u>(28)</u>	hedgearsley <i>Torilis arvensis</i>	(a)	regions 1, 2, 3, 4, 5, 6, 7, 8, 10				
		(b)	Yakima, Benton, Franklin counties				
		(c)	Klickitat County except those lands lying within T4N, R10E, R11E, R12E, R13E, R14E; T3N, R10E, R11E, R12E, R13E; T2N, R12E, R13E.				

		Will be a "Class B designate" in all lands lying within:		Name		Will be a "Class B designate" in all lands lying within:		
Name								
		(c)	Adams County except those areas within T15N, R36E, Section 36; T15N, R37E, Sections 22, 26, 27, 28, 31, 32, 33 and 34; T15N, R37E, western half of Sections 23, 24 and 25; T15N, R38E, Sections 2, 10, 11, 14, 15, 19 and 20; T16N, R38E, Sections 34 and 35; T17N, R37E, Sections 5 and 6	((40)) (42)	knotweed, Japanese <i>Polygonum cuspidatum</i>	(a)	Kittitas County of region 6	
		(d)	Franklin County of regions 9 and 10.	((41)) (43)	kochia <i>Kochia scoparia</i>	(b)	Chelan (County) and Douglas counties of regions 3 and 6	
((35)) (36)	knapweed, meadow Centaurea jacea x nigra	(a)	regions 1, 2, 3, 4, 7, 9, 10			(c)	Pend Oreille County of region 4.	
		(b)	region 5 except that area below the ordinary highwater mark of the Nisqually River, beginning at Alder Dam and downstream to the mouth of the Nisqually River in Pierce and Thurston counties	((42)) (44)	lepyrodiclis <i>Lepyrodiclis holosteoides</i>	(a)	Clallam County of region 1	
		(c)	region 6 except Kittitas County			(b)	Skagit and Whatcom counties of region 2	
		(d)	region 8 except Clark County.	((43)) (45)	loosestrife, garden <i>Lysimachia vulgaris</i>	(c)	Pend Oreille County of region 4	
((36)) (37)	knapweed, Russian Acropitilon repens	(a)	regions 1, 2, 5, 7, 8			(d)	King County of region 5	
		(b)	region 4 except that area lying within the boundaries of the Colville Indian Reservation within Ferry County			(e)	Kittitas County of region 6.	
		(c)	Adams County of region 6 except for the area west of Highway 17 and North of Highway 26	((44)) (46)	loosestrife, purple <i>Lythrum salicaria</i>	(a)	regions 1, 2, 3, 4, 5, 6, 8, 9, 10 region 7 except an area within Whitman County east of the Pullman—Wawawai Road from Wawawai to Pullman and south of State Highway 270 from Pullman to Moscow, Idaho.	
		(d)	Intercountry Weed District No. 52			(b)	region 5 except King County	
		(e)	region 10 except Franklin County.			(c)	Those portions of King County lying north of I-90 and east of the line extending from SR522 to SR202 to E. Lake Sammamish Parkway; west of I-5 including Vashon Island; south of I-90 and east and south of I-405 to the county line.	
((37)) (38)	knapweed, spotted Centaurea biebersteinii	(a)	regions 1, 2, 3, 5, 6, 9			(a)	regions 1, 2, 3, 4, 6, 7, 8, 9, 10	
		(b)	Ferry County of region 4			(b)	region 5 except King County	
		(c)	Adams and Whitman counties of region 7			(c)	Those portions of King County lying north of I-90 and east of the line extending from SR522 to SR202 to E. Lake Sammamish Parkway; west of I-5 including Vashon Island; south of I-90 and east and south of I-405 to the county line.	
		(d)	region 8, except that portion of Lewis County below the ordinary high watermark of the Tilton River from Hwy. 508 to Lake Mayfield			(a)	regions 1, 4, 7, 8	
		(e)	region 10 except Garfield County.			(b)	region 2 except Snohomish County	
(39)	knotweed, Bohemian Polygonum bohemicum	(a)	Kittitas County of region 6			(c)	region 3 except within 100 feet of the ordinary highwater mark of the Okanogan River from the Canadian border south to Riverside	
		(b)	Chelan and Douglas counties of regions 3 and 6			(d)	Grays Harbor, Mason, Kitsap, and Thurston counties of region 5	
		(c)	Pend Oreille County of region 4.			(e)	Those portions of King County lying north of I-90 and east of the line extending from SR522 to SR202 to E. Lake Sammamish Parkway; west of I-5 including Vashon Island; south of I-90 and east and south of I-405 to the county line	
((38)) (40)	knotweed, giant Polygonum sachalinense	(a)	Kittitas County of region 6			(f)	Pierce County, except those areas lying within T2D, 21, 22N, R1W and R1E, all sections	
		(b)	Pend Oreille County of region 4.					
((39)) (41)	knotweed, Himalayan Polygonum polystachyum	(a)	Kittitas County of region 6					
		(b)	Pend Oreille County of region 4					
		(c)	Lewis County of region 8.					

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Name	Will be a "Class B designate" in all lands lying within:	Name	Will be a "Class B designate" in all lands lying within:
((45)) (47) loosestrife, wand <i>Lythrum virgatum</i>	(g) region 6 except that portion of Grant County lying northerly of the Frenchmen Hills-O'Sullivan Dam Road, southerly of Highway Interstate 90, easterly of the section line of the location of County Road J SW/NW if constructed and westerly of the section line of the location of County Road H SE/NE if constructed	((47)) (49) oxtongue, hawkweed <i>Picris hieracioides</i>	(i) except those areas lying within the following boundary description within Yakima County: Beginning at the intersection of Highway 12 and Parker Heights Road and continuing easterly to Konnowac Pass Road follow said road north to the intersection of Konnowac Pass Road and Nightingale Road. The northern boundary shall be the Roza Canal, continuing from the established point at Nightingale Road. The boundaries will follow the Roza Canal easterly to the County Line Road. The east boundaries will be the Yakima/Benton County Line from a point beginning at the County Line and Highway 22 (near Byron) continuing westerly along Highway 22 (to near the city of Mabton) to the intersection of Highway 22 and the Reservation Boundary (Division Road) and continuing north to the Yakima River. Then it will follow the river northwest to the Wapato-Donald Road continuing north along said road to Highway 12 then Highway 12 to Parker Heights Road.
	(h) region 9 except Benton County		(ii) an area lying southerly of State Route 14 and within T2N, Ranges 13 and 14 E of Klickitat County
	(i) region 10 except Walla Walla County		(d) region 10 except Walla Walla County.
	(j) Intercounty Weed Districts No. 51 and No. 52.		(a) regions 1, 2, 3, 4, 5, 6, 7, 9, 10
	(a) regions 1, 4, 7, 8		(b) region 8 except Skamania County.
	(b) region 2 except Snohomish County		(a) regions 1, 2, 3, 4, 5, 6, 7, 9, 10
	(c) region 3 except within 100 feet of the ordinary highwater mark of the Okanogan River from the Canadian border south to Riverside		(b) region 8 except Clark, Cowlitz, and Wahkiakum counties.
	(d) region 5 except King County		(a) regions 1, 2, 3, 4, 5, 7, 8, 10
	(e) Those portions of King County lying north of I-90 and east of the line extending from SR522 to SR202 to E. Lake Sammamish Parkway; west of I-5 including Vashon Island; south of I-90 and east and south of I-405 to the county line		(b) Intercounty Weed Districts No. 51 and 52
	(f) region 6 except that portion of Grant County lying northerly of the Frenchmen Hills-O'Sullivan Dam Road, southerly of Highway Interstate 90, easterly of the section line of the location of County Road J SW/NW if constructed and westerly of the section line of the location of County Road H SE/NE if constructed		(c) Kittitas County of region 6
(g) region 9 except Benton County			
(h) region 10 except Walla Walla County			
(i) Intercounty Weed Districts No. 51 and No. 52.			
(a) regions 1, 2, 3, 4, 5, 7, 8			
(b) region 6 except those areas lying between State Highway 26 and State Highway 28, and westerly of Dodson Road in Grant County, and except S 1/2, Sec. 2, T20N, R25E., W.M.			
(c) region 9 except:			
((46)) (48) nutsedge, yellow <i>Cyperus esculentus</i>	((49)) (51) pepperweed, perennial <i>Lepidium latifolium</i>		

		Will be a "Class B designate" in all lands lying within:				Will be a "Class B designate" in all lands lying within:	
Name				Name			
		(d)	Adams County of region 6 except for the area west of Highway 17 and north of Highway 26.			(c)	Adams County except those areas lying east of a line running north from Franklin County along the western boundary of Range 36 East to State Highway 26 then north on Sage Road until it intersects Lee Road, then due north until intersection with Providence Road, then east to State Highway 261, then north along State Highway 261 to its intersection with Interstate 90, henceforth on a due north line to intersection with Bauman Road, then north along Bauman Road to its terminus, then due north to the Lincoln County line.
((50)) (52)	primrose, water <i>Ludwigia hexapetala</i>	(a)	regions 1, 2, 3, 4, 5, 6, 7, 9, 10			(d)	region 6 except that portion lying within Grant County that is southerly of State Highway 28, northerly of Interstate Highway 90 and easterly of Grant County Road I Northwest
((51)) (53)	puncturevine <i>Tribulus terrestris</i>	(b)	region 8 except T8N, R3W, S14 of Cowlitz County.			(e)	Stevens County north of Township 33 North of region 4
		(a)	Skagit County of region 2			(f)	Ferry and Pend Oreille counties of region 4
		(b)	Kittitas County of region 6			(g)	Asotin County of region 10
		(c)	Adams County			(h)	Garfield County south of Highway 12
		(d)	Clallam County of region 1.			(i)	Columbia County from the Walla Walla County line on Highway 12, all areas south of Turner Road; at Turner Road to the Garfield county line, all areas south and east of Turner Road
((52)) (54)	ragwort, tansy <i>Senecio jacobaea</i>	(a)	regions 3, 4, 6, 7, 9, 10			(j)	Whitman County lying in Ranges 43 through 46 East of Townships 15 through 20 North; T14N, Ranges 44 through 46 East; and T13N, Ranges 45 and 46 East.
		(b)	region 5, that portion of Pierce County lying south or east of a boundary beginning at the White River and State Highway 410, then west along State Highway 410 to intersection with State Highway 162 (Orting) to intersection with Orville Road, then south along Orville Road to intersection with Kapowsin Highway (304th Street East), then west following Kapowsin Highway to intersection with State Route 7, then south along State Route 7 to intersection with State Route 702, then west along State Route 702 to intersection with State Route 507, then southwest along State Route 507 to intersection with the Nisqually River.			(a)	regions 1, 2, 3, 4, 7, 8, 9, 10
				((56)) (58)	sowthistle, perennial <i>Sonchus arvensis</i> <i>ssp. arvensis</i>	(b)	Adams County of region 6
((53)) (55)	Saltcedar <i>Tamarix ramosissima</i>	(a)	regions 1, 2, 3, 4, 5, 7, 8, unless intentionally established prior to 2004			(c)	region 5 except for sections 28, 29, 30, 31, 32, and 33 in T19N, R1E of Thurston and Pierce counties.
		(b)	region 6 except Grant County, unless intentionally established prior to 2004			(a)	regions 1, 2, 3, 4, 5, 6, 8, 9, 10
		(c)	region 9 except Benton and Franklin counties, unless intentionally established prior to 2004			(b)	region 7 except as follows:
		(d)	region 10 except Franklin County, unless intentionally established prior to 2004.	((57)) (59)	spurge, leafy <i>Euphorbia</i> <i>esula</i>		
((54)) (56)	sandbur, long-spine <i>Cenchrus longispinus</i>	(a)	regions 1, 2, 3, 4, 5, 7, 8				
		(b)	Adams County of region 6 except for that area lying within Intercounty Weed District No. 52				
		(c)	Intercounty Weed District No. 51				
		(d)	Kittitas County of region 6.				
((55)) (57)	skeletonweed, rush <i>Chondrilla juncea</i>	(a)	regions 1, 2, 3, 5, 8, 9				
		(b)	Franklin County except T13N, R36E; and T14N, R36E				

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		Will be a "Class B designate" in all lands lying within:				Will be a "Class B designate" in all lands lying within:	
Name				Name			
		(i)	T27N, R37E, Sections 34, 35, 36; T27N, R38E, Sections 31, 32, 33; T26N, R37E, Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 16, 26; T26N, R38E, Sections 5, 6, 7, 8 of Lincoln County				17, 18, 19, 20, 29, 30, 31, and 32.
		(ii)	T24N, R43E, Section 12, Qtr. Section 3, Parcel No. 9068 of Spokane County.			(a)	regions 1, 2, 3, 4, 5, 7, 8
((58))	spurge, myrtle	(a)	Pend Oreille County of region 4.	((60))	Swainsonpea	(b)	Columbia, Garfield, Asotin, and Franklin counties
(60)	<i>Euphorbia myrsinites L</i>			(62)	<i>Sphaerophysa salsula</i>	(c)	an area beginning at the Washington—Oregon border at the southwest portion of Section 15, R32E, T6N, then north to the northwest corner of Section 3, R32E, T7N, then east to the northeast corner of Section 3, R36E, T7N, then south to the southeast portion of Section 15, R36E, T6N, at the Washington—Oregon border, then west along the Washington—Oregon border to the point of beginning
((59))	starthistle, yellow	(a)	regions 1, 2, 3, 5, 6, 8			(d)	Weed District No. 3 of Grant County
(61)	<i>Centaurea solstitialis</i>	(b)	region 4 except those areas within Stevens County bounded by a line beginning at the intersection of State Highway 20 and State Highway 25, then north to intersection with Pinkston Creek Road, then east along Pinkston Creek Road to intersection with Highland Loop Road, then south along Highland Loop Road to intersection with State Highway 20, then west along State Highway 20 to intersection with State Highway 25			(e)	Adams County of region 6.
		(c)	region 7 except those areas within Whitman County lying south of State Highway 26 from the Adams County line to Colfax and south of State Highway 195 from Colfax to Pullman and south of State Highway 270 from Pullman to the Idaho border	((64))	thistle, musk	(a)	regions 1, 2, 3, 5, 6, 7, 8, 9, 10
		(d)	Franklin County	(63)	<i>Carduus nutans</i>	(b)	Spokane and Pend Oreille counties.
		(e)	region 9 except Klickitat County	((62))	thistle, plumeless	(a)	regions 1, 2, 3, 5, 6, 7, 8, 9, 10
		(f)	in all lands lying within Asotin County, Region 10, except as follows: T11N, R44E, Sections 25, 26, 27, 28, 29, 31, 32, 33, 34, and 35; T11N, R45E, Sections 21, 22, 23, and 25; T11N, R36E, Sections 19, 20, 21, 28, 29, 30, 31, 32, and 33; T10N, R44E, Sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 15, and 16; T10N, R45E, Sections 23 and 24; T10N, R46E, Sections 7, 8, 17, 18, 19, 20, 21, 22, 27, 34, and 35; T9N, R46E, Sections 1, 2, 12, 13, 14, 23, 24, 25, 26, 35, and 36; T9N, R47E, Sections 18, 19, 30, and 31; T8N, R46E, Sections 1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 16, 23, and 24; T8N, R47E, Sections 8,	(64)	<i>Carduus acanthoides</i>	(b)	region 4 except those areas within Stevens County lying north of State Highway 20.
				((63))	thistle, Scotch	(a)	regions 1, 2, 3, 4, 5, 6, 8, 9
				(65)	<i>Onopordum acanthium</i>	(b)	region 7 except for those areas within Whitman County lying south of State Highway 26 from the Adams County line to Colfax and south of State Highway 195 from Colfax to Pullman and south of State Highway 270 from Pullman to the Idaho border
				((64))	toadflax, Dalmatian	(c)	Franklin County.
				(66)	<i>Linaria dalmatica ssp. dalmatica</i>	(a)	regions 1, 2, 5, 8, 10
						(b)	Douglas County of region 3 lying south of T25N, west of R25E, and east of R28E
						(c)	Okanogan County lying within T 33, 34, 35N, R19, 20, 21, 22E, except the southwest, southeast, and northeast quarters of the northeast quarter of section 27, T35N, R21E; and the northeast quarter of the southeast quarter of section 27, T35N, R21E
						(d)	Kititas, Chelan, Douglas, and Adams counties of region 6
						(e)	Intercounty Weed District No. 51
						(f)	Weed District No. 3 of Grant County
						(g)	Lincoln and Adams counties
						(h)	The western two miles of Spokane County of region 7

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Name	Will be a "Class B designate" in all lands lying within:	
	(i)	region 9 except as follows:
	(i)	those areas lying within Yakima County
	(ii)	those areas lying west of the Klickitat River and within Klickitat County.
((65)) (67) watermilfoil, Eurasian <i>Myriophyllum spicatum</i>	(a)	regions 1, 9, 10
	(b)	region 7 except Spokane County
	(c)	region 8 except within 200 feet of the Columbia River
	(d)	Adams County of region 6
	(e)	in all water bodies of public access, except the Pend Oreille River, in Pend Oreille County of region 4.

Common Name	Scientific Name
- western hawkweed (<i>H. albertinum</i>)	<i>Hyoscyamus niger</i>
- white-flowered hawkweed (<i>H. albiflorum</i>)	<i>Iris pseudocorus</i>
- woolley-weed (<i>H. scouleri</i>)	<i>Hedera hibernica</i> 'Hibernica'
henbane, black	<i>Hedera helix</i> 'Baltica'
iris, yellow flag	<i>Hedera helix</i> 'Pittsburgh'
ivy, English, 4 cultivars only:	<i>Hedera helix</i> 'Star'
	<i>Polygonum x Bohemicum</i>)
((knotweed, Bohemian	<i>Matricaria perforata</i>
mayweed, scentless	<i>Conium maculatum</i>
poison-hemlock	<i>Potamogeton crispus</i>
pondweed, curly-leaf	<i>Phragmites australis</i>
reed, common, nonnative genotypes	
rye, cereal	<i>Secale cereale</i>
spikeweed	<i>Hemizonia pungens</i>
St. Johnswort, common	<i>Hypericum perforatum</i>
tansy, common	<i>Tanacetum vulgare</i>
thistle, bull	<i>Cirsium vulgare</i>
thistle, Canada	<i>Cirsium arvense</i>
toadflax, yellow	<i>Linaria vulgaris</i>
water lily, fragrant	<i>Nymphaea odorata</i>
whiteweed, hairy	<i>Cardaria pubescens</i>
willow-herb, hairy	<i>Epilobium hirsutum</i>
wormwood, absinth	<i>Artemisia absinthium</i>

AMENDATORY SECTION (Amending WSR 04-13-014, filed 6/4/04, effective 7/5/04)

WAC 16-750-015 State noxious weed list—Class C noxious weeds.

Common Name	Scientific Name
babysbreath	<i>Gypsophila paniculata</i>
beard, old man's	<i>Clematis vitalba</i>
bindweed, field	<i>Convolvulus arvensis</i>
butterfly bush	<i>Buddleia davidii</i>
canarygrass, reed	<i>Phalaris arundinacea</i>
cockle, white	<i>Silene latifolia ssp. alba</i>
cocklebur, spiny	<i>Xanthium spinosum</i>
cress, hoary	<i>Cardaria draba</i>
dodder, smoothseed alfalfa	<i>Cuscuta approximata</i>
goatgrass, jointed	<i>Aegilops cylindrica</i>
groundsel, common	<i>Senecio vulgaris</i>

hawkweed, nonnative species *Hieracium sp.*, except species designated in the note in the left-hand column

- Note:**
- This listing includes all species of *Hieracium*, except the following:
- Species designated as Class A noxious weeds in WAC 16-750-005;
 - Species designated as Class B noxious weeds in WAC 16-750-011;
 - Native species designated below:
 - Canada hawkweed (*H. canadense*)
 - houndstongue hawkweed (*H. cynoglossoides*)
 - long-beaked hawkweed (*H. longiberbe*)
 - narrow-leaved hawkweed (*H. umbellatum*)
 - slender hawkweed (*H. gracile*)

**WSR 05-01-013
PERMANENT RULES
BUILDING CODE COUNCIL**

[Filed December 2, 2004, 10:50 a.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: To amend the Washington State Energy Code, chapter 51-11 WAC, to update mechanical efficiency, envelope, and lighting requirements for consistency with national standards and increase energy efficiency; to provide for new technology and building science; and to help increase code clarity and flexibility.

Citation of Existing Rules Affected by this Order: Amending WAC 51-11-502, 51-11-1132, 51-11-1322, 51-11-1331, 51-11-1413, 51-11-1423, 51-11-1433, 51-11-1513, 51-11-1521, and Tables 10-6, 13-1, 13-2, 14-1A, B and D, and 15-1.

Statutory Authority for Adoption: RCW 19.27A.025 and 19.27A.045.

Other Authority: Chapters 19.27, 19.27A, and 34.05 RCW.

Adopted under notice filed as WSR 04-17-120 on August 17, 2004.

Changes Other than Editing from Proposed to Adopted Version: Section 1413.4, Humidification, was amended to provide additional clarity and flexibility; Option 1 was

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selected in Section 1433; the proposed amendment to Section 1437 was not adopted; and the proposed amendment to Table 15-1 was revised to retain the current lighting power allowance for schools.

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 13, 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 4, 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 13, Repealed 0.

Date Adopted: November 12, 2004.

Stan Price
Council Chair

AMENDATORY SECTION (Amending WSR 04-01-106, filed 12/17/03, effective 7/1/04)

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 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-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 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 2603 and/or 719 of the 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 ASTM E84-01.

EXCEPTIONS:

1. Foam plastic insulation shall comply with section 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 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 International Building Code section 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.

EXCEPTION: Framed cavity can be empty or partially filled provided:

1. The wall assembly calculations are performed along with a completed performance calculation for the whole building; and
2. Insulation installed in partially filled cavities is not included in the performance calculation.

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. 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 (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.

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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 features 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.)

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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 agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 02-01-112, filed 12/18/01, effective 7/1/02)

WAC 51-11-1006 Section 1006 Default U-factors for glazing and doors.

1006.1 Glazing and Doors without NFRC Certification: Glazing and doors that do not have NFRC certification shall be assigned the following U-factors:

**TABLE 10-6
Other than Group R Occupancy: DEFAULT U-FACTORS
FOR VERTICAL GLAZING, OVERHEAD GLAZING AND
OPAQUE DOORS**

	U-Factor		
	Any Frame	Aluminum W/Thermal Break	Vinyl/Wood Frame
Single	1.45	1.45	1.45
Double	0.90	0.85	0.75
1/2 Inch Air, Fixed	0.75	0.70	0.60
1/2 Inch Air, Low-e ^(0.40) , Fixed	0.60	0.55	0.50
1/2 Inch Air, Low-e ^(0.10) , Fixed	0.55	0.50	0.45
1/2 Inch Argon, Low-e ^(0.10) , Fixed	0.50	0.45	0.40

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The category for aluminum frame with a thermal break is as defined in footnote 7 to Table 10-6A.

((Overhead Glazing	U-Factor	
	Any Frame	Vinyl/Wood Frame
Single	2.15	2.15
Double	1.45	1.00
Low-e ^(0.40) or Argon	1.40	0.95
Low-e ^(0.40) + Argon	1.30	0.85
Low-e ^(0.20) Air	1.30	0.90
Low-e ^(0.20) + Argon	1.25	0.80
Triple	1.25	0.80))

	U-Factor		
	Any Frame	Aluminum W/Thermal Break	Vinyl/Wood Frame
Single	1.74	1.74	1.74
Double	1.08	1.02	0.90
1/2 Inch Air. Fixed	0.90	0.84	0.72
1/2 Inch Air. Low-e ^(0.40) Fixed	0.72	0.66	0.60
1/2 Inch Air. Low-e ^(0.10) Fixed	0.66	0.60	0.54
1/2 Inch Argon, Low-e ^(0.10) Fixed	0.60	0.54	0.48

This default table is applicable to sloped glazing only. (Sloped glazing is a multiple-lite glazed system (similar to a curtain wall) that is mounted at a slope greater than 15° from the vertical plane.) Other overhead glazing shall use the defaults in Table 10-6E.

Opaque Doors	
	U-Factor
Uninsulated Metal	1.20
Insulated Metal (Including Fire Door and Smoke Vent)	0.60
Wood	0.50

Notes:

- Where a gap width is listed (i.e.: 1/2 inch), that is the minimum allowed.
- Where a low-emissivity emittance is listed (i.e.: 0.40, 0.20, 0.10), that is the maximum allowed.
- Where a gas other than air is listed (i.e.: Argon), the gas fill shall be a minimum of 90%.
- Where an operator type is listed (i.e.: Fixed), the default is only allowed for that operator type. Where a frame type is listed (i.e.: Wood/vinyl), the default is only allowed for that frame type. Wood/vinyl frame includes reinforced vinyl and aluminum-clad wood.

TABLE 10-6A
Group R Occupancy: DEFAULT U-FACTORS FOR VERTICAL GLAZING

Description ^{1,2,3,4}		Frame Type ^{5,6}			
		Aluminum	Aluminum Thermal Break ⁷	Wood/Vinyl	
Windows	Single	1.20	1.20	1.20	
	Double, < 1/2"	Clear	0.92	0.75	0.63
		Clear + Argon	0.87	0.71	0.60
		Low-e	0.85	0.69	0.58
		Low-e + Argon	0.79	0.62	0.53
	Double, ≥ 1/2"	Clear	0.86	0.69	0.58
		Clear + Argon	0.83	0.67	0.55
		Low-e	0.78	0.61	0.51
		Low-e + Argon	0.75	0.58	0.48
	Triple,	Clear	0.70	0.53	0.43
		Clear + Argon	0.69	0.52	0.41
		Low-e	0.67	0.49	0.40
		Low-e + Argon	0.63	0.47	0.37
Garden Windows	Single	2.60	n.a.	2.31	
	Double	Clear	1.81	n.a.	1.61
		Clear + Argon	1.76	n.a.	1.56
		Low-e	1.73	n.a.	1.54
		Low-e + Argon	1.64	n.a.	1.47

- <1/2" = a minimum dead air space of less than 0.5 inches between the panes of glass.
≥ 1/2" = a minimum dead air space of 0.5 inches or greater between the panes of glass.
Where no gap width is listed, the minimum gap width is 1/4".
- Any low-e (emissivity) coating (0.1, 0.2 or 0.4).

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- 3 U-factors listed for argon shall consist of sealed, gas-filled insulated units for argon, CO₂, SF₆, argon/SF₆ mixtures and Krypton.
- 4 "Glass block" assemblies may use a U-factor of 0.51.
- 5 Insulated fiberglass framed products shall use wood/vinyl U-factors.
- 6 Aluminum clad wood windows shall use the U-factors listed for wood/vinyl windows.
- 7 Aluminum Thermal Break = An aluminum thermal break framed window shall incorporate the following minimum design characteristics:
 - a) The thermal conductivity of the thermal break material shall be not more than 3.6 Btu-in/h/ft²/°F;
 - b) The thermal break material must produce a gap in the frame material of not less than 0.210 inches; and,
 - c) All metal framing members of the products exposed to interior and exterior air shall incorporate a thermal break meeting the criteria in a) and b) above.

TABLE 10-6B¹

Group R Occupancy: SMALL BUSINESS COMPLIANCE TABLE FOR VERTICAL GLAZING

DESCRIPTION ^{2,3,4,6}	FRAME TYPE ^{7,8}			
	ALUMINUM	ALUM. THERMAL BREAK ⁹	WOOD/VINYL	ALUM. CLAD WOOD/REINFORCED VINYL ¹⁰
Double, Clear 1/4"	0.82	0.66	0.56	0.59
Double, Clear 1/4" + argon	0.77	0.63	0.53	0.56
Double, Low-e4 1/4"	0.76	0.61	0.52	0.54
Double, Low-e2 1/4"	0.73	0.58	0.49	0.51
Double, Low-e1 1/4"	0.70	0.55	0.47	0.49
Double, Low-e4 1/4" + argon	0.70	0.55	0.47	0.49
Double, Low-e2 1/4" + argon	0.66	0.52	0.43	0.46
Double, Low-e1 1/4" + argon	0.64	0.50	0.41	0.43
Double, Clear 3/8"	0.78	0.63	0.54	0.57
Double, Clear 3/8" + argon	0.75	0.60	0.51	0.54
Double, Low-e4 3/8"	0.72	0.57	0.48	0.51
Double, Low-e2 3/8"	0.69	0.54	0.45	0.48
Double, Low-e1 3/8"	0.66	0.51	0.43	0.46
Double, Low-e4 3/8" + argon	0.68	0.53	0.44	0.47
Double, Low-e2 3/8" + argon	0.63	0.49	0.41	0.44
Double, Low-e1 3/8" + argon	0.61	0.47	0.39	0.41
Double, Clear 1/2"	0.75	0.60	0.50	0.54
Double, Clear 1/2" + argon	0.72	0.58	0.48	0.51
Double, Low-e4 1/2"	0.68	0.53	0.44	0.47
Double, Low-e2 1/2"	0.64	0.50	0.40	0.44
Double, Low-e1 1/2"	0.61	0.47	0.35	0.42
Double, Low-e4 1/2" + argon	0.65	0.50	0.42	0.44
Double, Low-e2 1/2" + argon	0.60	0.46	0.37	0.40
Double, Low-e1 1/2" + argon	0.58	0.43	0.35	0.38
Triple, Clear 1/4"	0.66	0.52	0.42	0.44
Triple, Clear 1/4" + argon	0.63	0.49	0.39	0.42
Triple, Low-e4 1/4"	0.64	0.50	0.40	0.40
Triple, Low-e2 1/4"	0.62	0.48	0.39	0.41
Triple, Low-e1 1/4"	0.61	0.47	0.38	0.40
Triple, Low-e4 1/4" + argon	0.60	0.46	0.37	0.39

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TABLE 10-6B¹
Group R Occupancy: SMALL BUSINESS COMPLIANCE TABLE FOR VERTICAL GLAZING

DESCRIPTION ^{2,3,4,6}	FRAME TYPE ^{7,8}			
	ALUMINUM	ALUM. THERMAL BREAK ⁹	WOOD/VINYL	ALUM. CLAD WOOD/REINFORCED VINYL ¹⁰
Triple, Low-e2 1/4" + argon	0.58	0.43	0.34	0.37
Triple, Low-e1 1/4" + argon	0.57	0.42	0.34	0.36
Triple, Clear 1/2"	0.61	0.46	0.37	0.40
Triple, Clear 1/2" + argon	0.59	0.45	0.36	0.38
Triple, Low-e4 1/2"	0.58	0.43	0.35	0.37
Triple, Low-e2 1/2"	0.55	0.41	0.32	0.35
Triple, Low-e1 1/2"	0.54	0.39	0.31	0.33
Triple, Low-e4 1/2" + argon	0.55	0.41	0.32	0.35
Triple, Low-e2 1/2" + argon	0.52	0.38	0.30	0.32
Triple, Low-e1 1/2" + argon	0.51	0.37	0.29	0.31

Footnotes to Table 10-6B

- 1 Subtract 0.02 from the listed default U-factor for nonaluminum spacer. Acceptable spacer materials may include but is not limited to fiberglass, wood and butyl or other material with an equivalent thermal performance.
- 2 1/4" = a minimum dead air space of 0.25 inches between the panes of glass.
 3/8" = a minimum dead air space of 0.375 inches between the panes of glass.
 1/2" = a minimum dead air space of 0.5 inches between the panes of glass.
 Product with air spaces different than those listed above shall use the value for the next smaller air space; i.e. 3/4 inch = 1/2 inch U-factors, 7/16 inch = 3/8 inch U-factors, 5/16 inch = 1/4 inch U-factors.
- 3 Low-e4 (emissivity) shall be 0.4 or less.
 Low-e2 (emissivity) shall be 0.2 or less.
 Low-e1 (emissivity) shall be 0.1 or less.
- 4 U-factors listed for argon shall consist of sealed, gas-filled insulated units for argon, CO2, SF6, and argon/SF6 mixtures. The following conversion factor shall apply to Krypton gas-filled units: 1/4" or greater with krypton is equivalent to 1/2" argon.
- 5 Reserved.
- 6 "Glass block" assemblies may use a U-factor of 0.51.
- 7 Insulated fiberglass framed products shall use wood/vinyl U-factors.
- 8 Subtract 0.02 from the listed default values for solariums.
- 9 Aluminum Thermal Break = An aluminum thermal break framed window shall incorporate the following minimum design characteristics:
 - a) The thermal conductivity of the thermal break material shall be not more than 3.6 Btu-in/h/ft²/F°;
 - b) The thermal break material must produce a gap in the frame material of not less than 0.210 inches; and,
 - c) All metal framing members of the products exposed to interior and exterior air shall incorporate a thermal break meeting the criteria in a) and b) above.
- 10 Aluminum clad wood windows shall use the U-factors listed for Aluminum Clad Wood/Reinforced Vinyl windows. Vinyl clad wood window shall use the U-factors listed for Wood/Vinyl windows. Any vinyl frame window with metal reinforcement in more than one rail shall use the U-factors listed for Aluminum Clad Wood/Reinforced Vinyl window.

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TABLE 10-6C
Group R Occupancy: DEFAULT U-FACTORS FOR DOORS

Door Type	No Glazing	Single Glazing	Double Glazing with 1/4 in. Airspace	Double Glazing with 1/2 in. Airspace	Double Glazing with e = 0.10, 1/2 in. Argon
SWINGING DOORS (Rough opening - 38 in. x 82 in.)					
<i>Slab Doors</i>					
Wood slab in wood frame ^a	0.46				
6% glazing (22 in. x 8 in. lite)	-	0.48	0.47	0.46	0.44
25% glazing (22 in. x 36 in. lite)	-	0.58	0.48	0.46	0.42
45% glazing (22 in. x 64 in. lite)	-	0.69	0.49	0.46	0.39
More than 50% glazing		Use Table 10-6A			
Insulated steel slab with wood edge in wood frame ^a	0.16				
6% glazing (22 in. x 8 in. lite)	-	0.21	0.20	0.19	0.18
25% glazing (22 in. x 36 in. lite)	-	0.39	0.28	0.26	0.23
45% glazing (22 in. x 64 in. lite)	-	0.58	0.38	0.35	0.26
More than 50% glazing		Use Table 10-6A			
Foam insulated steel slab with metal edge in steel frame ^b	0.37				
6% glazing (22 in. x 8 in. lite)	-	0.44	0.42	0.41	0.39
25% glazing (22 in. x 36 in. lite)	-	0.55	0.50	0.48	0.44
45% glazing (22 in. x 64 in. lite)	-	0.71	0.59	0.56	0.48
More than 50% glazing		Use Table 10-6A			
Cardboard honeycomb slab with metal edge in steel frame ^b	0.61				
<i>Style and Rail Doors</i>					
Sliding glass doors/French doors		Use Table 10-6A			
<i>Site-Assembled Style and Rail Doors</i>					
Aluminum in aluminum frame	-	1.32	0.99	0.93	0.79
Aluminum in aluminum frame with thermal break	-	1.13	0.80	0.74	0.63
REVOLVING DOORS (Rough opening - 82 in. x 84 in.)					
Aluminum in aluminum frame					
Open	-	1.32	-	-	-
Closed	-	0.65	-	-	-
SECTIONAL OVERHEAD DOORS (Nominal - 10 ft x 10 ft)					
Uninsulated steel (nominal U = 1.15) ^c	1.15	-	-	-	-
Insulated steel (nominal U = 0.11) ^c	0.24	-	-	-	-
Insulated steel with thermal break (nominal U = 0.08) ^c	0.13	-	-	-	-

- a. Thermally broken sill (add 0.03 for nonthermally broken sill)
- b. Nonthermally broken sill
- c. Nominal U-factors are through the center of the insulated panel before consideration of thermal bridges around the edges of the door sections and due to the frame.

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TABLE 10-6D
Group R Occupancy: DEFAULT U-FACTORS FOR GLAZED DOORS
 See Table 10-6C

TABLE 10-6E
Group R Occupancy: DEFAULT U-FACTORS FOR OVERHEAD GLAZING

Glazing Type	Frame Type			
	Aluminum without Thermal Break	Aluminum with Thermal Break	Reinforced Vinyl/ Aluminum-Clad Wood or Vinyl	Wood or Vinyl-Clad Wood/ Vinyl without Reinforcing
Single Glazing glass	U-1.58	U-1.51	U-1.40	U-1.18
acrylic/polycarb	U-1.52	U-1.45	U-1.34	U-1.11
Double Glazing air	U-1.05	U-0.89	U-0.84	U-0.67
argon	U-1.02	U-0.86	U-0.80	U-0.64
Double Glazing, $e = 0.20$ air	U-0.96	U-0.80	U-0.75	U-0.59
argon	U-0.91	U-0.75	U-0.70	U-0.54
Double Glazing, $e = 0.10$ air	U-0.94	U-0.79	U-0.74	U-0.58
argon	U-0.89	U-0.73	U-0.68	U-0.52
Double Glazing, $e = 0.05$ air	U-0.93	U-0.78	U-0.73	U-0.56
argon	U-0.87	U-0.71	U-0.66	U-0.50
Triple Glazing air	U-0.90	U-0.70	U-0.67	U-0.51
argon	U-0.87	U-0.69	U-0.64	U-0.48
Triple Glazing, $e = 0.20$ air	U-0.86	U-0.68	U-0.63	U-0.47
argon	U-0.82	U-0.63	U-0.59	U-0.43
Triple Glazing, $e = 0.20$ on 2 surfaces air	U-0.82	U-0.64	U-0.60	U-0.44
argon	U-0.79	U-0.60	U-0.56	U-0.40
Triple Glazing, $e = 0.10$ on 2 surfaces air	U-0.81	U-0.62	U-0.58	U-0.42
argon	U-0.77	U-0.58	U-0.54	U-0.38
Quadruple Glazing, $e = 0.10$ on 2x surfaces air	U-0.78	U-0.59	U-0.55	U-0.39
argon	U-0.74	U-0.56	U-0.52	U-0.36
krypton	U-0.70	U-0.52	U-0.48	U-0.32

1. U-factors are applicable to both glass and plastic, flat and domed units, all spacers and gaps.
2. Emissivities shall be less than or equal to the value specified.
3. Gap fill shall be assumed to be air unless there is a minimum of 90% argon or krypton.
4. Aluminum frame with thermal break is as defined in footnote 9 to Table 10-6B.

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AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1132 Alterations and repairs. 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 the use of the exception in Section 1130. 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:

1132.1 Building Envelope: Alterations or repairs shall comply with nominal R-values and glazing requirements in Table 13-1 or 13-2.

EXCEPTIONS:

1. Storm windows installed over existing glazing.
2. Glass replaced in existing sash and frame provided that glazing is of equal or lower U-factor.
3. For solar heat gain coefficient compliance, glazing with a solar heat gain coefficient equal to or lower than that of the other existing glazing.
4. Existing roof/ceiling, wall or floor cavities exposed during construction provided that these cavities are insulated to full depth with insulation having a minimum nominal value of R-3.0 per inch installed per Sections 1311 and 1313.
5. Existing walls and floors without framing cavities, provided that any new cavities added to existing walls and floors comply with Exception 4.
6. Existing roofs where the roof membrane is being replaced and
 - a. The roof sheathing or roof insulation is not exposed; or
 - b. If there is existing roof insulation below the deck. In no case shall the energy efficiency of the building be decreased.

1132.2 Building Mechanical Systems: Those parts of systems which are altered or replaced shall comply with Chapter 14 of this Code.

1132.3 Lighting and Motors: Where the use in a space changes from one use in Table 15-1 to another use in Table 15-1, the installed lighting wattage shall comply with Section 1521 or 1531.

Other tenant improvements, alterations or repairs where 60 percent or more of the fixtures ((in a use)) in a space enclosed by walls or ceiling-height partitions (as defined in Table 15-1) within a tenant space or in an entire floor (((whichever is smaller))) are new shall comply with Sections 1531 and 1532. Where less than 60 percent of the fixtures in a space enclosed by walls or ceiling-height partitions are new, the installed lighting wattage shall be maintained or reduced. Where 60 percent or more of the lighting fixtures in a suspended ceiling are new, and the existing insulation is on the suspended ceiling, the roof/ceiling assembly shall be insulated according to the provisions of Chapter 13 Section 1311.2.

Where new wiring is being installed to serve added fixtures and/or fixtures are being relocated to a new circuit, controls shall comply with Sections 1513.1 through 1513.5 and, as applicable, 1513.7. In addition, office areas less than 300 ft² enclosed by walls or ceiling-height partitions, and all meeting and conference rooms, and all school classrooms,

shall be equipped with occupancy sensors that comply with Sections 1513.6 and 1513.7. Where a new lighting panel (or a moved lighting panel) with all new raceway and conductor wiring from the panel to the fixtures is being installed, controls shall ((comply with)) also comply with the other requirements in Sections 1513.6 and 1513.7.

Where new walls or ceiling-height partitions are added to an existing space and create a new enclosed space, but the lighting fixtures are not being changed, other than being relocated, the new enclosed space shall have controls that comply with Sections 1513.1 through 1513.2, 1513.4, and 1513.6 through 1513.7.

Those motors which are altered or replaced shall comply with Section 1511.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1322 Opaque envelope. Roof/ceilings, opaque exterior walls, opaque doors, floors over unconditioned space, below grade walls, slab on grade floors, and radiant floors enclosing conditioned spaces shall be insulated according to Section 1311 and Tables 13-1 or 13-2. Compliance with nominal R-values shall be demonstrated for the thermal resistance of the added insulation in framing cavities and/or insulated sheathing only. Nominal R-values shall not include the thermal transmittance of other building materials or air films.

For metal frame assemblies used in spaces with electric resistance space heat, compliance shall be demonstrated with the component U-factor for the overall assembly based on the assemblies in Chapter 10.

EXCEPTIONS:

1. Opaque smoke vents are not required to meet insulation requirements.
2. ~~((The perimeter edge of an above grade floor slab which penetrates the exterior wall may be left uninsulated provided that the wall insulation is increased by R-2 above))~~ For prescriptive compliance only.
 - a. For glazing areas that are 30% and less of the gross wall area, the insulation of the perimeter edge of an above grade floor slab which penetrates the exterior wall may be reduced to R-5 provided the glazing U-factor is reduced by U-0.05 below that required in Tables 13-1 and 13-2.
 - b. For glazing areas that exceed 30% of the gross wall area, the perimeter edge of an above grade floor slab which penetrates the exterior wall may be left uninsulated provided that the glazing U-factor is reduced by U-0.10 below that required in Tables 13-1 and 13-2.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1331 General. Buildings or structures whose design heat loss rate (UA_p) and solar heat gain coefficient rate ($SHGC \cdot A_p$) are less than or equal to the target heat loss rate (UA_t) and solar heat gain coefficient rate ($SHGC \cdot A_t$) shall be considered in compliance with this section. The stated U-factor, F-factor or allowable area of any component assembly, listed in Tables 13-1 or 13-2, such as roof/ceiling, opaque wall, opaque door, glazing, floor over

conditioned space, slab on grade floor, radiant floor or opaque floor may be increased and the U-factor or F-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, F-factors or allowable areas specified in this section.

(EXCEPTION: For buildings or structures utilizing the other space heat type (including heat pumps and VAV) compliance path, for the gross opaque wall, opaque door and glazing (vertical and overhead) area only, compliance may also be shown using the ENVSTD diskette version 2.1 of ASHRAE/IESNA Standard 90.1-1989, or an approved alternative, with the following additional requirements:
 1. Only the Exterior Wall Requirements portion of the ENVSTD computer program may be used under this exception.

- 2. Overhead glazing shall be added to vertical glazing, and shall be input as 1/4 north, 1/4 east, 1/4 south and 1/4 west facing.
- 3. Lighting loads shall be determined according to Table 15-1.
- 4. Equipment loads shall be determined from Table 3-1 of Standard RS-29.)

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1334 Solar heat gain coefficient rate calculations. Solar heat gain coefficient shall comply with Section 1323.3. The target SHGCA_t and the proposed SHGCA_p shall be calculated using Equation 13-3 and 13-4 and the corresponding areas and SHGCs from Table 13-1 or 13-2.

**Equation 13-1:
Target UA_t**

$$UA_t = U_{rat}A_{rat} + U_{ograt}A_{ograt} + U_{ort}A_{ort} + U_{ogort}A_{ogort} + U_{wt}A_{wt} + U_{vgt}A_{vgt} + U_{dt}A_{dt} + U_{ft}A_{ft} + F_{st}P_{st} + U_{bgwt}A_{bgwt}$$

UA_t = The target combined specific heat transfer of the gross roof/ceiling assembly, exterior wall and floor area.

Where:

- U_{rat} = The thermal transmittance value for roofs over attics found in Table 13-1 or 13-2.
- U_{ograt} = The thermal transmittance for overhead glazing found in Table 13-1 or 13-2 which corresponds to the proposed total glazing area as a percent of gross exterior wall area.
- U_{ort} = The thermal transmittance value for other roofs found in Table 13-1 or 13-2.
- U_{ogort} = The thermal transmittance for overhead glazing found in Table 13-1 or 13-2 which corresponds to the proposed total glazing area as a percent of gross exterior wall area.
- U_{wt} = The thermal transmittance value for opaque walls found in Table 13-1 or 13-2.
- U_{vgt} = The thermal transmittance value for vertical glazing found in Table 13-1 or 13-2 which corresponds to the proposed total glazing area as a percent of gross exterior wall area.
- U_{dt} = The thermal transmittance value for opaque doors found in Table 13-1 or 13-2.
- U_{ft} = The thermal transmittance value for floors over unconditioned space found in Table 13-1 or 13-2.
- F_{st} = The F-factor for slab-on-grade and radiant slab floors found in Table 13-1 or 13-2.
- U_{bgwt} = The thermal transmittance value for opaque walls found in Table 13-1 or 13-2.
- A_{dt} = The proposed opaque door area, A_d.
- A_{ft} = The proposed floor over unconditioned space area, A_f.
- P_{st} = The proposed lineal feet of slab-on-grade and radiant slab floor perimeter, P_s.
- A_{bgwt} = The proposed below grade wall area, A_{bgw}.

and;

if the total amount of glazing area as a percent of gross exterior wall area does not exceed the maximum allowed in Table 13-1 or 13-2:

- A_{rat} = The proposed roof over attic area, A_{ra}.
- A_{ograt} = The proposed overhead glazing area in roofs over attics, A_{ogra}.

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- A_{ort} = The proposed other roof area, A_{or} .
- A_{ogort} = The proposed overhead glazing area in other roofs, A_{ogor} .
- A_{wt} = The proposed opaque above grade wall area, A_w .
- A_{vgt} = The proposed vertical glazing area, A_{vg} .

or;

if the total amount of glazing area as a percent of gross exterior wall area exceeds the maximum allowed in Table 13-1 or 13-2:

- A_{rai} = The greater of:
the proposed roof over attic area, and
the gross roof over attic area minus A_{ograt} .
- A_{ograt} = The lesser of:
proposed overhead glazing area in roofs over attics, and
the maximum allowed glazing area from Table 13-1 or 13-2.
- A_{ort} = The greater of:
the proposed other roof area, and
the gross other roof area minus A_{ogort} .
- A_{ogort} = The lesser of:
the proposed overhead glazing area in other roofs, and
the maximum allowed glazing area from Table 13-1 or 13-2 minus A_{ograt} .
- A_{wt} = The greater of:
proposed opaque above grade wall area, and
the gross exterior above grade wall area minus A_{ra} minus A_{vgt} .
- A_{vgt} = The lesser of:
the proposed vertical glazing area, and
the maximum allowed glazing area from Table 13-1 or 13-2 minus A_{ograt} minus A_{ogort} .

EQUATION 13-2
Proposed UA_p

$$UA_p = U_{ra}A_{ra} + U_{or}A_{or} + U_{og}A_{og} + U_wA_w + U_dA_d + U_{vg}A_{vg} + U_rA_r + F_sP_s + U_{bgw}A_{bgw}$$

Where:

- UA_p = The combined proposed specific heat transfer of the gross exterior wall, floor and roof/ceiling assembly area.
- U_{ra} = The thermal transmittance of the roof over attic area.
- A_{ra} = Opaque roof over attic area.
- U_{or} = The thermal transmittance of the other roof area.
- A_{or} = Opaque other roof area.
- U_{og} = The thermal transmittance for the overhead glazing
- A_{og} = Overhead glazing area.
- U_w = The thermal transmittance of the opaque wall area.
- A_w = Opaque above grade wall area (not including opaque doors).
- U_{vg} = The thermal transmittance of the vertical glazing area.
- A_{vg} = Vertical glazing area.

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- U_d = The thermal transmittance value of the opaque door area.
- A_d = Opaque door area.
- U_f = The thermal transmittance of the floor over unconditioned space area.
- A_f = Floor area over unconditioned space.
- F_s = Slab-on-grade or radiant floor component F-factor.
- P_s = Lineal feet of slab-on-grade or radiant floor perimeter.
- U_{bgw} = The thermal transmittance value of the below grade wall area.
- A_{bgw} = Below grade wall area as defined in Tables 13-1 or 13-2.

NOTE: Where more than one type of wall, window, roof/ceiling, door and skylight is used, the U and A terms for those items shall be expanded into sub-elements as:

$$U_{w1}A_{w1} + U_{w2}A_{w2} + U_{w3}A_{w3} + \dots \text{etc.}$$

EQUATION 13-3
Target SHGCA_t

$$SHGCA_t = SHGC_t (A_{ograt} + A_{ogort} + A_{vgl})$$

Where:

SHGCA_t = The target combined specific heat gain of the target glazing area.

SHGC_t = The solar heat gain coefficient for glazing found in Table 13-1 or 13-2 which corresponds to the proposed total glazing area as a percent of gross exterior wall area, and

A_{ograt}, A_{ogort}, and A_{vgl} are defined under Equation 13-1.

EQUATION 13-4
Proposed SHGCA_p

$$SHGCA_p = SHGC_{og}A_{og} + SHGC_{vg}A_{vg}$$

Where:

SHGCA_t = The combined proposed specific heat gain of the proposed glazing area.

SHGC_{og} = The solar heat gain coefficient of the overhead glazing.

A_{og} = The overhead glazing area.

SHGC_{vg} = The solar heat gain coefficient of the vertical glazing.

A_{vg} = The vertical glazing area.

TABLE 13-1
BUILDING ENVELOPE REQUIREMENTS FOR CLIMATE ZONE 1

MINIMUM INSULATION R-VALUES OR
MAXIMUM COMPONENT U-FACTORS FOR ZONE 1

Building Components

Space Heat Type	Components					
	Roofs Over Attic	All Other Roofs	Opaque Walls ^{1,2}	Opaque Doors	Floor Over Uncond Space	Slab On Grade ³
I. Electric resistance heat**	R-38 or U = 0.031	R-30 or U = 0.034	R-19 or U = 0.062	U = 0.60	R-30 or U = 0.029	R-10 or F = 0.54

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Space Heat Type	Components					
	Roofs Over Attic	All Other Roofs	Opaque Walls ^{1,2}	Opaque Doors	Floor Over Uncond Space	Slab On Grade ³
2. All others including Heat pumps and VAV	R-30 or U = 0.036	R-21 or ((U=0.050)) U = 0.046	((R-11 or U=0.14)) (a) Metal framing: R-19 or U =0.109 (b) Wood framing and framing other than metal: R-19 or U = 0.062	U = 0.60	R-19 or U = 0.056	R-10 or F = 0.54

** Compliance with nominal prescriptive R-values requires wood framing.

MAXIMUM GLAZING AREAS AND U-FACTORS AND MAXIMUM GLAZING SOLAR HEAT GAIN COEFFICIENTS FOR ZONE 1

Glazing

((Maximum Glazing Area as % of Wall	0% to 15%		>15% to 20%		>20% to 30%		>30% to 40%					
	Maximum U-Factor		Max-SHGC ⁴	Maximum U-Factor		Max-SHGC ⁴	Maximum U-Factor		Max-SHGC ⁴	Maximum U-Factor		
	VG	OG		VG	OG		VG	OG		VG	OG	
1. Electric resistance heat	0.40	0.80	1.0	0.40	0.80	1.0	PRESCRIPTIVE PATH NOT ALLOWED					
2. All others including Heat pumps and VAV	0.90	1.45	1.0	0.75	1.40	1.0	0.60	1.30	0.65	0.50	1.25	0.45))

Maximum Glazing Area as % of Wall	0% to 30%			>30% to 45%		
	Maximum U-Factor		Max. SHGC ⁴	Maximum U-Factor		Max. SHGC ⁴
	VG	OG		VG	OG	
1. Electric resistance heat	0.40	0.60	0.40	PRESCRIPTIVE PATH NOT ALLOWED		
2. All others including heat pumps and VAV	0.55	0.70	0.45	0.45	0.60	0.40

Footnotes

1. Below Grade Walls:

When complying by the prescriptive approach, Section 1322:

- a) Walls insulated on the interior shall use opaque wall values,
- b) Walls insulated on the exterior shall use a minimum of R-10 insulation,
- c) Walls shall be insulated for the first 10 feet below grade. (There shall be no credit for those portions of below grade walls and footings that are more than 10 feet below grade, and ((not)) those portions below 10 feet shall not be included in the gross exterior wall area((, may be left uninsulated)).

When complying by the component performance approach, Section 1331:

- a) Walls insulated on the interior shall use the opaque wall values when determining U_{bgwt},
- b) Walls insulated on the exterior shall use a target U-factor of U = 0.070 for U_{bgwt},
- c) The calculations shall include the first 10 feet of walls below grade. (Those portions of below grade walls and footings that are more than 10 feet below grade((, and not)) shall not be included in the gross exterior wall area((, need)) and shall not be included when determining A_{bgwt} and A_{bgwl}.

- 2. **Concrete Masonry Walls:** If the area weighted heat capacity of the total opaque above grade wall is a minimum of 9.0 Btu/ft²°F, then ((the U-factor may be increased to 0.19 for interior insulation and 0.25 for integral and exterior insulation for insulation position as defined in Chapter 2. Individual walls with heat capacities less than 9.0 Btu/ft²°F and below grade walls shall meet opaque wall requirements listed above. Glazing shall comply with the following)):

- a. The area weighted average U-factor may be increased to U-0.15 maximum, or minimum additional R-5.7 continuous insulation uninterrupted by framing; or
 - b. The wall may be ASTM C90 concrete block walls, ungrouted or partially grouted at 32 in. or less on center vertically and 48 in. or less on center horizontally, with ungrouted cores filled with material having a maximum thermal conductivity of 0.44 Btu-in/h·ft²·°F.
- Individual walls with heat capacities less than 9.0 Btu/ft²·°F and below grade walls shall meet opaque wall requirements listed above.
 - Glazing shall comply with the glazing requirements listed above.

((Maximum Glazing Area as % of Wall	0 to 10 %			>10 to 15 %			>15% to 20 %			>20% to 25 %		
	Maximum U-Factor		Max- SHGC ⁴	Maximum U-Factor		Max- SHGC ⁴	Maximum U-Factor		Max- SHGC ⁴	Maximum U-Factor		Max- SHGC ⁴
	VG	OG		VG	OG		VG	OG		VG	OG	
1. Electric resistance heat	0.40	0.80	1.0	0.40	0.80	1.0	0.40	0.80	1.0	NOT ALLOWED		
2. All others including Heat pumps and VAV	0.90	1.45	1.0	0.75	1.40	1.0	0.65	1.30	0.80	0.60	1.30	0.65))

- 3. ((Reserved-)) **Roof Types:** A roof over attic is where the roof structure has at least 30 inches clear distance from the top of the bottom chord of a truss or ceiling joist to the underside of the sheathing at the roof ridge, and the ceiling is attached to the ceiling joist or the bottom of the truss or ceiling joist. Anything else is considered all other roofs.
- 4. **SHGC (Solar Heat Gain Coefficient per Section 1312.2):** May substitute Maximum Shading Coefficient (SC) for SHGC (See Chapter 2 for definition of Shading Coefficient).
- 5. **Radiant Floors:** Where insulation is required under the entire slab, radiant floors shall use a minimum of R-10 insulation or F= 0.55 maximum. Where insulation is not required under the entire slab, radiant floors shall use R-10 perimeter insulation according to Section 1311.6 or F= 0.78 maximum.

**TABLE 13-2
 BUILDING ENVELOPE REQUIREMENTS
 FOR CLIMATE ZONE 2**

**MINIMUM INSULATION R-VALUES OR
 MAXIMUM COMPONENT U-FACTORS FOR ZONE 2**

Building Components

Space Heat Type	Components					
	Roofs Over Attic	All Other Roofs	Opaque Walls ^{1,2}	Opaque Doors	Floor Over Uncond Space	Slab On Grade
1. Electric resistance heat**	R-38 or U = 0.031	R-30 or U = 0.034	R-24 or U = 0.044	U = 0.60	R-30 or U = 0.029	R-10 or F = 0.54
2. All others including Heat pumps and VAV	R-38 or U = 0.031	R-25 or ((U=0.040)) U = 0.039	((R-19 or U=0.11)) (a) Metal framing: R-13 cavity insul. +R-3.8 continuous insul. or U = 0.084 (b) Wood framing and framing other than metal: R-19 or U = 0.062	U = 0.60	R-21 or U = 0.047	R-10 or F = 0.54

** Compliance with nominal prescriptive R-values requires wood framing.

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**MAXIMUM GLAZING AREAS AND U-FACTORS AND
MAXIMUM GLAZING SOLAR HEAT GAIN COEFFICIENTS
FOR ZONE 2**

Glazing

((Maximum Glazing Area as % of Wall	0% to 15%			>15% to 20%			>20% to 25%			>25% to 30%		
	Maximum U-Factor		Max- SHGC4	Maximum U-Factor		Max- SHGC4	Maximum U-Factor		Max- SHGC4	Maximum U-Factor		Max- SHGC4
	VG	OG		VG	OG		VG	OG		VG	OG	
1. Electric resistance heat	0.40	0.80	1.0	0.40	0.80	1.0	PRESCRIPTIVE PATH NOT ALLOWED					
2. All others including Heat pumps and VAV	0.90	1.45	1.0	0.75	1.40	1.0	0.60	1.30	0.60	0.50	1.25	0.50))

Maximum Glazing Area as % of Wall	0% to 30%				>30% to 45%			
	Maximum U-Factor		Max. SHGC4	Maximum U-Factor		Max. SHGC4		
	VG	OG		VG	OG			
1. Electric resistance heat	0.40	0.60	0.40	PRESCRIPTIVE PATH NOT ALLOWED				
2. All others including heat pumps and VAV	0.55	0.70	0.45	0.45	0.60	0.40		

Footnotes

- Below Grade Walls:**

When complying by the prescriptive approach, Section 1322:

 - Walls insulated on the interior shall use opaque wall values,
 - Walls insulated on the exterior shall use a minimum of R-12 insulation,
 - Walls shall be insulated for the first 10 feet below grade. (There shall be no credit for insulating those portions of below grade walls and footings that are more than 10 feet below grade, and ((not)) those portions below 10 feet shall not be included in the gross exterior wall area((-may be left uninsulated))).

When complying by the component performance approach, Section 1331:

 - Walls insulated on the interior shall use the opaque wall values when determining U_{bgwt} ,
 - Walls insulated on the exterior shall use a target U-factor of $U = 0.061$ for U_{bgwt} ,
 - The calculations shall include the first 10 feet of walls below grade. (Those portions of below grade walls and footings that are more than 10 feet below grade((-and not)) shall not be included in the gross exterior wall area((-need)) and shall not be included when determining A_{bgwt} and A_{bgwl}).
- Concrete Masonry Walls:** If the area weighted heat capacity of the total opaque above grade wall is a minimum of 9.0 Btu/ft²°F, then the U-factor may be increased to ((0.19 for interior insulation and 0.25 for integral and exterior insulation for insulation position as defined in Chapter 2)) 0.123 maximum, or minimum additional R-7.6 continuous insulation uninterrupted by framing.
 - = Individual walls with heat capacities less than 9.0 Btu/ft²°F and below grade walls shall meet opaque wall requirements listed above.
 - = Glazing shall comply with the ((following:)) glazing requirements above.

((Maximum Glazing Area as % of Wall	0 to 5%			>5 to 7%			>7% to 10%			>10% to 15%		
	Maximum U-Factor		Max- SHGC4	Maximum U-Factor		Max- SHGC4	Maximum U-Factor		Max- SHGC4	Maximum U-Factor		Max- SHGC4
	VG	OG		VG	OG		VG	OG		VG	OG	
1. Electric resistance heat	0.40	0.80	1.0	0.40	0.80	1.0	0.40	0.80	1.0	NOT ALLOWED		
2. All others including Heat pumps and VAV	0.90	1.45	1.0	0.60	1.30	0.70	0.50	1.25	0.50	0.40	0.80	0.40))

3. ((Reserved:)) **Roof Types:** A roof over attic is where the roof structure has at least 30 inches clear distance from the top of the bottom chord of a truss or ceiling joist to the underside of the sheathing at the roof ridge, and the ceiling is attached to the ceiling joist or the bottom of the truss or ceiling joist. Anything else is considered all other roofs.
4. **SHGC (Solar Heat Gain Coefficient per Section 1312.2):** May substitute Maximum Shading Coefficient (SC) for SHGC (See Chapter 2 for definition of Shading Coefficient).
5. **Radiant Floors:** Where insulation is required under the entire slab, radiant floors shall use a minimum of R-10 insulation or $F = 0.55$ maximum. Where insulation is not required under the entire slab, radiant floors shall use R-10 perimeter insulation according to Section 1311.6 or $F = 0.78$ maximum.

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.

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AMENDATORY SECTION (Amending WSR 02-01-112, filed 12/18/01, effective 7/1/02)

WAC 51-11-1413 Economizers.

1413.1 Operation: Air economizers shall be capable of automatically modulating outside and return air dampers to provide 100 percent of the design supply air as outside air to reduce or eliminate the need for mechanical cooling. Air economizers shall be used for RS-29 analysis base case for all systems without exceptions in Sections 1413, 1423, or 1433. Water economizers shall be capable of providing the total concurrent cooling load served by the connected terminal equipment lacking airside economizer, at outside air temperatures of 45°F dry-bulb/40°F wet-bulb and below. For this calculation, all factors including solar and internal load shall be the same as those used for peak load calculations, except for the outside temperatures.

EXCEPTION: Water economizers using air-cooled heat rejection equipment may use a 35°F dry-bulb outside air temperature for this calculation. This exception is limited to a maximum of 20 tons per building.

1413.2 **Documentation:** Water economizer plans submitted for approval shall include the following information:

1. Maximum outside air conditions for which economizer is sized to provide full cooling.
2. Design cooling load to be provided by economizer at this outside air condition.
3. Heat rejection and terminal equipment performance data including model number, flow rate, capacity, entering and leaving temperature in full economizer cooling mode.

1413.3 Integrated Operation: The HVAC system and its controls shall allow economizer operation when mechanical cooling is required simultaneously. Air and water economizers shall be capable of providing partial cooling even when additional mechanical cooling is required to meet the remainder of the cooling load.

EXCEPTIONS:

1. Individual, direct expansion units that have a rated capacity less than 65,000 Btu/h and use nonintegrated economizer controls that preclude simultaneous operation of the economizer and mechanical cooling.
2. Water-cooled water chillers with waterside economizer.

1413.4 **Humidification:** If an air economizer is required on a cooling system for which humidification equipment is to be provided to maintain minimum indoor humidity levels, then the humidifier shall be of the adiabatic type (direct evaporative media or fog atomization type) ~~((that cools return air while humidifying outside air while in economizer. If a water economizer or no economizer is provided, the isothermal type of humidifier may be used (steam injection, gas, electric resistance or infrared generator type that uses new energy to boil moisture to be added)))~~.

EXCEPTIONS:

1. Health care facilities where WAC 246-320-525 allows only steam injection humidifiers in ductwork downstream of final filters.
2. Systems with water economizer.
3. 100% outside air systems with no provisions for air recirculation to the central supply fan.
4. Nonadiabatic humidifiers cumulatively serving no more than 10% of a building's air economizer capacity as measured in cfm. This refers to the system cfm

servicing rooms with stand alone or duct mounted humidifiers.

AMENDATORY SECTION (Amending WSR 02-01-112, filed 12/18/01, effective 7/1/02)

WAC 51-11-1423 Economizers. Economizers meeting the requirements of Section 1413 shall be installed on ~~((single package unitary fan-))~~:

a. Cooling units installed outdoors or in a mechanical room adjacent to outdoors having a ~~((supply capacity of greater than 1,900 cfm or a))~~ total cooling capacity greater than ~~((54,000))~~ 20,000 Btu/h including those servicing computer server rooms, electronic equipment, radio equipment, telephone switchgear; and

b. Other cooling units with a total cooling capacity greater than 54,000 Btu/h, including those servicing computer server rooms, electronic equipment, radio equipment, and telephone switchgear.

The total capacity of all units without economizers ~~(i.e., those units with a total cooling capacity less than a. and b. above)~~ shall not exceed 240,000 Btu/h per building, or 10% of its aggregate cooling (economizer) capacity, whichever is greater. That portion of the equipment serving Group R Occupancy is not included in determining the total capacity of all units without economizers in a building.

AMENDATORY SECTION (Amending WSR 02-01-112, filed 12/18/01, effective 7/1/02)

WAC 51-11-1433 Economizers. Air economizers meeting the requirements of Section 1413 shall be provided on all new systems including those servicing computer server rooms, electronic equipment, radio equipment, telephone switchgear.

EXCEPTIONS:

1. ~~((Single package unitary fan cooling units installed outdoors or in a mechanical room adjacent to outdoors with a total cooling capacity less than 20,000 Btu/h. Other single package unitary fan cooling units with a total cooling capacity less than 54,000 Btu/h. The total capacity of all such systems without economizers shall not exceed 240,000 Btu/h per building, or 10% of its air economizer capacity, whichever is greater. That portion of the equipment serving Group R Occupancy is not included in determining the total capacity of all units without economizers in a building.)) High-efficiency cooling units with EER values more than 10% higher than minimum efficiencies listed in Tables 14-1A, 14-1B and 14-1D, in the appropriate size category, using the same test procedures. The total capacity of all systems without economizers shall not exceed 480,000 Btu/h per building, or 20% of its air economizer capacity, whichever is greater. That portion of the equipment serving Group R Occupancy is not included in determining the total capacity of all units without economizers in a building. This exception shall not be used for RS-29 analysis nor include unitary cooling equipment installed outdoors nor in a mechanical room adjacent to outdoors.~~
2. Water-cooled refrigeration equipment provided with a water economizer meeting the requirements of Section 1413. Water economizer capacity per building shall not exceed 500 tons. This exception shall not be used for RS-29 analysis.

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- 3. Systems for which at least 75% of the annual energy used for mechanical cooling is provided from site-recovery or site-solar energy source.
- 4. Systems where special outside air filtration and treatment, for the reduction and treatment of unusual outdoor contaminants, makes an air economizer infeasible.
- 5. Systems that affect other systems (such as dehumidification and supermarket refrigeration systems) so as to increase the overall building energy consumption. New humidification equipment shall comply with Section 1413.4.
- 6. Systems complying with all of the following criteria:
 - a. Consist of multiple water source heat pumps connected to a common water loop;
 - b. Have a minimum of 60% air economizer;
 - c. Have water source heat pumps with an EER at least 15% higher for cooling and a COP at least 15% higher for heating than that specified in Section 1411;
 - d. Where provided, have a central boiler or furnace efficiency of:

- i. 90% minimum for units up to 199,000 Btu/h; and
- ii. 85% minimum for units above 199,000 Btu/h input; and
- e. Provide heat recovery with a minimum 50% heat recovery effectiveness as defined in Section 1436 to preheat the outside air supply.
- 7. For Group R Occupancy, cooling units installed outdoors or in a mechanical room adjacent to outdoors with a total cooling capacity less than 20,000 Btu/h and other cooling units with a total cooling capacity less than 54,000 Btu/h.

AMENDATORY SECTION (Amending WSR 02-01-112, filed 12/18/01, effective 7/1/02)

WAC 51-11-1454 Pool covers. Heated pools shall be equipped with a vapor retardant pool cover on or at the water surface. Pools heated to more than 90 degrees F shall have a pool cover with a minimum insulation value of R-12.

Table 14-1A
Unitary Air Conditioners and Condensing Units, Electrically Operated, Minimum Efficiency Requirements

Equipment Type	Size Category	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure ^a		
Air Conditioners, Air Cooled	< 65,000 Btu/h ^d	Split System <u>Before January 23, 2006</u>	10.0 SEER	ARI 210/240		
		<u>After January 23, 2006</u>	<u>12.0 SEER</u>			
	≥ 65,000 Btu/h and < 135,000 Btu/h	Single Package <u>Before January 23, 2006</u>	9.7 SEER		ARI 340/360	
		<u>After January 23, 2006</u>	<u>12.0 SEER</u>			
	≥ 135,000 Btu/h and < 240,000 Btu/h	Split System and Single Package	10.3 EER ^c			ARI 340/360
	≥ 240,000 Btu/h and < 760,000 Btu/h	Split System and Single Package	9.7 EER ^c			
≥ 760,000 Btu/h	Split System and Single Package	9.5 EER ^c 9.7 IPLV ^c				
	Split System and Single Package	9.2 EER ^c 9.4 IPLV ^c				
<u>Through-the-Wall, Air Cooled</u>	< 30,000 Btu/h ^d	Split System <u>Before January 23, 2006</u>	<u>10.0 SEER</u>	ARI 210/240		
		<u>After January 23, 2006</u>	<u>10.9 SEER</u>			
		Single Package <u>Before January 23, 2006</u>	9.7 SEER			
		<u>After January 23, 2006</u>	<u>10.6 SEER</u>			
<u>Small-Duct High-Velocity, Air Cooled</u>	< 65,000 Btu/h ^d	Split System	<u>10.0 SEER</u>	<u>ARI 210/240</u>		
Air Conditioners, Water and Evaporatively Cooled	< 65,000 Btu/h	Split System and Single Package	12.1 EER	ARI 210/240		
	≥ 65,000 Btu/h and < 135,000 Btu/h	Split System and Single Package	11.5 EER ^c			

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Equipment Type	Size Category	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure ^a
	≥ 135,000 Btu/h and ≤ 240,000 Btu/h	Split System and Single Package	11.0 EER ^c	ARI 340/360
	> 240,000 Btu/h	Split System and Single Package	11.0 EER ^c 10.3 IPLV ^c	
Condensing Units, Air Cooled	≥ 135,000 Btu/h		10.1 EER 11.2 IPLV	ARI 365
Condensing Units, Water or Evaporatively Cooled	≥ 135,000 Btu/h		13.1 EER 13.1 IPLV	

^a Reserved.

^b IPLVs are only applicable to equipment with capacity modulation.

^c Deduct 0.2 from the required EERs and IPLVs for units with a heating section other than electric resistance heat.

^d Single-phase air-cooled air-conditioners < 65,000 Btu/h are regulated by NAECA. SEER values are those set by NAECA.

Table 14-1B
Unitary and Applied Heat Pumps, Electrically Operated, Minimum Efficiency Requirements

Equipment Type	Size Category	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure ^a
Air Cooled, (Cooling Mode)	< 65,000 Btu/h ^d	Split System		ARI 210/240
		Before January 23, 2006	10.0 SEER	
	After January 23, 2006	12.0 SEER		
	Single Package			
	Before January 23, 2006	9.7 SEER		
		After January 23, 2006	12.0 SEER	
	≥ 65,000 Btu/h and < 135,000 Btu/h	Split System and Single Package	10.1 EER ^c	
	≥ 135,000 Btu/h and < 240,000 Btu/h	Split System and Single Package	9.3 EER ^c	ARI 340/360
	≥ 240,000 Btu/h	Split System and Single Package	9.0 EER ^c 9.2 IPLV ^c	
<u>Through-the-Wall (Air Cooled, Cooling Mode)</u>	< 30,000 Btu/h ^d	Split System		<u>ARI 210/240</u>
		Before January 23, 2006	10.0 SEER	
		After January 23, 2006	10.9 SEER	
		Single Package		
		Before January 23, 2006	9.7 SEER	
		After January 23, 2006	10.6 SEER	
<u>Small-Duct High-Velocity (Air Cooled, Cooling Mode)</u>	< 65,000 Btu/h ^d	Split System	10.0 SEER	<u>ARI 210/240</u>
Water-Source (Cooling Mode)	< 17,000 Btu/h	86°F Entering Water	11.2 EER	ARI/ISO-13256-1
	≥ 17,000 Btu/h and < 65,000 Btu/h	86°F Entering Water	12.0 EER	ARI/ISO-13256-1
	≥ 65,000 Btu/h and < 135,000 Btu/h	86°F Entering Water	12.0 EER	ARI/ISO-13256-1
Groundwater-Source (Cooling Mode)	< 135,000 Btu/h	59°F Entering Water	16.2 EER	ARI/ISO-13256-1
Ground Source (Cooling Mode)	< 135,000 Btu/h	77°F Entering Water	13.4 EER	ARI/ISO-13256-1

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Equipment Type	Size Category	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure ^a
Air Cooled (Heating Mode)	< 65,000 Btu/h ^d (Cooling Capacity)	Split System		ARI 210/240
		<u>Before January 23, 2006</u> <u>After January 23, 2006</u>	6.8 HSPF 7.4 HSPF	
	Single Package			
	<u>Before January 23, 2006</u> <u>After January 23, 2006</u>	6.6 HSPF 7.4 HSPF		
	≥ 65,000 Btu/h and < 135,000 Btu/h (Cooling Capacity)	47°F db/43°F wb Outdoor Air 17°F db/15°F wb Outdoor Air	3.2 COP 2.2 COP	
	≥ 135,000 Btu/h (Cooling Capacity)	47°F db/43°F wb Outdoor Air 17°F db/15°F wb Outdoor Air	3.1 COP 2.0 COP	ARI 340/360
<u>Through-the-Wall (Air Cooled, Heating Mode)</u>	< 30,000 Btu/h ^d	Split System		<u>ARI 210/240</u>
		<u>Before January 23, 2006</u> <u>After January 23, 2006</u>	6.8 HSPF 7.1 HSPF	
	Single Package			
	<u>Before January 23, 2006</u> <u>After January 23, 2006</u>	6.6 HSPF 7.0 HSPF		
<u>Small-Duct High-Velocity (Air Cooled, Heating Mode)</u>	< 65,000 Btu/h ^d	Split System	6.8 HSPF	<u>ARI 210/240</u>
Water-Source (Heating Mode)	< 135,000 Btu/h (Cooling Capacity)	68°F Entering Water	4.2 COP	ARI/ISO-13256-1
Groundwater-Source (Heating Mode)	< 135,000 Btu/h (Cooling Capacity)	50°F Entering Water	3.6 COP	ARI/ISO-13256-1
Ground Source (Heating Mode)	< 135,000 Btu/h (Cooling Capacity)	32°F Entering Water	3.1 COP	ARI/ISO-13256-1

^a Reserved.

^b IPLVs and part load rating conditions are only applicable to equipment with capacity modulation.

^c Deduct 0.2 from the required EERs and IPLVs for units with a heating section other than electric resistance heat.

^d Single-phase air-cooled heat pumps < 65,000 Btu/h are regulated by NAECA. SEER and HSPF values are those set by NAECA.

Table 14-1C
Water Chilling Packages, Minimum Efficiency Requirements

Equipment Type	Size Category	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure ^a
Air Cooled, With Condenser, Electrically Operated	All Capacities		2.80 COP 3.05 IPLV	ARI 550/590
Air Cooled, Without Condenser, Electrically Operated	All Capacities		3.10 COP 3.45 IPLV	
Water Cooled, Electrically Oper- ated, Positive Displacement -- (Reciprocating)	All Capacities		4.20 COP 5.05 IPLV	ARI 550/590

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Equipment Type	Size Category	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure ^a
Air Cooled, With Condenser, Electrically Operated	All Capacities		2.80 COP 3.05 IPLV	ARI 550/590
Water Cooled, Electrically Operated, Positive Displacement (Rotary Screw and Scroll)	< 150 Tons		4.45 COP 5.20 IPLV	ARI 550/590
	≥ 150 Tons and < 300 Tons		4.90 COP 5.60 IPLV	
	≥ 300 Tons		5.50 COP 6.15 IPLV	
Water Cooled, Electrically Operated, Centrifugal	< 150 Tons		5.00 COP 5.25 IPLV	ARI 550/590
	≥ 150 Tons and < 300 Tons		5.55 COP 5.90 IPLV	
	≥ 300 Tons		6.10 COP 6.40 IPLV	
Air Cooled Absorption Single Effect	All Capacities		0.60 COP	ARI 560
Water Cooled Absorption Single Effect	All Capacities		0.70 COP	
Absorption Double Effect, Indirect-Fired	All Capacities		1.00 COP 1.05 IPLV	
Absorption Double Effect, Direct-Fired	All Capacities		1.00 COP 1.00 IPLV	

^a Reserved.

^b The chiller equipment requirements do not apply for chillers used in low temperature applications where the design leaving fluid temperature is less than or equal to 40°F.

**Table 14-1D
Packaged Terminal Air Conditioners, Packaged Terminal Heat Pumps, Room Air Conditioners, and Room Air Conditioner Heat Pumps, Electrically Operated, Minimum Efficiency Requirements**

Equipment Type	Size Category (Input)	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure ^a
PTAC (Cooling Mode) New Construction	All Capacities	95°F db Outdoor Air	12.5 - (0.213 x Cap/1000) ^b EER	ARI 310/380
PTAC (Cooling Mode) Replacements ^c	All Capacities	95°F db Outdoor Air	10.9 - (0.213 x Cap/1000) ^b EER	
PTHP (Cooling Mode) New Construction	All Capacities	95°F db Outdoor Air	12.3 - (0.213 x Cap/1000) ^b EER	
PTHP (Cooling Mode) Replacements ^c	All Capacities	95°F db Outdoor Air	10.8 - (0.213 x Cap/1000) ^b EER	
PTHP (Heating Mode) New Construction	All Capacities		3.2 - (0.026 x Cap/1000) ^b COP	
PTHP (Heating Mode) Replacements ^c	All Capacities		2.9 - (0.026 x Cap/1000) ^b COP	
<u>SPVAC (Cooling Mode)</u>	<u>All Capacities</u>	<u>95°F db/75°F wb Outdoor Air</u>	<u>8.6 EER</u>	<u>ARI-390</u>
<u>SPVHP (Cooling Mode)</u>	<u>All Capacities</u>	<u>95°F db/75°F wb Outdoor Air</u>	<u>8.6 EER</u>	

Equipment Type	Size Category (Input)	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure ^a
<u>SPVAC (Heating Mode)</u>	<u>All Capacities</u>	<u>47°F db/43°F wb Out-door Air</u>	<u>2.7 COP</u>	
Room Air Conditioners, with Louvered Sides	< 6,000 Btu/h		9.7 EER	ANSI/AHAM RAC-1
	≥ 6,000 Btu/h and < 8,000 Btu/h		9.7 EER	
	≥ 8,000 Btu/h and < 14,000 Btu/h		9.8 EER	
	≥ 14,000 Btu/h and < 20,000 Btu/h		9.7 EER	
	≥ 20,000 Btu/h		8.5 EER	
Room Air Conditioners, without Louvered Sides	< 8,000 Btu/h		9.0 EER	
	≥ 8,000 Btu/h and < 20,000 Btu/h		8.5 EER	
	≥ 20,000 Btu/h		8.5 EER	
Room Air Conditioner Heat Pumps with Louvered Sides	< 20,000 Btu/h		9.0 EER	
	≥ 20,000 Btu/h		8.5 EER	
Room Air Conditioner Heat Pumps without Louvered Sides	< 14,000 Btu/h		8.5 EER	
	≥ 14,000 Btu/h		8.0 EER	
Room Air Conditioner, Casement Only	All Capacities		8.7 EER	
Room Air Conditioner, Casement – Slider	All Capacities		9.5 EER	

^a Reserved.

^b Cap means the rated cooling capacity of the product in Btu/h. If the unit's capacity is less than 7000 Btu/h, use 7000 Btu/h in the calculation. If the unit's capacity is greater than 15,000 Btu/h, use 15,000 Btu/h in the calculation.

^c Replacement units must be factory labeled as follows: "MANUFACTURED FOR REPLACEMENT APPLICATIONS ONLY; NOT TO BE INSTALLED IN NEW CONSTRUCTION PROJECTS." Replacement efficiencies apply only to units with existing sleeves less than 16-in. high and less than 42-in. wide.

^d Casement room air conditioners are not separate product classes under current minimum efficiency column.

^e New room air conditioner standards, covered by NAECA became effective October 1, 2000.

Table 14-1E

Warm Air Furnaces and Combination Warm Air Furnaces/Air-Conditioning Units, Warm Air Duct Furnaces and Unit Heaters, Minimum Efficiency Requirements

Equipment Type	Size Category (Input)	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure ^a
Warm Air Furnace, Gas-Fired	< 225,000 Btu/h (66 kW)		78% AFUE or 80% E _c ^c	DOE 10 CFR Part 430 or ANSI Z21.47
	≥ 225,000 Btu/h (66 kW)	Maximum Capacity ^c Minimum Capacity ^c	80% E _c ^f	ANSI Z21.47
Warm Air Furnace, Oil-Fired	< 225,000 Btu/h (66 kW)		78% AFUE or 80% E _c ^c	DOE 10 CFR Part 430 or UL 727

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Equipment Type	Size Category (Input)	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure ^a
	≥ 225,000 Btu/h (66 kW)	Maximum Capacity ^b Minimum Capacity ^b	81% E _t ^s —	UL 727
Warm Air Duct Furnaces, Gas-Fired	All Capacities	Maximum Capacity ^b Minimum Capacity ^b	80% E _c ^e —	ANSI Z83.9
Warm Air Unit Heaters, Gas-Fired	All Capacities	Maximum Capacity ^b Minimum Capacity ^b	80% E _c ^e —	ANSI Z83.8
Warm Air Unit Heaters, Oil-Fired	All Capacities	Maximum Capacity ^b Minimum Capacity ^b	80% E _c ^e —	UL 731

^a Reserved.

^b Minimum and maximum ratings as provided for and allowed by the unit's controls.

^c Combination units not covered by NAECA (3-phase power or cooling capacity greater than or equal to 65,000 Btu/h [19 kW]) may comply with either rating.

^d E_t = Thermal efficiency. See test procedure for detailed discussion.

^e E_c = Combustion efficiency (100% less flue losses). See test procedure for detailed discussion.

^f E_c = Combustion efficiency. Units must also include an IID, have jacket losses not exceeding 0.75% of the input rating, and have either power venting or a flue damper. A vent damper is an acceptable alternative to a flue damper for those furnaces where combustion air is drawn from the conditioned space.

^s E_t = Thermal efficiency. Units must also include an IID, have jacket losses not exceeding 0.75% of the input rating, and have either power venting or a flue damper. A vent damper is an acceptable alternative to a flue damper for those furnaces where combustion air is drawn from the conditioned space.

**Table 14-1F
Boilers, Gas- and Oil-Fired, Minimum Efficiency Requirements**

Equipment Type ^f	Size Category	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure
Boilers, Gas-Fired	< 300,000 Btu/h	Hot Water	80% AFUE	DOE 10 CFR Part 430
		Steam	75% AFUE	
	≥ 300,000 Btu/h and ≤ 2,500,000 Btu/h	Maximum Capacity ^b	75% E _t	H.I. Htg Boiler Std
		> 2,500,000 Btu/h ^f	Hot Water	
Boilers, Oil-Fired	< 300,000 Btu/h		80% AFUE	DOE 10 CFR Part 430
		Maximum Capacity ^b	78% E _t	
	≥ 300,000 Btu/h and ≤ 2,500,000 Btu/h	Hot Water	83% E _c	H.I. Htg Boiler Std
		> 2,500,000 Btu/h ^f	Steam	
Oil-Fired (Residual)	≥ 300,000 Btu/h and ≤ 2,500,000 Btu/h	Maximum Capacity ^b	78% E _t	H.I. Htg Boiler Std
	> 2,500,000 Btu/h ^f	Hot Water	83% E _c	
	> 2,500,000 Btu/h ^f	Steam	83% E _c	

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Equipment Type ^f	Size Category	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure
^a Reserved. ^b Minimum and maximum ratings as provided for and allowed by the unit's controls. ^c E _c = Combustion efficiency (100% less flue losses). See reference document for detailed information. ^d E _t = Thermal efficiency. See reference document for detailed information. ^e Alternate test procedures used at the manufacturer's option are ASME PTC-4.1 for units over 5,000,000 Btu/h input, or ANSI Z21.13 for units greater than or equal to 300,000 Btu/h and less than or equal to 2,500,000 Btu/h input. ^f These requirements apply to boilers with rated input of 8,000,000 Btu/h or less that are not packaged boilers, and to all packaged boilers. Minimum efficiency requirements for boilers cover all capacities of packaged boilers.				

Table 14-1G
Performance Requirements for Heat Rejection Equipment

Equipment Type	Total System Heat Rejection Capacity at Rated Conditions	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure ^c
Propeller or Axial Fan Cooling Towers	All	95°F (35°C) Entering Water 85°F (29°C) Leaving Water 75°F (24°C) wb Outdoor Air	≥38.2 gpm/hp	CTI ATC-105 and CTI STD-201
Centrifugal Fan Cooling Towers	All	95°F (35°C) Entering Water 85°F (29°C) Leaving Water 75°F (24°C) wb Outdoor Air	≥ 20.0 gpm/hp	CTI ATC-105 and CTI STD-201
Air Cooled Condensers	All	125°F (52°C) Condensing Temperature R22 Test Fluid 190°F (88°C) Entering Gas Temperature 15°F (8°C) Subcooling 95°F (35°C) Entering Drybulb	≥176,000 Btu/h•hp	ARI 460
^a For purposes of this table, cooling tower performance is defined as the maximum flow rating of the tower divided by the fan nameplate rated motor power. ^b For purposes of this table air-cooled condenser performance is defined as the heat rejected from the refrigerant divided by the fan nameplate rated motor power. ^c Reserved.				

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TABLE 14-2 RESERVED

TABLE 14-3 RESERVED

TABLE 14-4
Energy Efficient Electric Motors
Minimum Nominal Full-Load Efficiency

Synchronous Speed (RPM)	Open Motors			Closed Motors		
	3,600	1,800	1,200	3,600	1,800	1,200
HP	Efficiency	Efficiency	Efficiency	Efficiency	Efficiency	Efficiency
1.0	-	82.5	80.0	75.5	82.5	80.0
1.5	82.5	84.0	84.0	82.5	84.0	85.5
2.0	84.0	84.0	85.5	84.0	84.0	86.5
3.0	84.0	86.5	86.5	85.5	87.5	87.5
5.0	85.5	87.5	87.5	87.5	87.5	87.5

Synchronous Speed (RPM)	Open Motors			Closed Motors		
	3,600	1,800	1,200	3,600	1,800	1,200
HP	Efficiency	Efficiency	Efficiency	Efficiency	Efficiency	Efficiency
7.5	87.5	88.5	88.5	88.5	89.5	89.5
10.0	88.5	89.5	90.2	89.5	89.5	89.5
15.0	89.5	91.0	90.2	90.2	91.0	90.2
20.0	90.2	91.0	91.0	90.2	91.0	90.2
25.0	91.0	91.7	91.7	91.0	92.4	91.7
30.0	91.0	92.4	92.4	91.0	92.4	91.7
40.0	91.7	93.0	93.0	91.7	93.0	93.0
50.0	92.4	93.0	93.0	92.4	93.0	93.0
60.0	93.0	93.6	93.6	93.0	93.6	93.6
75.0	93.0	94.1	93.6	93.0	94.1	93.6
100.0	93.0	94.1	94.1	93.6	94.5	94.1
125.0	93.6	94.5	94.1	94.5	94.5	94.1
150.0	93.6	95.0	94.5	94.5	95.0	95.0
200.0	94.5	95.0	94.5	95.0	95.0	95.0

**TABLE 14-5
Duct Insulation**

Duct Type	Duct Location	Insulation R-Value	Other Requirements
Supply, Return	Not within conditioned space: On exterior of building, on roof, in attic, in enclosed ceiling space, in walls, in garage, in crawl spaces	R-7	Approved weather proof barrier
Outside air intake	Within conditioned space	R-7	See Section 1414.2
Supply, Return, Outside air intake	Not within conditioned space: in concrete, in ground	R-5.3	
Supply with supply air temperature < 55°F or > 105°F	Within conditioned space	R-3.3	

Note: Requirements apply to the duct type listed, whether heated or mechanically cooled. Mechanically cooled ducts requiring insulation shall have a vapor retarder, with a perm rating not greater than 0.5 and all joints sealed.

**TABLE 14-6
Minimum Pipe Insulation (inches)¹**

Fluid Design Operating Temp. Range, °F	Insulation Conductivity		Nominal Pipe Diameter (in.)					
	Conductivity Range Btu•in. / (h•ft ² •°F)	Mean Rating Temp. °F	Runouts ² up to 2	1 and less	> 1 to 2	> 2 to 4	> 4 to 6	> 6
Heating systems (Steam, Steam Condensate[,] and Hot water)			Nominal Insulation Thickness					
Above 350	0.32-0.34	250	1.5	2.5	2.5	3.0	3.5	3.5
251-350	0.29-0.31	200	1.5	2.0	2.5	2.5	3.5	3.5
201-250	0.27-0.30	150	1.0	1.5	1.5	2.0	2.0	3.5
141-200	0.25-0.29	125	0.5	1.5	1.5	1.5	1.5	1.5
105-140	0.24-0.28	100	0.5	1.0	1.0	1.0	1.5	1.5

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Fluid Design Operating Temp. Range, °F	Insulation Conductivity		Nominal Pipe Diameter (in.)					
	Conductivity Range Btu•in. / (h•ft ² •°F)	Mean Rating Temp. °F	Runouts ² up to 2	1 and less	> 1 to 2	> 2 to 4	> 4 to 6	> 6
Domestic and Service Hot Water Systems								
105 and Greater	0.24-0.28	100	0.5	1.0	1.0	1.5	1.5	1.5
Cooling Systems (Chilled Water, Brine[,] and Refrigerant)								
40-55	0.23-0.27	75	0.5	0.5	0.75	1.0	1.0	1.0
Below 40	0.23-0.27	75	1.0	1.0	1.5	1.5	1.5	1.5

- Alternative Insulation Types. Insulation thicknesses in Table 14-6 are based on insulation with thermal conductivities within the range listed in Table 14-6 for each fluid operating temperature range, rated in accordance with ASTM C 335-84 at the mean temperature listed in the table. For insulation that has a conductivity outside the range shown in Table 14-6 for the applicable fluid operating temperature range at the mean rating temperature shown (when rounded to the nearest 0.01 Btu•in./(h•ft²•°F)), the minimum thickness shall be determined in accordance with the following equation:

$$T = PR \left[\left(\frac{1 + t/PR}{k} - 1 \right) \right] T = PR \left[\left(1 + \frac{t}{PR} \right)^{k/k} - 1 \right]$$

Where

- T = Minimum insulation thickness for material with conductivity K, inches.
 - PR = Pipe actual outside radius, inches $\left(\frac{D}{2} \right)$.
 - t = Insulation thickness from Table 14-6, inches
 - K = conductivity of alternate material at the mean rating temperature indicated in Table 14-6 for the applicable fluid temperature range, Btu•in. $\left(\frac{D}{2} \right)$ / (h•ft²•°F)
 - k = the lower value of the conductivity range listed in Table 14-6 for the applicable fluid temperature range, Btu •in. $\left(\frac{D}{2} \right)$ / (h•ft²•°F)
- Runouts to individual terminal units not exceeding 12 ft. in length.

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 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1513 Lighting controls. Lighting, including exempt lighting in Section 1512, shall comply with this section. Where occupancy sensors are cited, they shall have the features listed in Section 1513.6.1. Where automatic time switches are cited, they shall have the features listed in Section 1513.6.2.

1513.1 Local Control and Accessibility: Each space, enclosed by walls or ceiling-height partitions, shall be provided with lighting controls located within that space. The lighting controls, whether one or more, shall be capable of turning off all lights within the space. The controls shall be readily accessible, at the point of entry/exit, to personnel occupying or using the space.

- EXCEPTIONS:** The following lighting controls may be centralized in remote locations:
- Lighting controls for spaces which must be used as a whole.
 - Automatic controls.
 - Controls requiring trained operators.
 - Controls for safety hazards and security.

1513.2 Area Controls: The maximum lighting power that may be controlled from a single switch or automatic control shall not exceed that which is provided by a twenty ampere circuit loaded to not more than eighty percent. A master control may be installed provided the individual switches retain their capability to function independently. Circuit breakers may not be used as the sole means of switching.

- EXCEPTIONS:**
- Industrial or manufacturing process areas, as may be required for production.
 - Areas less than five percent of footprint for footprints over 100,000 square feet.

1513.3 Daylight Zone Control: All daylighted zones, as defined in Chapter 2, both under overhead glazing and adjacent to vertical glazing, shall be provided with individual controls, or daylight-or occupant-sensing automatic controls, which control the lights independent of general area lighting.

Contiguous daylight zones adjacent to vertical glazing are allowed to be controlled by a single controlling device provided that they do not include zones facing more than two adjacent cardinal orientations (i.e. north, east, south, west). Daylight zones under overhead glazing more than 15 feet from the perimeter shall be controlled separately from daylight zones adjacent to vertical glazing.

- EXCEPTION:** Daylight spaces enclosed by walls or ceiling height partitions and containing 2 or fewer light fixtures are not required to have a separate switch for general area lighting.

1513.4 Display, Exhibition, and Specialty Lighting Controls: All display, exhibition, or specialty lighting shall be controlled independently of general area lighting.

1513.5 Automatic Shut-Off Controls, Exterior: Exterior lighting not intended for 24-hour continuous use shall be automatically switched by timer, photocell, or a combination of timer and photocell. Automatic time switches must also have program back-up capabilities, which prevent the loss of program and time settings for at least 10 hours, if power is interrupted.

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1513.6 Automatic Shut-Off Controls, Interior: ~~((Office))~~ Buildings greater than 5,000 sq. ft. and all school classrooms shall be equipped with separate automatic controls to shut off the lighting during unoccupied hours. Within these buildings, all office areas less than 300 ft² enclosed by walls or ceiling-height partitions, and all meeting and conference rooms, and all school classrooms, shall be equipped with occupancy sensors that comply with Section 1513.6.1. For other spaces, automatic controls may be an occupancy sensor, time switch, or other device capable of automatically shutting off lighting.

EXCEPTIONS:

1. Areas that must be continuously illuminated (e.g., 24-hour convenience stores), or illuminated in a manner requiring manual operation of the lighting.
2. Emergency lighting systems.
3. Switching for industrial or manufacturing process facilities as may be required for production.
4. Hospitals and laboratory spaces.
5. Areas in which medical or dental tasks are performed are exempt from the occupancy sensor requirement.

1513.6.1 Occupancy Sensors: Occupancy sensors shall be capable of automatically turning off all the lights in an area, no more than 30 minutes after the area has been vacated. Light fixtures controlled by occupancy sensors shall have a wall-mounted, manual switch capable of turning off lights when the space is occupied.

1513.6.2 Automatic Time Switches: Automatic time switches shall have a minimum 7 day clock and be capable of being set for 7 different day types per week and incorporate an automatic holiday "shut-off" feature, which turns off all loads for at least 24 hours and then resumes normally scheduled operations. Automatic time switches shall also have program back-up capabilities, which prevent the loss of program and time settings for at least 10 hours, if power is interrupted.

Automatic time switches shall incorporate an over-ride switching device which:

- a. Is readily accessible;
- b. Is located so that a person using the device can see the lights or the areas controlled by the switch, or so that the area being illuminated is annunciated; and
- c. Is manually operated;
- d. Allows the lighting to remain on for no more than two hours when an over-ride is initiated; and
- e. Controls an area not exceeding 5,000 square feet or 5 percent of footprint for footprints over 100,000 square feet, whichever is greater.

1513.7 Commissioning Requirements: For lighting controls which include daylight or occupant sensing automatic controls, automatic shut-off controls, occupancy sensors, or automatic time switches, the lighting controls shall be tested to ensure that control devices, components, equipment and systems are calibrated, adjusted and operate in accordance with approved plans and specifications. Sequences of operation shall be functionally tested to ensure they operate in accordance with approved plans and specifications. A complete report of test procedures and results shall be prepared and filed with the owner. Drawing notes shall require commissioning in accordance with this paragraph.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1521 Prescriptive interior lighting requirements. Spaces for which the Unit Lighting Power Allowance in Table 15-1 is 0.8 watts per square foot or greater may use unlimited numbers of lighting fixtures and lighting energy, provided that the installed lighting fixtures comply with all four of the following criteria:

- a. One- or two-lamp (but not three- or more lamp);
- b. ~~((Nonglared, fluorescent fixtures;))~~ Luminaires have a reflector or louver assembly to direct the light (bare lamp strip or industrial fixtures do not comply with this section);
- c. Fitted with type T-1, T-2, T-4, T-5, ~~((T-6;))~~ T-8 or compact fluorescent lamps from 5 to ~~((50))~~ 60 watts (but not T-10 or T-12 lamps); and
- d. Hard-wired fluorescent electronic dimming ballasts ((f)) with photocell or programmable dimming control for all lamps in all zones (nondimming electronic ballasts and electronic ballasts that screw into medium base sockets do not comply with this section).

Track lighting is not allowed under this path.

EXCEPTIONS:

1. Up to a total of 5 percent of installed lighting fixtures ~~((need not be ballasted and))~~ may use any type of ~~((lamp))~~ ballasted lamp and do not require dimming controls.
2. Clear safety lenses are allowed in food prep and serving areas and patient care areas in otherwise compliant fixtures.
3. Exit lights are not included in the count of fixtures provided that they do not exceed 5 watts per fixture and are light emitting diode (LED) type or T-1 fluorescent type only. (See the Uniform Fire Code for face illumination footcandle requirements and other requirements.)
4. LED lights other than exit lights addressed by exception 3.
5. Metal halide lighting which complies with all three of the following criteria:
 - i. Luminaires or lamps which have a reflector or louver assembly to direct the light;
 - ii. Fixtures are fitted with ceramic metal halide lamps not exceeding 150 watts; and
 - iii. Electronic ballasts.

AMENDATORY SECTION (Amending WSR 04-01-106, filed 12/17/03, effective 7/1/04)

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 (See also office and other appropriate categories)	((2-0)) 1.8
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)) 1.20
Medical offices, clinics ¹²	1.20
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)) 1.00
Police and fire stations ⁸	((1-2)) 1.00
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
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

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.

2. 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.
3. Watts per square foot of room may be increased by two percent per foot of ceiling height above twelve feet.
4. For all other spaces, such as seating and common areas, use the *Unit Light Power Allowance* for assembly.
5. Watts per square foot of room may be increased by two percent per foot of ceiling height above nine feet.
6. ((Includes pump area under canopy-)) See Section 1532 for exterior lighting.
7. ((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 conference rooms and offices less than 150 ft² with full-height partitions, a Unit Lighting Power Allowance of 1.20 W/ft² may be used.
8. For the fire engine room, the *Unit Lighting Power Allowance* is 1.0 watts per square foot.
9. 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.
10. Display window illumination installed within 2 feet of the window, provided that the display window is separated from the retail space by walls or at least three-quarter-height partitions (transparent or opaque) and 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:
 - (a) Located on ceiling-mounted track or directly on or recessed into the ceiling itself (not on the wall).
 - (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 LED, 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.

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12. Medical and clinical offices include those facilities which, although not providing overnight patient care, do provide medical, dental, or psychological examination and treatment. These spaces include, but are not limited to, laboratories and treatment centers.

WSR 05-01-014

PERMANENT RULES

BUILDING CODE COUNCIL

[Filed December 2, 2004, 10:53 a.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: To amend the Washington state amendments to the 2003 International Building Code to adopt and amend ICC A117.1-2003 *Accessible and Usable Buildings and Facilities*; to provide for approved locks in nursing homes; to amend minimum ceiling height for corridors; to amend requirements for anchored masonry veneer, structural load combinations, steel reinforcement lap splices and anchor bolt placement; and to amend plumbing fixture requirements.

Citation of Existing Rules Affected by this Order: Amending WAC 51-50-003, 51-50-005, 51-50-0407, 51-50-1101, 51-50-1109, 51-50-1208, 51-50-1210, 51-50-1405, 51-50-1605, 51-50-2107, 51-50-2108, and 51-50-2900.

Statutory Authority for Adoption: RCW 19.27.020, 19.27.031, and 19.27.074.

Other Authority: Chapters 19.27 and 34.05 RCW.

Adopted under notice filed as WSR 04-17-019 on August 9, 2004.

Changes Other than Editing from Proposed to Adopted Version: For 1101.2.11 the automatic door control switch height is changed from "36 inches" to "32 to 40 inches." WAC 51-50-1707 is not adopted. The occupancy column of Table 2902.1 is amended for clarity, including the addition of footnote 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 12, 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 12, Repealed 0.

Date Adopted: November 12, 2004.

Stan Price
Council Chair

AMENDATORY SECTION (Amending WSR 04-01-108 [04-18-033], filed 12/17/03 [8/25/04], effective 7/1/04 [9/25/04])

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.

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

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 04-01-108 [04-18-033], filed 12/17/03 [8/25/04], effective 7/1/04 [9/25/04])

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))~~ 2003 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.

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

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.

NEW SECTION

WAC 51-50-0407 Section 407—Group I-2.

407.8 Locks on exit doors. Approved, listed locks without delayed egress shall be permitted in nursing homes or portions of nursing homes, provided that:

1. The clinical needs of one or more patients require specialized security measures for their safety.
2. The doors unlock upon actuation of the automatic sprinkler system or automatic fire detection system.
3. The doors unlock upon loss of electrical power controlling the lock or lock mechanism.
4. The lock shall be capable of being deactivated by a signal from a switch located in an approved location.
5. There is a system, such as a keypad and code, in place to inform visitors, staff persons and appropriate residents how they can exit. Instructions for exiting shall be posted within six feet of the door.

AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

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

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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 Sections 603.4 and 604.11) 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) 703.6.3.1) International Symbol of Accessibility. Where the International Symbol of Accessibility is required, it shall be operational 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))~~ 32 to 40 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.

AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

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.

AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

WAC 51-50-1208 Section 1208—Interior space dimensions.

1208.2 Minimum ceiling heights. Occupiable spaces(;) and 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 51-50-1210 Section 1210—Surrounding materials.

1210.5 Toilet rooms. This section is not adopted.

(The requirements of this section have been moved to Section 2902.2.1.1)

NEW SECTION

WAC 51-50-1405 Section 1405—Installation of wall coverings.

1405.5.2 Seismic requirements. Anchored masonry veneer located in Seismic Design Category C, D, E, or F shall conform to the requirements of Section 6.2.2.10, except Section 6.2.2.10.2.2, of ACI 530/ASCE 5/TMS 402.

NEW SECTION

WAC 51-50-1605 Section 1605—Load combinations.

1605.3.1.1 Load reduction. It is permitted to multiply the combined effect of two or more variable loads by 0.75 and add to the effect of dead load. The combined load used in design shall not be less than the sum of the effects of dead load and any one of the variable loads.

Increases in allowable stresses specified in the appropriate materials section of this code or referenced standard shall not be used with the load combinations of Section 1605.3.1 except that a duration of load increase shall be permitted in accordance with Chapter 23.

NEW SECTION

WAC 51-50-2107 Section 2107—Working stress design.

2107.2.3 ACE 530/ASCE 5/TMS 402, Section 2.1.10.6.1.1, lap splices. In regions of moment where the design tensile stresses in the reinforcement are greater than 80 percent of the allowable steel stress F_s , the lap length determined by equation (2.9) shall be increased by 50 percent.

NEW SECTION

WAC 51-50-2108 Section 2108—Strength design of masonry.

2108.2 ACI 530/ASCE 5/TMS 402, Section 3.1.6. Modify Section 3.1.6 as follows:

3.1.6 Headed and bent-bar anchor bolts. All embedded bolts shall be grouted in place, except that 1/4 inch (6.4 mm) diameter bolts are permitted to be placed in bed joints that are at least 1/2 inch (12.7 mm) in thickness.

AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03, effective 7/1/04)

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.

2902.2.1.1 Toilet rooms. Toilet rooms shall not open directly into a room used for the preparation of food for service to the public.

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.

EXCEPTION((S)): ((1-)) In occupancies serving ((10)) 15 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

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schools, dormitories, auditoriums, theaters, offices and public buildings.

2903.4.4 Location. Drinking fountains shall not be located in toilet rooms.

2903.4.3 Penal institutions. Penal institutions shall have one drinking fountain on each cell block floor and one on each exercise floor.

TABLE 2902.1—MINIMUM PLUMBING FIXTURES^{1,2,4,6}

TYPE OF BUILDING OR OCCUPANCY ^a	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 Assembly places— 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	1:1-15 2:16-35 3:36-55	1:1-15 2:16-35 3:36-55	One per 2 water closets		

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TABLE 2902.1—MINIMUM PLUMBING FIXTURES^{1,2,4,6}

TYPE OF BUILDING OR OCCUPANCY ⁸	WATER CLOSETS (fixtures per person)		LAVATORIES ⁵ (fixtures per person)		BATHTUB OR SHOWER (fixtures per person)
	MALE ³	FEMALE	MALE	FEMALE	
(One staff per 20 students)	Over 55, add one fixture for each additional 40 persons				
Schools - for student use	1:1-20	1:1-20	1:1-20	1:1-20	
Day care	2:21-50	2:21-50	2:21-50	2:21-50	
	Over 50, add one fixture for each additional 50 persons		Over 50, add one fixture for each additional 50 persons		
Elementary	One per 30	One per 25	One per 2 water closets		
Secondary	One per 40	One per 30	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	1:1-10	1:1-10	One per 2 water closets		
Workshop, foundries and similar establishments, and hazardous occupancies	2:11-25	2:11-25			One shower for each 15 persons exposed to excessive heat or to skin contamination with irritating materials
	3:26-50	3:26-50			
	4:51-75	4:51-75			
	5:76-100	5:76-100			
	Over 100, add one fixture for each additional 30 persons				
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	One per room (usable by either sex)		One per room		
Hospital general use areas	1:1-15	1:1-15	One per 2 water closets		
	2:16-35	3:16-35			
	3:36-55	3:36-55			
	Over 55, add one fixture for each additional 40 persons				
Hospital patient rooms:					
Single Bed	One adjacent to and directly accessible from		One per toilet room		One per toilet room
Isolation	One adjacent to and directly accessible from		One per toilet room		One per toilet room
Multibed	One per 4 patients		One per 4 patients		One per 8 patients
Long-term	One per 4 patients		One per 4 patients		One per 15 patients
Jails and reformatories					
Cell	One per cell		One per cell		
Exercise room	One per exercise room		One per exercise room		
Other institutions (on each occupied floor)	One per 25	One per 25	One per 2 water closets		One per 8

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TABLE 2902.1—MINIMUM PLUMBING FIXTURES^{1,2,4,6}

TYPE OF BUILDING OR OCCUPANCY ²	WATER CLOSETS (fixtures per person)		LAVATORIES ⁵ (fixtures per person)		BATHTUB OR SHOWER (fixtures per person)
	MALE ³	FEMALE	MALE	FEMALE	
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.					
Group M					
Retail or wholesale stores	1:1-50 2:51-100 3:101-400 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	One per dwelling unit		One per dwelling unit		One per dwelling unit
Hotel, motel, and boarding house guest rooms	One per guest room		One per guest room		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 2:11-25 3:26-50 4:51-75 5:76-100	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.

⁸When a space is accessory to or included as a part of a different occupancy group per Chapter 3, the area per occupant for the minimum plumbing fixture number is to be determined by its own specific use or purpose, not by that of the building's occupancy group.

WSR 05-01-015

PERMANENT RULES

BUILDING CODE COUNCIL

[Filed December 2, 2004, 10:53 a.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

PERMANENT

Purpose: To amend the Washington state amendments to the 2003 International Mechanical Code to provide clear explicit rules for mechanical exhaust duct termination points.

Citation of Existing Rules Affected by this Order: Amending [new sections] WAC 51-52-0401, 51-52-0403, and 51-52-0501.

Statutory Authority for Adoption: RCW 19.27.020, 19.27.031, and 19.27.074.

Other Authority: Chapters 19.27 and 34.05 RCW.

Adopted under notice filed as WSR 04-17-018 on August 9, 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 3, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; or **Other Alternative Rule Making:** New 0, Amended 3, Repealed 0.

Date Adopted: November 12, 2004.

Stan Price
Council Chair

Chapter 51-52 WAC

AMENDMENT OF THE 2003 EDITION OF THE INTERNATIONAL MECHANICAL CODE

NEW SECTION

WAC 51-52-0401 Section 401—General.

401.5.2 Exhaust openings. Outdoor exhaust openings shall be located in accordance with Chapter 5. Exhaust air shall not be directed onto walkways.

NEW SECTION

WAC 51-52-0403 Section 403—Mechanical ventilation.

403.3 Ventilation rate. Ventilation systems shall be designed to have the capacity to supply the minimum outdoor airflow rate determined in accordance with Table 403.3 based on the occupancy of the space and the occupant load or other parameter as stated therein. The occupant load utilized for design of the ventilation system shall not be less than the number determined from the estimated maximum occupant load rate indicated in Table 403.3. Ventilation rates for occupancies not represented in Table 403.3 shall be determined by an approved engineering analysis. The ventilation system shall be designed to supply the required rate of ventilation air

continuously during the period the building is occupied, except as otherwise stated in other provisions of the code.

EXCEPTION: Where occupancy density is known and documented in the plans, the outside air rate may be based on the design occupant density. Under no circumstance shall the occupancies used result in outside air less than one-half that resulting from application of Table 403.3 estimated maximum occupancy rates.

NEW SECTION

WAC 51-52-0501 Section 501—General.

501.5 Termination point/exhaust outlet. The termination point or exhaust outlet for exhaust ducts discharging to the atmosphere shall be located with the following minimum distances:

1. **For ducts conveying explosive or flammable vapors, fumes or dusts:** 30 feet (9144 mm) from the property line; 10 feet (3048 mm) from openings into the building; 6 feet (1829 mm) from exterior walls and roofs; 30 feet (9144 mm) from combustible walls and openings into the building which are in the direction of the exhaust discharge; 10 feet (3048 mm) above adjoining grade.

2. **For other product-conveying outlets:** 10 feet (3048 mm) from the property line; 3 feet (914 mm) from exterior walls and roofs; 10 feet (3048 mm) from openings into the building; 10 feet (3048 mm) above adjoining grade.

3. **For environmental air duct exhaust:** 3 feet (914 mm) from the property line, 3 feet (914 mm) from openings into the building for all occupancies other than Group U, and 10 feet (3048 mm) from a mechanical air intake. This includes environmental air regulated by Sections 504 and 505, but does not include enclosed parking garage exhaust outlets regulated by Section 404.

- EXCEPTIONS:**
1. The separation between an air intake and exhaust outlet on a single listed package HVAC unit.
 2. Exhaust from environmental air systems other than garages may be discharged into an open parking garage.
 3. Except for Group I occupancies, where ventilation system design circumstances require building HVAC air to be relieved, such as during economizer operation, such air may be relieved into an open or enclosed parking garage within the same building.

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WSR 05-01-016

PERMANENT RULES

BUILDING CODE COUNCIL

[Filed December 2, 2004, 10:53 a.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: To amend the Washington state amendments to the 2003 International Fire Code to delete requirements regulating gas and charcoal grills, to revise provisions for evacuation plans, to amend requirements for display of cut trees, to amend the phrase "spray spaces" to "spray areas" for consistency with defined terms, and to provide requirements for marinas.

Citation of Existing Rules Affected by this Order: Amending WAC 51-54-0300; and [new sections] WAC 51-54-0400, 51-54-0800, 51-54-1500, and 51-54-4600.

Statutory Authority for Adoption: RCW 19.27.020, 19.27.031, and 19.27.074.

Other Authority: Chapters 19.27 and 34.05 RCW.

Adopted under notice filed as WSR 04-17-020 on August 9, 2004.

Changes Other than Editing from Proposed to Adopted Version: Group LC was added to the list of occupancies that may require fire safety and evacuation plans under Section 404.2.

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 4, 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 5, Repealed 0.

Date Adopted: November 12, 2004.

Stan Price
Council Chair

AMENDATORY SECTION (Amending WSR 04-01-105, filed 12/17/03, effective 7/1/04)

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.

308.3.1 Open-flame cooking devices. This section is not adopted.

308.3.1.1 Liquefied-petroleum-gas-fueled cooking devices. This section is not adopted.

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 51-54-0400 Chapter 4—Emergency planning and preparedness.

401.2 Approval. Where required by the fire code official, fire safety plans, emergency procedures, and employee training programs shall be approved.

404.2 Where required. A fire safety and evacuation plan shall be prepared and maintained in accordance with this chapter for the following occupancies and buildings when required by the fire code official.

1. Group A having an occupant load of 100 or more.

2. Group E.

3. Group H.

4. Group I.

5. Group R-1.

6. Group R-4.

7. Group LC.

8. High-rise buildings.

9. Group M buildings having an occupant load of 500 or more persons or more than 100 persons above or below the lowest level of exit discharge.

10. Covered malls exceeding 50,000 sf in aggregate floor area.

11. Underground buildings.

12. Buildings with an atrium and having an occupancy in Group A, E, or M.

404.4 Maintenance. Fire safety and evacuation plans shall be reviewed by the owner or occupant annually or as necessitated by changes in staff assignments, occupancy, or the physical arrangement of the building.

408.11.1.1 Approval. The lease plan shall be submitted to the fire code official, and shall be maintained on-site for immediate reference by responding fire service personnel.

408.11.1.2 Revisions. The lease plan shall be reviewed by the owner or occupant and revised annually or as often as necessary to keep them current.

NEW SECTION

WAC 51-54-0800 Chapter 8—Interior finish, decorative materials and furnishings.

804.1.1 Restricted occupancies. Natural cut trees shall be prohibited in Group I-1, I-2, I-3, I-4, LC and R-4 occupancies.

804.1.2 Support devices. The support device that holds the tree in an upright position shall be of a type that is stable and that meets all of the following criteria:

1. The device shall hold the tree securely and be of adequate size to avoid tipping over of the tree.
2. The device shall be capable of containing a minimum supply of water in accordance with Table 804.1.2.
3. The water level, when full, shall cover the tree stem at least 2 inches (51 mm). The water level shall be maintained above the fresh cut and checked at least once daily.

804.1.3 Dryness. The tree shall be removed from the building whenever the tree is determined to be dry by needle pliability, discoloration or other approved means as approved by the fire code official. The tree shall be checked daily for dryness.

Table 804.1.2—Support Stand Water Capacity

Tree Stem Diameter (inches)	Minimum Support Stand Water Capacity (gallons)	Typical Daily Water Transpiration Amount (gallons)
Up to 4	1	1/4 to 1
4 to 6	1 1/2	1 1/4 to 1 1/2
7 to 8	2	1 3/4 to 2
9 to 12	3	2 1/4 to 3
13 and over	4	Over 3

NEW SECTION

WAC 51-54-1500 Chapter 15—Flammable finishes.

1503.2.1.1 Spray and vapor areas. Electrical wiring and equipment in spray and vapor areas shall be of an explosion-proof type approved for use in such hazardous locations. Such areas shall be considered to be Class I, Division 1 or Class II, Division 1 hazardous locations in accordance with the ICC *Electrical Code*.

1503.2.2 Open flames and sparks. Open flames and spark-producing devices shall not be located in spray or vapor areas and shall not be located within 20 feet (6096 mm) of such areas unless separated by a permanent partition.

1503.2.4 Equipment enclosures. Equipment or apparatus that is capable of producing sparks or particles of hot metal that would fall into a spray or vapor area shall be totally enclosed.

1503.2.6 Smoking prohibited. Smoking shall be prohibited in spray or vapor areas. "No Smoking" signs complying with Section 310 shall be conspicuously posted in such areas.

1504.1.3 Spraying areas. Spraying areas shall be designed and constructed in accordance with the *International Building Code* and Sections 1504.1.3.1, 1504.2, 1504.3, 1504.4, 1504.5 and 1504.6 of this code.

1504.1.3.1 Floor. Combustible floor construction in spraying areas shall be covered by approved, noncombustible, nonsparking material, except where combustible coverings, such as thin paper or plastic and strippable coatings are utilized over noncombustible materials to facilitate cleaning operations in spraying areas.

1504.4 Different coatings. Spray booths, spray rooms and spray areas shall not be alternately utilized for different types of coating materials where the combination of materials is conducive to spontaneous ignition, unless all deposits of one material are removed from the booth, room or area and exhaust ducts prior to spraying with a different material.

1504.5 Illumination. Where spraying areas, spray rooms or spray booths are illuminated through glass panels or other transparent materials, only fixed lighting units shall be utilized as a source of illumination.

NEW SECTION

WAC 51-54-4600 Chapter 46—Marinas. SECTION 4601

4601.1 Scope. Marina facilities shall be in accordance with this chapter.

4601.1.1 Plans and approvals. Plans for marina fire-protection facilities shall be approved prior to installation. The work shall be subject to final inspection and approval after installation.

4601.1.2 Permits. Permits are required to use open-flame devices for maintenance or repair on vessels, floats, piers or wharves.

SECTION 4602—DEFINITIONS.

4602.1 Definitions. The following words and terms shall, for the purpose of this chapter and as used elsewhere in this code, have the meanings shown herein.

FLOAT is a floating structure normally used as a point of transfer for passengers and goods, or both, for mooring purposes.

MARINA is any portion of the ocean or inland water, either naturally or artificially protected, for the mooring, servicing or safety of vessels and shall include artificially protected works, the public or private lands ashore, and structures or facilities provided within the enclosed body of water and ashore for the mooring or servicing of vessels or the servicing of their crews or passengers.

PIER is a structure built over the water, supported by pillars or piles, and used as a landing place, pleasure pavilion or similar purpose.

VESSEL is watercraft of any type, other than seaplanes on the water, used or capable of being used as a means of

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transportation. Included in this definition are nontransportation vessels such as houseboats and boathouses.

WHARF is a structure or bulkhead constructed of wood, stone, concrete or similar material built at the shore of a harbor, lake or river for vessels to lie alongside of, and piers or floats to be anchored to.

SECTION 4603—GENERAL PRECAUTIONS.

4603.1 Combustible debris. Combustible debris and rubbish shall not be deposited or accumulated on land beneath marina structures, piers or wharves.

4603.2 Sources of ignition. Open-flame devices used for lighting or decoration on the exterior of a vessel, float, pier or wharf shall be approved.

4603.3 Flammable or combustible liquid spills. Spills of flammable or combustible liquids at or upon the water shall be reported immediately to the fire department or jurisdictional authorities.

4603.4 Rubbish containers. Containers with tight-fitting or self-closing lids shall be provided for the temporary storage of combustible trash or rubbish.

4603.5 Electrical equipment. Electrical equipment shall be installed and used in accordance with its listing and Section 605 as required for wet, damp and hazardous locations.

SECTION 4604—FIRE-PROTECTION EQUIPMENT.

4604.1 General. Marinas, piers, wharves, floats with facilities for mooring or servicing five or more vessels, and marine motor vehicle fuel-dispensing stations shall be equipped with fire-protection equipment in accordance with Section 4604.

4604.2 Standpipes. Marinas shall be equipped throughout with standpipe systems in accordance with NFPA 303.

4604.3 Access and water supply. Piers and wharves shall be provided with fire apparatus access roads and water-supply systems with on-site fire hydrants when required and approved by the fire code official.

4604.4 Portable fire extinguishers. One fire extinguisher for ordinary (moderate) hazard type, shall be provided at each required hose station. Additional fire extinguishers, suitable for the hazards involved, shall be provided and maintained in accordance with Section 906.

4604.5 Communications. A telephone not requiring a coin to operate or other approved, clearly identified means to notify the fire department shall be provided on the site in a location approved by the code official.

SECTION 4605—MARINE MOTOR VEHICLE FUEL-DISPENSING STATIONS.

4605.1 Fuel dispensing. Marine motor vehicle fuel-dispensing stations shall be in accordance with Chapter 22.

**WSR 05-01-018
PERMANENT RULES
DEPARTMENT OF HEALTH
(Dental Hygiene)**

[Filed December 2, 2004, 1:05 p.m., effective March 22, 2005]

Effective Date of Rule: March 22, 2005.

Purpose: With the passage of legislation, chapter 262, Laws of 2004 (ESSB 6554 Barriers to credentialing), this requires a change to WAC 246-815-990 to change "temporary" to "limited." As the limited license is renewable, the rule needs to be changed to allow the Department of Health to charge fees for the limited license and the renewed limited license. This bill reduces barriers to licensing, allowing more applicants to become licensed in Washington state.

Citation of Existing Rules Affected by this Order: Amending WAC 246-815-990.

Statutory Authority for Adoption: RCW 43.70.250.

Adopted under notice filed as WSR 04-18-093 on September 1, 2004.

A final cost-benefit analysis is available by contacting Vicki Brown, P.O. Box 47867, Olympia, WA 98504-7867, phone (360) 236-4865, fax (360) 664-9077, e-mail vicki.brown@doh.wa.gov.

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.

Date Adopted: November 3, 2004.

Mary C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 03-07-095, filed 3/19/03, effective 7/1/03)

WAC 246-815-990 Dental hygiene fees and renewal cycle. (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. (2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application examination and reexamination . . .	\$100.00
Renewal	40.00
Late renewal penalty	40.00
Expired license reissuance	40.00
Credentialing application	100.00
((Temporary)) Limited license application . . .	100.00

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Title of Fee	Fee
<u>Limited license renewal</u>	<u>40.00</u>
<u>Limited license late renewal penalty</u>	<u>40.00</u>
<u>Expired limited license reissuance</u>	<u>40.00</u>
Duplicate license	15.00
Certification of license	25.00
Education program evaluation	200.00

REQUEST FOR PUBLIC RECORDS

Address

.....

Representing

Description of Records:

.....

.....

.....

I certify that lists of names obtained through this request for public records will not be used for commercial purposes.

WSR 05-01-021
PERMANENT RULES
COMMISSION ON
JUDICIAL CONDUCT

[Filed December 2, 2004, 2:17 p.m., effective January 2, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amending chapter 292-10 WAC, Commission on Judicial Conduct public records, WAC 292-10-040(2), to reflect new physical office address.

Citation of Existing Rules Affected by this Order: Amending WAC 292-10-040(2).

Statutory Authority for Adoption: RCW 42.17.250 and 42.17.260 and Washington State Constitution, Article IV, Section 31.

Other Authority: Chapter 2.64 RCW.

Adopted under notice filed as WSR 04-12-005 on May 20, 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 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.

Date Adopted: August 3, 2004.

Barrie Althoff
Executive Director

AMENDATORY SECTION (Amending Order 3, filed 2/5/91, effective 3/8/91)

WAC 292-10-040 Requests for public records. (1) All requests for inspection or copying made in person at the agency shall be made on a form substantially as follows:

REQUEST FOR PUBLIC RECORDS

Date

Name

Time

Signature

Number of copies

Number of pages

Per page charge \$

Total charge \$

(2) All requests made in person may be made to the agency at ((~~908 E. 5th, Olympia, Washington~~)) General Administration Building, 210 11th Ave. S.W., Suite 400, Olympia, WA 98504, between the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, excluding legal holidays.

(3) A request for inspection or copying of public records may be made by mail in a letter containing the following information:

(a) The name and address of the person making the request;

(b) The organization or group that the person represents;

(c) The time of day and the calendar date on which the person wishes to inspect the public records;

(d) A description of the public records requested;

(e) A statement whether access to copying equipment is desired;

(f) A phone number where the person can be reached in case the public records officer or designee needs to contact the person for further description of the material or any other reason;

(g) A statement that the record will not be used for commercial purposes.

(4) All requests by mail should be received at the agency at least three business days before the requested date of inspection to allow the public records officer or designee to make certain the requested records are available and not exempt and, if necessary, to contact the person requesting inspection.

(5) The agency may in its discretion fill requests made by telephone.

WSR 05-01-023A
PERMANENT RULES
GAMBLING COMMISSION

[Order 438—Filed December 2, 2004, 4:41 p.m., effective January 2, 2005]

Effective Date of Rule: Thirty-one days after filing.

PERMANENT

Purpose: At the August meeting, the commission filed a petition submitted by Mr. Dayton to amend WAC 230-40-825. This rule requires winning hands in excess of \$500 to be verified by surveillance. Mr. Dayton requested the amount be increased to \$1,000. Mr. Dayton submitted a request to withdraw his petition to allow staff time to research the issue more fully. After review, staff did not object to the change. Therefore, at the November commission meeting, the commission denied Mr. Dayton's request to withdraw his petition and adopted the petition.

Citation of Existing Rules Affected by this Order: Amending WAC 230-40-825.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 04-19-021 on September 7, 2004, with a published date of October 6, 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 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 2, 2004.

Susan Arland
Rules Coordinator

AMENDATORY SECTION (Amending Order 435 and 435-A, filed 9/16/04 and 9/21/04, effective 10/22/04)

WAC 230-40-825 Closed circuit television system—House-banking. Critical activities related to the operation of house-banked card games shall be closely monitored by the use of a closed circuit television (CCTV) system and recorded using analog and/or digital recording equipment. Each house-banked card room licensee shall install and maintain a CCTV system that meets the following requirements.

Camera coverage.

(1) The following areas are required to be viewed by the CCTV system:

- (a) All gaming at each table including, but not limited to, the following:
 - (i) Cards;
 - (ii) Wagers;
 - (iii) Chip tray;
 - (iv) Drop box openings;
 - (v) Card shoe;
 - (vi) Shuffling devices; and
 - (vii) Players and dealers.
- (b) All activity in the pits.

(c) All activity in the cashier's cage including, but not limited to, the:

- (i) Outside entrance;
- (ii) Fill/credit dispenser;
- (iii) Customer transactions;
- (iv) Cash and chip drawers;
- (v) Vault/safe;
- (vi) Storage cabinets;
- (vii) Fill or credit transactions; and
- (viii) Floor.

(d) All activity in the count room including, but not limited to, the:

- (i) Count table;
- (ii) Floor;
- (iii) Counting devices;
- (iv) Trolley;
- (v) Drop boxes;
- (vi) Storage shelves/cabinets; and
- (vii) Entrance and exits.

(e) The movement of cash, gaming chips, and drop boxes.

(f) Entrances and exits to the card room.

Camera requirements.

(2) The CCTV system shall consist of light sensitive cameras including those with pan, tilt, and zoom (PTZ) capabilities having the ability to determine card and chip values and the configuration of wagers at each gaming table. Each video camera shall be capable of having its images displayed on a video monitor and recorded. Cameras shall be installed in a manner that will prevent them from being readily obstructed, tampered with, or disabled by patrons or employees. PTZ cameras shall be placed behind a smoked dome, one-way mirror or similar materials that conceal the camera from view. Installed cameras shall cover the areas required by this rule and shall include at a minimum:

(a) At least one fixed camera focused over each gaming table covering the entire layout;

(b) A sufficient number of fixed and/or PTZ cameras permanently programmed for the purposes of monitoring players and dealers at each gaming table. The PTZ cameras must be capable of viewing each patron and dealer at each gaming position at least once every five minutes;

(c) A sufficient number of PTZ cameras for the purpose of determining the configuration of wagers and card values at each gaming table. Any time a winning wager, including jackpot or bonus payouts in excess of ~~((five hundred))~~ one thousand dollars are won, surveillance shall utilize this camera to verify the winning hand, the amount of the wager, and the player who won the prize. Each licensee shall have documented procedures in their internal controls stipulating the manner in which this will be carried out;

(d) A sufficient number of fixed and/or PTZ cameras in the cage(s);

(e) A sufficient number of fixed and/or PTZ cameras in the count room; and

(f) Any other location as deemed necessary by commission staff.

Video recording equipment requirements.

(3) Video recording equipment shall meet the following requirements:

(a) **Analog recording**, including audio recording where required, using a video cassette recorder, shall comply with the following requirements:

(i) Images shall be recorded at a rate of not less than twenty frames per second on standard VHS format; and

(ii) Recorded images shall accurately reflect the time and date of the video recording. If multiple time and date generators are used, they shall be synchronized to the same time and date; or

(b) **Digital recording**, including audio recording where required, using a digital storage system, shall comply with the following requirements:

(i) All images shall be recorded on a hard drive;

(ii) Recording systems shall be locked so that access to the erase and reformat functions, and system data files is restricted to persons authorized in the internal controls;

(iii) The system must provide uninterrupted recording of surveillance, during playback or copying: Provided, That motion-activated recording may be used;

(iv) Recording systems shall be capable of copying original images maintaining the original native format;

(v) Images shall be stored at a rate of not less than twenty-five images per second;

(vi) Images shall be recorded at a minimum resolution of 320 x 240 and displayed during playback at a minimum resolution of 640 x 480;

(vii) Images shall be stored in a format that is readable by commission computer equipment;

(viii) Images shall be stored in a format that can be verified and authenticated by commission staff;

(ix) Recorded images shall include the accurate time and date the video was originally recorded;

(x) Previously recorded material may be overwritten after seven continuous days of gaming; and

(xi) Recording systems shall be equipped with an uninterruptible power source to allow a proper system shutdown.

Multiplexing and quad recording devices.

(4) Multiplexing and quad recording devices may not be used for required surveillance except under the following circumstances:

(a) Multiplexing or quad recording devices may be used on entrances and exits; and

(b) Quad recording devices may be used to record the movement of drop boxes between tables and the count room.

Multiplexing and quad recording devices defined.

(c) **Multiplex recording** means combining multiple video inputs into a single signal by quickly cycling through the separate video inputs (i.e., the view rotates among different cameras) in a predetermined order, recording each video input sequentially in the cycle. Multiplex recording does not provide continuous recording of each video input and the amount of time lapse is dependant upon the number of video inputs in the sequence.

(d) **Quad recording** means four separate video inputs are continuously recorded and combined into a single signal displayed on one monitor with a view of each video input.

Recording of illegal or suspicious activities.

(5) Illegal or suspicious activities within the monitored portion of the licensed premises shall be reported to commission staff, pursuant to WAC 230-40-815 (3)(a)(v) through (vi). Additionally, licensees shall ensure two copies of the entire recorded image sequence are made reflecting the questioned activity. One copy shall be provided to commission staff or other law enforcement representatives upon demand and the other copy maintained by the licensee for a period of thirty days.

Activities to be recorded.

(6) Video signals from all cameras shall be recorded when:

(a) Gaming tables are in operation;

(b) Drop boxes or chip trays are stored on the gaming tables;

(c) Drop boxes are being transported; or

(d) Drop box contents are being counted.

Video monitors.

(7) The CCTV system shall include a sufficient number of video monitors to simultaneously view multiple gaming tables, the cashier's cage, and count room activities.

Surveillance room.

(8) The licensee shall maintain one or more surveillance rooms with the following minimum requirements:

(a) The surveillance room shall have controlled access and be used solely by the employees of the surveillance department assigned to monitor activities: Provided, That this restriction does not apply to owners or approved supervisory or management personnel.

(b) Commission agents and law enforcement personnel shall be provided immediate access to the surveillance room upon request.

(c) Entrances to surveillance rooms shall not be readily observable from the gaming operation area.

(d) The licensee shall ensure a surveillance employee is present in the surveillance room and monitoring the activities of the operation, via the surveillance room equipment, any time the card room is open to conduct gaming and during the count process: Provided, That the licensee may allow the surveillance room to operate without staff for a period not to exceed thirty minutes per shift for the purpose of routine breaks.

Surveillance activity log.

(9) The licensee shall maintain a record of all surveillance activities in the surveillance room. A surveillance log shall be maintained by surveillance personnel and shall include, at a minimum, the following:

(a) Date and time of surveillance;

(b) Person initiating surveillance;

(c) Time of termination of surveillance;

(d) Summary of the results of the surveillance; and

(e) A record of any equipment or camera malfunctions.

Employee sign-in log.

(10) A surveillance room sign-in log shall be maintained to document the time each surveillance employee monitors the card room. The surveillance sign-in log shall be available for inspection at any time by commission staff or law enforcement personnel.

Labeling and storing video and audio recordings.

(11) Video and audio recordings shall be marked to denote the activity recorded and retained for a period necessary to afford commission staff or law enforcement personnel reasonable access. The following minimum retention periods apply to recordings:

(a) Recordings shall be retained for a minimum of seven complete gaming days;

(b) Recordings of evidentiary value shall be maintained as requested by commission staff; and

(c) Tapes documenting jackpot payouts over three thousand dollars shall be retained for at least thirty days; and

(d) Commission staff may increase any of the retention requirements noted in this section by notifying the licensee.

Dispute resolution.

(12) In the event there is not sufficient clarity due to violations of the above requirements, the burden will be on the licensee to prove any action taken was warranted. Otherwise, all disputes shall be resolved in favor of the player. Provided, That a review by commission staff may be requested if the licensee feels circumstances warrant, for example, cheating has occurred.

WSR 05-01-026

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed December 3, 2004, 12:04 p.m., effective January 3, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The rule allows the department to revise the method for cost settlement for services provided to clients eligible under the department's managed care programs in order to ensure that critical access hospitals receive the correct level of reimbursement.

Citation of Existing Rules Affected by this Order: Amending WAC 388-550-2598.

Statutory Authority for Adoption: RCW 74.04.050, 74.08.090.

Other Authority: RCW 74.09.5225.

Adopted under notice filed as WSR 04-21-061 on October 18, 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 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.

Date Adopted: November 30, 2004.

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-13-099, filed 6/18/02, effective 7/19/02)

WAC 388-550-2598 Critical access (~~hospital (CAH) program~~) hospitals (CAHs). (1) (~~The critical access hospital (CAH) program provides cost-based reimbursement to a critical access hospital (CAH) through a retrospective cost reimbursement system. Reimbursement is based on a CAH's actual cost of providing hospital services to eligible medical assistance clients during the hospital fiscal year (HFY) of the CAH, subject to the conditions and limitations in this section and other published WACs. CAH program requirements and how the medical assistance administration (MAA) calculates a CAH cost settlement adjustment are described in this section.~~

~~(2) The following definitions and abbreviations and those found in WAC 388-500-0005 and 388-550-1050 apply to the CAH program:~~

~~(a) "CAH," see "critical access hospital."~~

~~(b) "CAH fee for service (FFS) cost settlement adjustment" means the department's annual reimbursement or recoupment adjustment to a CAH's fee for service interim payment.~~

~~(c) "CAH Healthy Options (HO) cost settlement payment" means the department's annual reimbursement adjustment related to a CAH's HO utilization.~~

~~(d) "CAH HFY" see "CAH hospital fiscal year."~~

~~(e) "CAH hospital fiscal year" means each individual hospital's fiscal year.~~

~~(f) "Cost settlement" means a reconciliation of the interim CAH payments with a CAH's actual costs determined after the end of the CAH's HFY.~~

~~(g) "Critical access hospital (CAH)" means an MAA-approved hospital that is Medicare-certified by the Centers for Medicare and Medicaid Services (CMS) to operate as a CAH.~~

~~(h) "IDWCC rate" see "inpatient departmental weighted cost to charge (IDWCC) rate."~~

~~(i) "Inpatient departmental weighted cost to charge (IDWCC) rate" means a rate MAA uses to determine a fee-for-service interim inpatient CAH payment.~~

~~(j) "Interim CAH payment" means the actual payment the department makes, per claim, to a CAH during its HFY, using the appropriate IDWCC or ODWCC rate, as determined by MAA.~~

~~(k) "ODWCC rate" see "outpatient departmental weighted cost to charge (ODWCC) rate."~~

~~(l) "Outpatient departmental weighted cost to charge (ODWCC) rate" means a rate MAA uses to determine a fee-for-service interim outpatient CAH payment.~~

~~(m) "Per service" means services provided during a healthy options (HO) equivalent admission. (For an example of how to calculate a HO equivalent admission, see subsection (12), step 2.)~~

~~(3) An MAA approved CAH must be Medicare certified as a CAH. A CAH must provide proof of certification to MAA upon request.~~

~~(4) An MAA approved CAH must also meet the general applicable requirements in chapter 388-502 WAC, Administration of medical programs—Providers. For information on audits conducted by department staff, see WAC 388-502-0240.~~

~~(5) MAA may conduct a postpay or on-site review of any CAH to ensure quality of care.~~

~~(6) To ensure a client receives necessary care:~~

~~(a) A CAH is responsible to investigate any reports of substandard care or violations of the facility's medical staff bylaws;~~

~~(b) A CAH provider must have and follow written procedures that provide a resolution to complaints and grievances; and~~

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

~~(i) Department of health (DOH); or~~

~~(ii) Other agencies with review authority for MAA programs.~~

~~(7) Subject to the restrictions and limitations in this section and other published WAC, the MAA CAH fee for service reimbursement method uses the:~~

~~(a) IDWCC rate; and~~

~~(b) ODWCC rate.~~

~~(8) This section describes the parallel steps MAA uses to calculate both the fee-for-service IDWCC rate and fee-for-service ODWCC rate for each CAH. Consideration will be given to recalculation of the interim payment rates if a CAH submits changes to the initially submitted Medicare HCFA-2552 Cost Report. MAA:~~

~~(a) Obtains the following information for each CAH from the Medicare HCFA-2552 Cost Report the CAH initially submits for the period to be cost settled:~~

~~(i) Cost-to-charge ratio of each respective ancillary service cost center; and~~

~~(ii) Total costs and number of patient days of each respective accommodation cost center.~~

~~(b) Obtains from the Medicaid Management Information System (MMIS) the following summary claims data submitted by each CAH for the HFY to be cost settled:~~

~~(i) Medical assistance program codes;~~

~~(ii) Inpatient and outpatient claim types;~~

~~(iii) Procedure codes, revenue codes or diagnosis related group (DRG) codes;~~

~~(iv) Allowed charges and third party liability/client and MAA paid amounts;~~

~~(v) Number of claims; and~~

~~(vi) Units of service.~~

~~(e) Separates the inpatient claims data and outpatient claims data.~~

~~(d) Obtains the cost center allowed charges by classifying inpatient allowed charges billed by a CAH (using any one of, or a combination of, procedure codes, revenue codes, or DRG codes) into the related cost center in the CAH's Medicare HCFA-2552 cost report the CAH initially submits to MAA.~~

~~(c) Determines the MAA departmental-weighted costs for each cost center by multiplying the cost center's allowed charges for the appropriate inpatient or outpatient claim type by the related ancillary service cost center ratio or accommodation cost center per diem.~~

~~(f) Obtains totals from the cost centers used for cost settlement and interim rates from (e) of this subsection by:~~

~~(i) Summing all allowed charges; and~~

~~(ii) Summing all MAA departmental-weighted costs.~~

~~(g) Determines a CAH's fee-for-service IDWCC rate and fee-for-service ODWCC rate by dividing the total MAA departmental-weighted costs from (f)(ii) of this subsection by the total allowed charges from (f)(i) of this subsection. Neither the IDWCC rate nor the ODWCC rate may exceed one hundred percent.~~

~~(9) MAA makes interim CAH payments to a CAH during the CAH's HFY using the IDWCC rate for inpatient services provided, and the ODWCC rate for outpatient services provided, as determined in the CAH's most recent cost settlement.~~

~~(10) MAA performs a cost settlement for a CAH after the end of the CAH's HFY. MAA calculates the cost settlement using:~~

~~(a) MAA claims data; and~~

~~(b) The following information submitted by the CAH to MAA at the close of the CAH's HFY:~~

~~(i) The Medicare HCFA-2552 Cost Report (see requirements in WAC 388-550-5700); and~~

~~(ii) Total HO inpatient and outpatient allowed charges for the CAH's HFY dates of services.~~

~~(11) MAA rebases and implements a CAH's new IDWCC rate and ODWCC rate at cost settlement. The rebased IDWCC and ODWCC rates:~~

~~(a) Are used to determine a CAH's adjustment for services in the cost settled HFY; and~~

~~(b) Become the current interim payment rates.~~

~~(12) See the example in this subsection for how MAA calculates a fee-for-service and managed care CAH cost settlement adjustment. A cost settlement payment for services provided through a Healthy Options managed care plan is limited to no more than the additional amounts per service paid under the CAH program for other medical assistance programs.)~~

((Example of the payment calculation for a fee-for-service (FFS) and Healthy Options (HO) Critical Access Hospital (CAH) cost settlement adjustment using charges from claims and the hospital's inpatient departmental weighted cost-to-charge (IDWCC) and outpatient departmental weighted cost-to-charge (ODWCC))

STEP 1 — CAH FFS Cost Settlement Adjustment for Hospital XYZ				
CAH's Hospital Fiscal Year (HFY)				
		Programs		
		Inpatient Medical Assistance Programs	Outpatient Medical Assistance Programs	Total Cost Settlement Adjustment
CAH HFY Total allowed charges		\$96,735	\$33,265	\$130,000
IDWCC and ODWCC used for CAH cost settlement	*	84.3%	70.5%	
CAH actual FFS cost	=	\$81,548	\$23,452	\$105,000
FFS interim CAH payment	-	\$80,833	\$19,167	\$100,000
* CAH FFS cost settlement adjustment	=	\$-715	\$4,285	\$-5,000

*If the CAH FFS cost settlement adjustment total is zero or less, a HO cost settlement is not performed. (Go directly to step 3.) If the CAH FFS cost settlement adjustment total is greater than zero, proceed to step 2.

STEP 2 — Calculate Total CAH HO Cost Settlement Payment	
\$130,000	Total allowed CAH HFY charges
1 — 10	FFS inpatient admissions during CAH HFY
= \$ 13,000	Average charge per FFS inpatient admission used for HO equivalent admissions
\$5,000	CAH FFS cost settlement adjustment (from Step 1)
1 — 10	FFS admissions during CAH HFY
= \$ 500	CAH settlement for each FFS admission
\$ 78,000	Total allowed HO charges (includes inpatient and outpatient charges)
1 — 13,000	Average charge per FFS admission used for HO equivalent admissions
6	HO equivalent admissions
\$ 500	CAH settlement for each FFS admission
x — 6	HO equivalent admissions
= \$ 3,000	CAH HO cost settlement payment due the CAH

STEP 3 — Calculate Total Additional CAH Cost Settlement Adjustment	
\$ 5,000	CAH FFS cost settlement adjustment (from Step 1)
+ \$ 3,000	CAH HO cost settlement payment (from Step 2)
= \$ 8,000	Total additional CAH cost settlement adjustment due from the department)

The medical assistance administration (MAA) reimburses eligible critical access hospitals (CAHs) for inpatient and outpatient hospital services provided to fee-for-service medical assistance clients on a cost basis, using departmental weighted costs-to-charges (DWCC) ratios and a retrospective cost settlement process.

(2) For inpatient and outpatient hospital services provided to clients enrolled in a managed care plan, DWCC rates for each CAH are incorporated into the calculations for the managed care capitated premiums. MAA considers managed care DWCC rates to be cost. Cost settlements are not performed for managed care claims.

(3) The following definitions and abbreviations and those found in WAC 388-500-0005 and 388-550-1050 apply to this section:

- (a) "CAH," see "critical access hospital."
- (b) "CAH HFY" see "CAH hospital fiscal year."
- (c) "CAH hospital fiscal year" means each individual hospital's fiscal year.
- (d) "Cost settlement" means a reconciliation of the fee-for-service interim CAH payments with a CAH's actual costs determined after the end of the CAH's HFY.

(e) "Critical access hospital (CAH)" means a hospital that is approved by the department of health (DOH) for inclusion in DOH's critical access hospital program.

(f) "Departmental weighted costs-to-charges (DWCC) rate" means a rate MAA uses to determine a CAH payment. See subsection (8) for how MAA calculates a DWCC rate.

(g) "DWCC rate" see "departmental weighted costs-to-charges (DWCC) rate."

(h) "Interim CAH payment" means the actual payment the department makes for claims submitted by a CAH for services provided during its current hospital fiscal year, using the appropriate DWCC rate, as determined by MAA.

(4) To be reimbursed as a CAH by MAA, a hospital must be approved by the department of health (DOH) for inclusion in DOH's critical access hospital program. The hospital must provide proof of CAH status to MAA upon request. CAHs reimbursed under the CAH program must meet the general applicable requirements in chapter 388-502 WAC. For information on audits and the audit appeal process, see WAC 388-502-0240.

(5) A CAH must have and follow written procedures that provide a resolution to complaints and grievances.

(6) To ensure quality of care:

PERMANENT

(a) A CAH is responsible to investigate any reports of substandard care or violations of the facility's medical staff bylaws; and

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

(i) Department of health (DOH); or

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

(7) MAA may conduct a postpay or on-site review of any CAH.

(8) MAA prospectively calculates fee-for-service inpatient and outpatient DWCC rates separately for each CAH. To calculate prospective interim inpatient and outpatient DWCC rates for each hospital currently in the CAH program, MAA:

(a) Obtains from each CAH its estimated aggregate charge master change for its next HFY;

(b) Obtains from the Medicare HCFA-2552 Cost Report the CAH initially submits for cost settlement of its most recently completed HFY:

(i) The costs-to-charges ratio of each respective service cost center; and

(ii) Total costs, charges, and number of patient days of each respective accommodation cost center.

(c) Obtains from the Medicaid Management Information System (MMIS) the following fee-for-service summary claims data submitted by each CAH for services provided during the same HFY identified in (b) of this subsection:

(i) Medical assistance program codes;

(ii) Inpatient and outpatient claim types;

(iii) Procedure codes, revenue codes, or diagnosis-related group (DRG) codes;

(iv) Allowed charges and third party liability/client and MAA paid amounts;

(v) Number of claims; and

(vi) Units of service.

(d) Separates the inpatient claims data and outpatient claims data;

(e) Obtains the cost center allowed charges by classifying inpatient and outpatient allowed charges from (c) of this subsection billed by a CAH (using any one of, or a combination of, procedure codes, revenue codes, or DRG codes) into the related cost center in the CAH's Medicare HCFA-2552 cost report the CAH initially submits to MAA;

(f) Determines the MAA departmental-weighted costs for each cost center by multiplying the cost center's allowed charges from (c) of this subsection for the appropriate inpatient or outpatient claim type by the related service cost center ratio;

(g) Sums all allowed charges from (e) of this subsection;

(h) Sums all departmental-weighted costs for inpatient and outpatient claims from (f) of this subsection;

(i) Multiplies each hospital's total MAA departmental-weighted costs from (h) of this subsection by the Medicare Market Basket inflation rate. The Medicare Market Basket inflation rate is published and updated periodically by the Centers for Medicare and Medicaid Services (CMS);

(j) Multiplies each hospital's total allowed charges from (g) of this subsection by the CAH estimated charge master

change from (a) of this subsection. If the charge master change factor is not available from the hospital, MAA will apply a reasonable alternative factor; and

(k) Determines the DWCC inpatient and outpatient rates by dividing the total appropriate MAA departmental-weighted costs from (h) of this subsection by the total appropriate allowed charges from (g) of this subsection.

(9) For a currently enrolled hospital provider that is new to the CAH program, the basis for calculating DWCC rates for inpatient and outpatient hospital claims for:

(a) Fee-for-service clients is:

(i) The hospital's most recently submitted Medicare cost report, and

(ii) The appropriate MMIS summary claims data for that hospital fiscal year (HFY).

(b) Managed care clients is:

(i) The hospital's most recently submitted Medicare cost report; and

(ii) The appropriate managed care encounter data for that HFY.

(10) For a newly licensed hospital that is also a CAH, MAA uses the current state-wide average DWCC rates for the initial prospective DWCC rates.

(11) For a CAH that comes under new ownership, MAA uses the prior owner's DWCC rates.

(12) To calculate prospective managed care inpatient and outpatient DWCC rates, MAA uses the methodology outlined in subsection (8) of this section, except that managed care encounter data are used rather than MMIS fee-for-service summary claims data. In addition, MAA:

(a) Incorporates the DWCC rates into the calculations for the managed care capitated premiums that will be paid to the managed care plans; and

(b) Requires all managed care plans having contract relationships with CAHs to pay the inpatient and outpatient DWCC rates applicable to managed care claims. For purposes of this section, MAA considers the DWCC rates used to reimburse CAHs for care given to clients enrolled in a managed care plan to be cost. Cost settlements are not performed for managed care claims.

(13) For fee-for-service claims only, MAA performs an interim retrospective cost settlement for each CAH after the end of the CAH's HFY, using Medicare cost report data and claims data from the MMIS related to fee-for-service claims. Specifically, MAA:

(a) Compares actual MAA total interim CAH payments to the departmental-weighted CAH fee-for-service costs for the period being cost settled; and

(b) Pays the hospital the difference between CAH costs and interim CAH payments if actual CAH costs are determined to exceed the total interim CAH payments for that period. MAA recoups from the hospital the difference between CAH costs and interim CAH payments if actual CAH costs are determined to be less than total interim CAH payments.

(14) MAA performs finalized cost settlements using the same methodology as outlined in subsection (13) of this section, except that MAA uses the hospital's settled Medicare cost report instead of the initial cost report. Whenever a CAH's Medicare cost report is settled by the Medicare fiscal

intermediary, the CAH must send the settled cost report to MAA to be used in a final cost settlement.

WSR 05-01-030
PERMANENT RULES
INTERAGENCY COMMITTEE
FOR OUTDOOR RECREATION

[Filed December 3, 2004, 3:28 p.m., effective January 3, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Aquatic lands enhancement (ALEA) program, these are the ALEA program's first WACs and will be [an] asset in helping those involved to understand its most important regulations. Includes information on the funding source, types of organizations that may receive funds, after what date the rules become effective, conversions, required written instruments/documentation, requirements for compliance with standards-regulations-laws-etc., and matching shares and fund request limits.

Nonhighway and off-road vehicle activities (NOVA) program, make plan requirements and the minimum period for leases consistent with IAC policy (NOVA plan); in the definitions section, delete terms not appearing elsewhere in the WAC; update conversion provisions (revise organization, eliminate redundancies, make clearer, etc.); provide information about the contents of required written instruments; make requirements regarding development project long-term obligations consistent with other IAC programs; and clarify and update provisions regarding the federal agency-IAC agreement.

Citation of Existing Rules Affected by this Order: Amending WAC 286-04-010, 286-04-090, 286-13-010, 286-13-040, 286-26-020, 286-26-080, 286-26-090, and 286-26-100.

Statutory Authority for Adoption: RCW 79.90.245 and ESHB 2459 (2004); also RCW 46.09.240.

Adopted under notice filed as WSR 04-20-097 and 04-20-098 on October 5, 2004.

Changes Other than Editing from Proposed to Adopted Version: ALEA: (1) Consistent with IAC policy, the minimum lease period is established at twenty-five years (WAC 286-42-060); and (2) since provisions related to "life estates" are included in IAC policy manual #3 ("acquiring land"), similar language is eliminated in the WAC proposal (WAC 286-04-010, 286-42-070).

NOVA: Since provisions related to "life estates" are included in IAC policy manual #3 ("acquiring land"), similar language is eliminated in the WAC proposal (WAC 286-04-010, 286-26-095).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 13, Amended 8, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 4, Amended 8, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, Amended 8, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 18, 2004.

Greg Lovelady
Rules Coordinator

AMENDATORY SECTION (Amending WSR 98-08-014, filed 3/18/98, effective 4/18/98)

WAC 286-04-010 What definitions(??) apply to this chapter? For purposes of Title 286 WAC, unless the context clearly indicates otherwise:

"Acquisition" means the gaining of rights of public ownership by purchase, negotiation, or other means, of fee or less than fee interests in real property.

"Applicant" means any agency or organization that meets qualifying standards, including deadlines, for submission of an application soliciting a grant of funds from the committee. Generally, a federal, state, local, tribal or special purpose government is an applicant.

"Application" means the form, including project information form, approved by the director for use by applicants in soliciting project funds administered by the committee.

"Chair" means the chair of the committee. See RCW 43.99.110.

"Committee" means the interagency committee for outdoor recreation, (IAC) created by RCW 43.99.110.

"Development" means the construction and/or restoration of facilities to enhance outdoor recreation or habitat conservation resources.

"Director" means the director of the committee or that person's designee. See RCW 43.99.130.

"Nonhighway and off-road vehicle activities (NOVA) program" means the grants and planning program administered by the committee under chapter 46.09 RCW.

"Manual(s)" mean a compilation of state and federal policies, procedures, rules, forms, and instructions that have been assembled in manual form and which have been approved by the committee for dissemination to agencies and organizations that may wish to participate in the committee's grant program(s).

"Preliminary expense" means project costs incurred prior to committee approval, other than site preparation/development costs, necessary for the preparation of a development project.

"Project" means the undertaking which is, or may be, funded in whole or in part with funds administered by the committee.

"Project agreement" means a project agreement, supplemental agreement, intergovernmental agreement, or project contract between the committee and a sponsor.

"Sponsor" means an applicant who has been awarded a grant of funds, and has an executed project agreement.

AMENDATORY SECTION (Amending WSR 96-08-044, filed 3/29/96, effective 4/29/96)

WAC 286-04-090 What is the history of the committee's fund sources((+))? (1) As of July 1, 1995, the "recreation resource account" included appropriations and funds, under RCW 43.99.040 (recodified as RCW 79A.25.040 since 1999), in support of the committee's boating facilities and other programs. These funds are derived from:

- (a) Unclaimed marine fuel tax refunds;
- (b) Moneys made available to the state of Washington by the federal government for outdoor recreation; and
- (c) Such other sources as may be provided.

(2) As of July 1, 1995, the "NOVA program account" included appropriations and funds, under RCW 46.09.110 and 46.09.170, in support of the committee's nonhighway and off-road vehicle activities program. These funds are derived from:

- (a) Refunds from the motor vehicle fund for nonhighway and off-road purposes;
 - (b) Off-road vehicle permit fees; and
 - (c) Such other sources as may be provided.
- (3) As of July 1, 1990, the "habitat conservation account" included appropriations and funds, under chapter 43.98A RCW (recodified as chapter 79A.15 RCW since 1999), in support of the committee's Washington wildlife and recreation program. These funds are derived from:

- (a) Sales of bonds approved in capital budget appropriations;
 - (b) Such other sources as may be provided.
- (4) As of July 1, 1995, the "outdoor recreation account" included appropriations and funds, under chapter 43.98A RCW (recodified as chapter 79A.15 RCW since 1999), in support of the committee's Washington wildlife and recreation program. These funds are derived from:

- (a) Sales of bonds approved in capital budget appropriations;
 - (b) Such other sources as may be provided.
- (5) Prior to July 1, 1995, the "outdoor recreation account" included appropriations and funds, in support of the committee's programs. Funds were derived from:

- (a) Unclaimed marine fuel tax refunds under RCW 43.99.040 (recodified as RCW 79A.25.404 since 1999);
- (b) Sales of bonds under Referenda 11, 18, and 28, and HJR 52;
- (c) State apportionments of the federal land and water conservation fund;
- (d) Moneys refunded from the motor vehicle fund under RCW 46.09.170 and funds received under RCW 46.09.110 for nonhighway and off-road vehicle purposes;
- (e) Off-road vehicle permit fees;
- (f) Sales of general obligation bonds for outdoor recreation purposes under RCW 43.98A.050; and
- (g) Such other sources as were provided.

(6) As of July 1, 1990, the "firearms range account" includes appropriations and funds, under RCW 77.12.720 (recodified as RCW 79A.25.210 since 1999), in support of the committee's firearms and archery range recreation programs. These funds are derived from:

- (a) Concealed pistol license fees under RCW 9.41.070;

(b) Destruction of firearms programs under RCW 9.41.098; and

(c) Such other sources as may be provided.

(7) As of July 1, 2003, the "aquatic lands enhancement account" includes appropriations under section 377, chapter 26, Laws of 2003, 1st sp. sess. These funds are derived from the proceeds from sale or lease of aquatic lands or valuable materials therefrom under RCW 79.90.245 and 79.90.450.

AMENDATORY SECTION (Amending WSR 96-08-044, filed 3/29/96, effective 4/29/96)

WAC 286-13-010 ((Scope)) What is the purpose of this chapter((+))? This chapter contains general rules affecting grant program eligibility, applications, and projects funded with money from or through the committee. Further rules are in chapter 286-26 WAC (Nonhighway and off-road vehicle program), chapter 286-27 WAC (Washington wildlife and recreation program), chapter 286-30 WAC (Firearms and archery range recreation program), chapter 286-35 WAC (Initiative 215 boating facilities program), ((and)) chapter 286-40 WAC (Land and water conservation fund program) and chapter 286-42 WAC (Aquatic lands enhancement account program).

AMENDATORY SECTION (Amending WSR 01-17-056, filed 8/14/01, effective 9/14/01)

WAC 286-13-040 What are the grant program deadlines(~~—Applications, plans, and matching resources.~~) and how can the deadlines be waived? (1) **Applications.** To allow time for review, applications must be submitted at least four calendar months before the funding meeting at which the applicant's project is first considered. Applications must be completed in final form and on file with the committee at least one calendar month before this meeting. *Excepted* are applications for the National Recreational Trails Funding Act, Riparian Habitat, and Youth Athletic Facilities Programs, and programs where the director specifically establishes another deadline to accomplish new or revised statutory direction.

(2) **Plans.** (~~For purposes of project evaluation, all non-highway and off-road vehicle program, park, recreation, or habitat~~) Plans required for participation in committee grant programs must be complete and on file with the committee at least three calendar months before the funding meeting at which the applicant's project is first considered. On the director's acceptance of the plan, the applicant shall be granted eligibility to submit applications for a period of up to six years.

(3) **Matches.** To allow time for development of funding recommendations, written assurance must be provided whenever matching resources are to be considered as a part of an application. This assurance must be provided by the applicant to the committee at least one calendar month before the meeting at which the project is to be considered for funding.

(4) **Project agreement.** An applicant has three calendar months from the date of the committee's mailing of the project agreement to execute and return the agreement to the committee's office. After this period, the committee or director may reject any agreement not signed and returned and reallocate the grant funds to another project(s).

(5) **Waivers.** Compliance with these deadlines is required for eligibility unless a waiver is granted by the director. Such waivers are considered based on several factors which may vary with the type of waiver requested, including:

- (a) When the applicant started the application/planning process (for application and plan deadline waivers);
- (b) Progress made;
- (c) When final plan adoption will occur (for plan deadline waivers);
- (d) The cause of the delay (procedural or content related, etc.);
- (e) Impact on the committee's evaluation process;
- (f) Equity to other applicants; and
- (g) Such other information as may be relevant.

AMENDATORY SECTION (Amending WSR 98-08-014, filed 3/18/98, effective 4/18/98)

WAC 286-26-020 What definitions((:)) apply to this chapter? For purposes of this chapter, the following definitions shall apply:

"Management" means the action taken in exercising control over, regulating the use of, and operation and maintenance of ORV trails and ORV areas.

~~("Nonhighway road" (NHR) as provided in RCW 46.09.020.~~

~~"Nonhighway vehicle" as provided in RCW 46.09.020.))~~

"NOVA" means the committee's nonhighway and off-road vehicle activities program described in chapter 46.09 RCW(~~(, and related policy manuals for planning, acquisition, development and management of recreation areas and trails)).~~

"NOVA advisory committee" as provided in RCW 46.09.280, means the panel of (~~(NHR recreationists, organized ORV recreational groups, and agency))~~ representatives chosen to advise the director in the development of the statewide NOVA plan, the development of a project priority rating system, the suitability and evaluation of NOVA projects submitted to the committee for funding, and other aspects of NOVA recreation as the need may arise, in accordance with chapter 46.09 RCW.

"Off-road vehicle" (ORV) as provided in RCW 46.09.-020.

"ORV (~~(trail))~~ sport park" as provided in RCW 46.09.020, (~~(and including, competition sites for))~~ means a facility that accommodates racing two, three, and/or four-wheel ORVs, and four-wheeled vehicles over forty inches width which are equipped with four-wheel drive or other characteristics such as nonslip drive trains and high clearance. Such courses (~~(will be designed to))~~ include ORV trail or area characteristics such as sharp turns, jumps, soft tread material, dips, or other obstacles found in more natural settings. Race courses which are paved and designed primarily for other vehicles, such as go-karts and formula cars, are not eligible for funds from the NOVA (~~(funds))~~ program account.

~~("ORV use area" as provided in RCW 46.09.020.))~~

AMENDATORY SECTION (Amending WSR 97-08-003, filed 3/20/97, effective 4/20/97)

WAC 286-26-080 Does this program have planning eligibility requirements((:))? Yes. To be eligible for grant consideration under this chapter, applicants must complete a plan in accordance with WAC 286-13-040(2), except that such a plan is not required to support a funding request for education—enforcement and/or maintenance—operation projects. At minimum the plan must include:

- (1) A statement of the applicant's long-range goals and objectives;
- (2) An inventory, or description of the planning area;
- (3) An analysis of demand and need, that is, why actions are required;
- (4) A description of how the planning process gave the public ample opportunity to be involved in development of the plan;
- (5) A current capital improvement program of at least ~~(five))~~ six years;
- (6) Evidence that this plan has been approved by the applicant's governing entity most appropriate to the plan's scope. For example, a city or county-wide plan must be approved at the council or commission level. Plans with a different scope will be approved by department heads, district rangers, regional managers/supervisors, etc.

NEW SECTION

WAC 286-26-083 What long term rules apply? (1) Without prior approval of the committee, land, natural resources and/or facilities purchased and/or developed with committee administered NOVA funds shall not be converted to uses other than those for which the funds were originally approved.

(2) The committee is entitled to pursue and obtain remedies that assure the substitution or replacement of natural resources or facilities in accordance with this chapter.

NEW SECTION

WAC 286-26-085 When considering approval of a conversion, what rules apply? The committee shall only approve conversions when:

- (1) All practical alternatives to the conversion have been evaluated and rejected on a sound basis; and
- (2) Another resource(s) will serve as a replacement. The replacement resource(s) must:
 - (a) (If a land acquisition) be real property(ies) of at least equal fair market value and public benefit at the time of conversion;
 - (b) (If a development) provide a facility of at least equal fair market value and public benefit as that which existed at the time of the original investment;
 - (c) Be of reasonably equivalent or greater recreation usefulness and location;
 - (d) Be administered by the same political jurisdiction as the converted property and/or development;
 - (e) Satisfy need(s) identified in the committee's or sponsor's plan; and

PERMANENT

(f) Include only elements eligible under the committee's program from which funds were originally allocated.

AMENDATORY SECTION (Amending WSR 94-17-095, filed 8/17/94, effective 9/17/94)

WAC 286-26-090 For land acquisition projects((~~—Deed of right, conversions, leases and easements—~~)), **are there long term obligations?** ((For acquisition projects)) Yes. Sponsors must execute an instrument(s) ((or instruments which contain)) containing:

(1) For fee(~~(, less than fee, and easement)~~) or perpetual property rights acquisition projects:

(a) A legal description of the property acquired;
(b) A conveyance to the state of Washington ((of)) for the right to use the described real property ((forever)) for outdoor recreation purposes forever unless a term is specified in the project agreement; and

(c) A ((restriction)) prohibition on conversion of use of the land((-

That is, without prior approval of the committee, a facility acquired with money granted by the committee shall not be converted to a use other than that for which funds were originally approved. The committee shall only approve such a conversion under conditions which assure the substitution of other land of at least equal fair market value at the time of conversion, and of as nearly as feasible equivalent usefulness and location)) to a principal use other than that for which funds were originally approved without prior approval of the committee.

(2) For lease ((acquisition projects, a binding agreement which contains a legal description of the property and rights acquired and which meets the following criteria. The interest:

(a) Must be for at least fifty years unless precluded by state law;

(b) May not be revocable at will;

(c) Must have a value supported through standard appraisal techniques;

(d) Must be paid for in lump sum at initiation;

(e) May not be converted, during the lease period, to a use other than that for which funds were originally approved, without prior approval of the committee), less than fee, or nonperpetual property rights, a binding agreement which:

(a) Contains a legal description of the property and rights acquired;

(b) Contains a conveyance to the state of Washington for the right to use the described real property for outdoor recreation purposes for the period of the lease;

(c) Contains a prohibition on conversion of use of the land/natural resource to a principal use other than that for which funds were originally approved without prior approval of the committee;

(d) Is for at least twenty-five years unless precluded by state law;

(e) Is not revocable at will;

(f) Has a value supported through appraisal requirements approved by the committee;

(g) Is paid for in lump sum at initiation.

AMENDATORY SECTION (Amending WSR 99-16-009, filed 7/22/99, effective 8/22/99)

WAC 286-26-100 For development projects((~~—Conversion to other uses—~~)), **are there long term obligations?** ((1) Without prior approval of the committee, a facility developed with money granted by the committee shall not be converted to a use other than that for which funds were originally approved:

(2) The committee shall only approve such a conversion under conditions which assure that:

(a) All practical alternatives to the conversion have been evaluated and rejected on a sound basis;

(b) A new development, in the spirit of WAC 286-13-080 ("...aid through the committee is intended to supplement the existing capacity of a sponsor..."), will serve as a replacement which:

(i) Is of reasonably equivalent recreation utility and location;

(ii) Will be administered by the same political jurisdiction as the converted development;

(iii) Will satisfy need(s) identified in the sponsor's NOVA plan (see WAC 286-26-080); and

(iv) Includes only elements eligible under the committee's program from which funds were originally allocated.

(3) A master agreement signed by the parties shall control the provision of funds granted by the committee for facility developments to any federal agency sponsor.) **Yes.**

(1) Properties and facilities assisted with money granted by the committee shall not be converted (WAC 286-26-083(1)).

(2) Properties and facilities assisted with money granted by the committee shall be:

(a) Built, operated, used, and maintained according to federal, state, and local laws and regulations, including public health standards and building codes;

(b) Built, operated, used, and maintained in a reasonably safe condition for the project's intended use;

(c) Operated and maintained throughout its estimated life so as to prevent undue deterioration;

(d) Built and operated in compliance with all federal and state nondiscrimination laws, regulations, and policies.

(3) Facilities open to the public must:

(a) Be built, operated, and maintained according to state and federal accessibility guidelines.

(b) Appear attractive and inviting to the public except for brief installation, construction, or maintenance periods.

(c) Be available for use at reasonable hours and times of the year, according to the type of area or facility.

NEW SECTION

WAC 286-26-105 What provisions apply to federal agencies? A committee-federal agency agreement signed by the parties shall control the provision of funds granted by the committee for facility developments to federal agency sponsored projects. Absent this agreement, the "general provisions" of committee's project agreement shall control.

Chapter 286-42 WAC

AQUATIC LANDS ENHANCEMENT ACCOUNT PROGRAM

NEW SECTION

WAC 286-42-010 What is the purpose of this chapter? This chapter provides rules affecting the aquatic lands enhancement account (ALEA) grant program administered by the committee under RCW 79.90.245 and section 377, chapter 26, Laws of 2003, 1st sp. sess. Additional provisions are contained in "Definitions," 286-04-010 and "General grant assistance rules," chapter 286-13 WAC.

NEW SECTION

WAC 286-42-020 What organizations may receive ALEA grants? Through the committee, ALEA grants are available to any division of local or state government and native American tribe that is eligible to apply and that is legally authorized to acquire and develop public open space, habitat, recreation lands, and/or natural resources.

NEW SECTION

WAC 286-42-030 Do these rules apply to projects funded on or before April 1, 2004? No. Rules in this chapter apply only to projects funded after April 1, 2004.

NEW SECTION

WAC 286-42-040 What long term rules apply? (1) Without prior approval of the committee, land, natural resources and/or facilities purchased and/or developed with committee administered ALEA funds shall not be converted to uses other than those for which funds were originally approved.

(2) The committee is entitled to pursue and obtain remedies that assure the substitution or replacement of natural resources or facilities in accordance with this chapter.

NEW SECTION

WAC 286-42-050 When considering approval of a conversion, what rules apply? The committee shall only approve conversions when:

(1) All practical alternatives to the conversion have been evaluated and rejected on a sound basis; and

(2) Another resource(s) will serve as a replacement. The replacement resource(s) must:

(a) (If a land acquisition) be real property of at least equal fair market value and public benefit at the time of conversion;

(b) (If a development) provide a facility of at least equal fair market value and public benefit as that which existed at the time of the original investment;

(c) Be of reasonably equivalent or greater recreation and habitat usefulness and location;

(d) Be administered by the same political jurisdiction as the converted property and/or development;

(e) Satisfy need(s) identified in the committee's or sponsor's plan; and

(f) Include only elements eligible under the committee's program from which funds were originally allocated.

NEW SECTION

WAC 286-42-060 For land acquisition projects, are there long term obligations? Yes. Sponsors must execute an instrument(s) containing:

(1) For fee or perpetual property rights acquisition projects:

(a) A legal description of the property acquired;

(b) A conveyance to the state of Washington for the right to use the described real property for habitat conservation and/or outdoor recreation purposes forever unless a term is specified in the project agreement; and

(c) A prohibition on conversion of use of the land/natural resource to a principal use other than that for which funds were originally approved without prior approval of the committee.

(2) For lease, less than fee, or nonperpetual property rights, a binding agreement which:

(a) Contains a legal description of the property and rights acquired;

(b) Contains a conveyance to the state of Washington for the right to use the described real property for habitat conservation and/or outdoor recreation purposes for the period specified;

(c) Contains a prohibition on conversion of use of the land/natural resource to a principal use other than that for which funds were originally approved without prior approval of the committee;

(d) Is for at least twenty-five years unless precluded by state law;

(e) Is not revocable at will;

(f) Has a value supported through appraisal requirements approved by the committee;

(g) Is paid for in lump sum at initiation.

NEW SECTION

WAC 286-42-080 For development projects, are there long term obligations? Yes.

(1) Properties and facilities assisted with moneys granted by the committee shall not be converted (WAC 286-42-040(1)).

(2) Properties and facilities assisted with moneys granted by the committee shall be:

(a) Built, operated, used, and maintained according to federal, state, and local laws and regulations, including public health standards and building codes;

(b) Built, operated, used, and maintained in a reasonably safe condition for the project's intended use;

(c) Operated and maintained throughout its estimated life so as to prevent undue deterioration;

(d) Built and operated in compliance with all federal and state nondiscrimination laws, regulations, and policies.

(3) Facilities open to the public must:

(a) Be built, operated, and maintained according to state and federal accessibility guidelines;

(b) Appear attractive and inviting to the public except for brief installation, construction, or maintenance periods;

(c) Be available for use at reasonable hours and times of the year, according to the type of area or facility.

NEW SECTION

WAC 286-42-090 Must a grant recipient provide matching funds for the project? Are grant amounts limited? Yes. The committee establishes sponsor matching share requirements and fund request limits. Any changes to current requirements are normally made at a committee meeting six months before program funding consideration.

WSR 05-01-048

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed December 7, 2004, 1:55 p.m., effective January 7, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule-making order updates the situations in which a vehicle owner may be exempted from registration requirements based on reciprocity with other states.

Citation of Existing Rules Affected by this Order: Amending WAC 308-99-020, 308-99-040, and 308-99-060.

Statutory Authority for Adoption: RCW 46.01.110.

Adopted under notice filed as WSR 04-20-087 on October 5, 2004.

Changes Other than Editing from Proposed to Adopted Version: Some clarifying language and a new question "What is a natural person?"

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 3, 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.

Date Adopted: December 7, 2004.

James A. Fellows
for Fred Stephens
Director

AMENDATORY SECTION (Amending WSR 00-20-064, filed 10/3/00, effective 11/3/00)

WAC 308-99-020 Definitions. (1) **What is a resident?** For the purposes of this section, a resident is a natural person who lives or shows intent to live in this state on more than a temporary or transient basis.

You will be presumed a resident if you meet ~~((any))~~ one of the following:

(a) ~~((Become))~~ You are a registered voter in this state; or

(b) ~~((Receiving))~~ You receive benefits under one of the Washington public assistance programs; or

(c) ~~((Declaring that he or she is))~~ You declare that you are a resident for the purpose of obtaining a state driver's license, a hunting or fishing license or tuition fees at resident rates.

A natural person may be a resident of this state even though ~~((the))~~ that person has or claims residency or domicile in another state or intends to leave this state at some future time. A natural person will be presumed a resident if at least two of the following conditions are met:

(i) ~~((Maintains))~~ You maintain a residence in this state for personal use;

(ii) ~~((Has))~~ You have a Washington state driver's license or a Washington state resident hunting or fishing license;

(iii) ~~((Uses))~~ You use a Washington state address for federal income tax or state ~~((income))~~ tax purposes;

(iv) You have previously maintained a residence in this state for personal use and ~~((has))~~ have not established a permanent residence outside the state of Washington ~~((e.g.,))~~ for example, a person who retires and lives in a motor home or vessel which is not permanently attached to any property);

(v) ~~((Claims))~~ You claim this state as residence for obtaining eligibility to hold a public office or for judicial actions;

(vi) ~~((Claims this state as a residence for obtaining Washington state hunting or fishing licenses;~~

~~((vii) Receives tuition fees at resident rates in this state, unless the nonresident tuition fee differential is waived as a result of a state to state reciprocity program authorized under chapter 28B.15 RCW (College and university fees); or~~

~~((viii) Is))~~ You are a custodial parent with a child attending public schools in this state.

The department may consider factors other than those listed in this subsection to determine that a person intends to be located in or be a resident of this state ~~((and thus be a resident of this state, but such)).~~ However, the department may not consider those factors ~~((do not alone raise a presumption of))~~ alone to presume residency.

A ~~((corporation, trust or other entity created by a))~~ natural person who is a resident of Washington may not form a corporation, trust or other entity in another jurisdiction for the purpose of evading Washington vehicle registration ~~((shall be deemed a resident of Washington for vehicle registration purposes)).~~

(2) ~~((What))~~ Who are "military personnel"? "Military personnel" means active duty members of the United States armed forces including the United States Coast Guard, Army, Navy, Marines, Air Force, commissioned officers of the public health service, personnel from National Oceanographic and Atmospheric Agency, and members of foreign military organizations assigned to this state on official duty. Coast guard personnel living in Washington and assigned to duty in the Portland area are also entitled to a nonresident military exemption.

(3) **What is a "jurisdiction"?** "Jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, or a state or province of a country.

(4) **What is "reciprocity"?** "Reciprocity" means an agreement with another jurisdiction granting mutual benefits, privileges, or exemptions from payment of vehicle registration fees. Reciprocity will only be extended to vehicles that are properly registered in another jurisdiction.

(5) **What is a "Washington public assistance program"?** "Washington public assistance program" is defined in RCW 46.16.028.

(6) **What is a "natural person"?** For the purpose of this section, a "natural person" is a human being, as distinguished from an artificial person created by law.

AMENDATORY SECTION (Amending WSR 03-04-092, filed 2/4/03, effective 3/7/03)

WAC 308-99-040 Restrictions and conditions. ((Is)) May a vehicle properly licensed or registered in another jurisdiction ((able to)) be operated in Washington without further registration requirements? Yes, as provided in RCW 46.85-060 and 46.85.080 the following conditions and restrictions apply:

(1) Nonresident students: The student must be in full-time attendance at ((an institution of higher learning)) a college or university in Washington accredited by the Northwest Association of Schools and Colleges or at a private vocational school as that term is defined by RCW 28C.10.020(7) and maintain their legal home of record at a location outside the state of Washington. ((Students)) Vehicles must be registered in ((their name)) the student's or in the name of their parent or legal guardian in the resident state of record. The student must carry((, in the vehicle,)) documentation issued by the ((institution)) college, university or vocational school that readily establishes the nonresident status. Employment incidental to the full-time student status is permitted. The spouse of a nonresident student has the same licensing privilege as long as the vehicle is registered to the student or jointly to the student and spouse, regardless of the spouse's legal residence or employment.

(2) Nonresident military personnel: Vehicles must be currently registered in the name of the military person at ((his/her)) their official home of record. A vehicle licensed at the last duty station may be operated until ((expiration of)) the current registration expires at which time ((it)) the vehicle must be licensed in the military person's home of record or in Washington. The spouse of a nonresident military person has the same licensing privilege as long as the vehicle is registered to the military person or jointly to the military person and spouse, regardless of the spouse's legal residence or employment.

(3) Borrowed vehicle: A borrowed vehicle currently licensed in another jurisdiction may be operated by a Washington resident for a period not to exceed ten days in any one calendar year. If the period of use exceeds ten days the vehicle must be registered and licensed in Washington. This provision does not apply to business vehicles.

(4) Vehicles undergoing repairs: Commercial vehicles having a gross weight or combined gross weight of over

26,000 pounds and properly registered and licensed in another state or Canadian Province may enter Washington for purposes of repair under the following conditions:

(a) The vehicle must enter the state unladen and proceed immediately to the repair facility.

(b) The vehicle must immediately leave the state, unladen, upon completion of repairs.

(c) The vehicle cannot ((engage in)) be used for any commercial activity while in Washington.

(d) The repair facility must be located within fifteen miles of the Washington border.

(e) While in Washington, the vehicle must carry the following documentation:

(i) An "out-of-state vehicle repair statement of fact." Blank forms are available from the department of licensing internet site at www.gov.wa/dol.

(ii) A copy of the vehicle repair work order issued by the repair facility before the vehicle enters Washington.

(f) The repair facility must maintain a copy of the "out-of-state vehicle repair statement of fact" and vehicle repair work order for a period of five years. The repair facility must make the forms available for inspection by state agency representatives.

AMENDATORY SECTION (Amending WSR 00-20-064, filed 10/3/00, effective 11/3/00)

WAC 308-99-060 Reciprocity for leased and rented vehicles. ((If there is no agreement or arrangement to the contrary, are rental or leased vehicles eligible for vehicle license reciprocity in the state of Washington? No, except for)) Is there vehicle license reciprocity for rental or leased vehicles? Yes, unless there is an agreement or arrangement to the contrary. The classes of vehicles and circumstances indicated below are eligible for reciprocity:

(1) Passenger cars and motor homes currently and properly registered in another jurisdiction will be granted vehicle license reciprocity in this state if:

(a) The vehicle was rented by the vehicle operator from a location outside of the state of Washington;

(b) The vehicle was dropped off in Washington by the previous renter and is being rented for a one-way trip out of Washington; or

(c) The vehicle is registered under the provisions of Article XI, Section 1116 of the International Registration Plan.

(2) Trailers and semi-trailers with a gross vehicle weight in excess of 6,000 pounds, trucks, truck tractors, tractors, and road tractors that are currently and properly registered in other jurisdictions will be granted vehicle license reciprocity in this state if:

(a) The vehicle is rented from a location within another jurisdiction; and

(b) The actual vehicle registration certificate (cab card) or a photo copy ((thereof)) of the vehicle registration certificate and a copy of the rental agreement is carried in the rental vehicle or in the vehicle providing the motive power for a combination of vehicles.

WSR 05-01-051
PERMANENT RULES
DEPARTMENT OF REVENUE

[Filed December 7, 2004, 3:43 p.m., effective January 1, 2005]

Effective Date of Rule: January 1, 2005.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: RCW 84.34.065 requires the department to annually determine a rate of interest and property tax component by rule that is published in the state register by the January 1st assessment date.

Purpose: To provide county assessors with the rate of interest and property tax component used in valuing farm and agricultural land classified under chapter 84.34 RCW, the Open Space Program, during assessment year 2005.

This rule is being amended to update the interest rate and the property tax component used to value farm and agricultural land classified under chapter 84.34 RCW.

Citation of Existing Rules Affected by this Order: Amending WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component.

Statutory Authority for Adoption: RCW 84.34.065.

Other Authority: RCW 84.34.141.

Adopted under notice filed as WSR 04-20-116 on October 6, 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 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.

Date Adopted: December 7, 2004.

Janis P. Bianchi, Manager
 Interpretations and Technical Advice Unit

AMENDATORY SECTION (Amending WSR 03-24-013, filed 11/20/03, effective 12/21/03)

WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component. For assessment year ~~((2004))~~ 2005, the interest rate and the property tax component that are to be used to value classified farm and agricultural lands are as follows:

- (1) The interest rate is ~~((8.34))~~ 7.76 percent; and
- (2) The property tax component for each county is:

COUNTY	PERCENT	COUNTY	PERCENT
Adams	((1.40)) <u>1.36</u>	Lewis	((1.15)) <u>1.13</u>
Asotin	((1.48)) <u>1.44</u>	Lincoln	((1.37)) <u>1.36</u>
Benton	((1.36)) <u>1.32</u>	Mason	((1.26)) <u>1.27</u>

COUNTY	PERCENT	COUNTY	PERCENT
Chelan	((1.34)) <u>1.33</u>	Okanogan	((1.20)) <u>1.24</u>
Clallam	((1.18)) <u>1.11</u>	Pacific	((1.33)) <u>1.44</u>
Clark	((1.35)) <u>1.33</u>	Pend Oreille	((1.33)) <u>1.16</u>
Columbia	((1.36)) <u>1.33</u>	Pierce	((1.51)) <u>1.50</u>
Cowlitz	((1.23)) <u>1.26</u>	San Juan	((0.73)) <u>0.67</u>
Douglas	1.37	Skagit	((1.22)) <u>1.20</u>
Ferry	((1.03)) <u>0.98</u>	Skamania	((1.02)) <u>0.99</u>
Franklin	((1.55)) <u>1.57</u>	Snohomish	((1.33)) <u>1.26</u>
Garfield	((1.58)) <u>1.60</u>	Spokane	((1.42)) <u>1.50</u>
Grant	((1.40)) <u>1.44</u>	Stevens	((1.09)) <u>1.13</u>
Grays Harbor	((1.35)) <u>1.37</u>	Thurston	((1.42)) <u>1.38</u>
Island	((0.99)) <u>0.94</u>	Wahkiakum	((1.07)) <u>1.06</u>
Jefferson	((1.16)) <u>1.11</u>	Walla Walla	1.43
King	((1.10)) <u>1.09</u>	Whatcom	((1.28)) <u>1.30</u>
Kitsap	((1.34)) <u>1.28</u>	Whitman	((1.57)) <u>1.59</u>
Kittitas	((1.05)) <u>1.07</u>	Yakima	((1.29)) <u>1.28</u>
Klickitat	((1.17)) <u>1.20</u>		

WSR 05-01-052
PERMANENT RULES
DEPARTMENT OF REVENUE

[Filed December 7, 2004, 3:45 p.m., effective January 1, 2005]

Effective Date of Rule: January 1, 2005.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: RCW 84.34.310(6) requires the department to determine and publish the rate of inflation by January 1st of each year for use in that assessment year.

Purpose: To provide the rate of inflation used by county officials to calculate interest on deferred special benefit assessments when farm and agricultural or timber land is removed or withdrawn from classification under chapter 84.34 RCW, the Open Space Program. Special benefit assessments for certain local improvements to farm and agricultural or timber land classified under chapter 84.34 RCW may be deferred by the land owner. If a landowner has chosen to defer these assessments, when the land is subsequently removed or withdrawn from classification the deferred special benefit assessment becomes due and payable with interest. WAC 458-30-590 provides the rate of inflation used in calculating the interest rate that is added to the amount of deferred special benefit assessments.

Citation of Existing Rules Affected by this Order: Amending WAC 458-30-590 Rate of inflation—Publication—Interest rate—Calculation.

Statutory Authority for Adoption: RCW 84.34.360.

Other Authority: RCW 84.34.310.

Adopted under notice filed as WSR 04-20-117 on October 6, 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.

PERMANENT

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.

Date Adopted: December 7, 2004.

Janis P. Bianchi, Manager
Interpretations and Technical Advice Unit

AMENDATORY SECTION (Amending WSR 03-24-076, filed 12/2/03, effective 1/2/04)

WAC 458-30-590 Rate of inflation—Publication—Interest rate—Calculation. (1) **Introduction.** This section sets forth the rates of inflation discussed in WAC 458-30-550. It also explains the department of revenue's obligation to annually publish a rate of inflation and the manner in which this rate is determined.

(2) **General duty of department—Basis for inflation rate.** Each year the department determines and publishes a rule establishing an annual rate of inflation. This rate of inflation is used in computing the interest that is assessed when farm and agricultural or timber land, which are exempt from special benefit assessments, is withdrawn or removed from current use classification.

(a) The rate of inflation is based upon the implicit price deflator for personal consumption expenditures calculated by the United States Department of Commerce. This rate is used to calculate the rate of interest collected on exempt special benefit assessments.

(b) The rate is published by December 31st of each year and applies to all withdrawals or removals from farm and agricultural or timber land classification that occur the following year.

(3) **Assessment of rate of interest.** An owner of classified farm and agricultural or timber land is liable for interest on the exempt special benefit assessment. Interest accrues from the date the local improvement district is created until the land is withdrawn or removed from classification. Interest accrues and is assessed in accordance with WAC 458-30-550.

(a) Interest is assessed only for the time (years and months) the land remains classified under RCW 84.34.020 (2) or (3).

(b) If the classified land is exempt from the special benefit assessment for more than one year, the annual inflation rates are used to calculate an average rate of interest. This average is determined by adding the inflation rate for each year the classified land was exempt from the special benefit assessment after the local improvement district was created. The sum of the inflation rates is then divided by the number of years involved to determine the applicable rate of interest.

(c) **Example.** A local improvement district for a domestic water supply system was created in January 1990 and the owner used the statutory exemption provided in RCW 84.34.320. On July 1, 1997, the land was removed from the

farm and agricultural classification. An average interest rate was calculated using the inflation rates for 1990 through 1997. The owner was then notified of the amount of previously exempt special benefit assessment, plus the average interest rate.

(4) **Rates of inflation.** The rates of inflation used to calculate the interest as required by WAC 458-30-550 are as follows:

YEAR	PERCENT	YEAR	PERCENT
1976	5.6	1977	6.5
1978	7.6	1979	11.3
1980	13.5	1981	10.3
1982	6.2	1983	3.2
1984	4.3	1985	3.5
1986	1.9	1987	3.7
1988	4.1	1989	4.8
1990	5.4	1991	4.2
1992	3.3	1993	2.7
1994	2.2	1995	2.3
1996	2.2	1997	2.1
1998	0.85	1999	1.42
2000	2.61	2001	1.89
2002	1.16	2003	1.84
<u>2004</u>	<u>2.39</u>		

WSR 05-01-054

PERMANENT RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed December 7, 2004, 3:55 p.m., effective March 1, 2005]

Effective Date of Rule: March 1, 2005.

Purpose: The scaffolds rule has been rewritten and reorganized for clarity and ease of use. Unnecessary requirements and outdated terminology have been eliminated.

Citation of Existing Rules Affected by this Order: Repealing WAC 296-24-860 Scaffolds, 296-24-86005 Definitions applicable to this part, 296-24-86010 General requirements, 296-24-86015 Additional requirements applicable to specific types of scaffolds, 296-24-86020 Training, 296-24-861 Manually propelled mobile ladder stands and scaffolds (towers), 296-24-86105 General requirements, 296-24-86110 Mobile tubular welded sectional folding scaffolds, 296-24-86115 Mobile tubular welded sectional folding scaffolds, 296-24-86120 Mobile tube and coupler scaffolds, 296-24-86125 Mobile work platforms, 296-24-86130 Mobile ladder stands, 296-155-483 General requirements, 296-155-484 Additional requirements applicable to specific types of scaffolds, 296-155-485 Reserved, 296-155-493 Training, 296-155-494 Non-Mandatory Appendix A to Part J-1, Scaffolds Specifications, 296-155-497 Non-Mandatory Appendix D to Part J-1, List of Training Topics for Scaffold Erectors and Dismantlers, and 296-155-498 Non-Mandatory Appendix E to Part J-1, Drawings and Illustrations.

PERMANENT

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Adopted under notice filed as WSR 04-14-027 on June 29, 2004.

Changes Other than Editing from Proposed to Adopted Version: The department has made some corrections and clarifying changes to the rule. As a result of written and oral comments received, the following sections are being changed as indicated below:

Chapter 296-155 WAC, Construction.

The following sections were proposed as repealed sections, however they will not be repealed with this rule making:

- WAC 296-155-481 Scope and application.
- WAC 296-155-482 Definitions applicable to this part.
- WAC 296-155-487 Manually propelled elevating work platforms.
- WAC 296-155-488 Self propelled elevating work platforms.
- WAC 296-155-489 Boom supported elevating work platforms.
- WAC 296-155-490 Aerial lifts.
- WAC 296-155-496 Non-Mandatory Appendix A to Part J-1, List of National Consensus Standards.

Chapter 296-874 WAC, Scaffolds.

WAC 296-874-100 Scope.

- Added "including its supporting structure and anchorage points." to the first paragraph of the scope.
- Added "the" to the reference.

WAC 296-874-200 General requirements for scaffolds.

- Changed "Summary" to "Section contents" for clarity.

WAC 296-874-20004 Make sure scaffolds are erected, moved, altered, or dismantled by appropriate persons.

- Added "person qualified in scaffold erection, moving, dismantling or alteration" to first subbullet.

WAC 296-874-20008 Make sure platforms are properly planked or decked.

- Deleted "uprights" and added "the guardrail supports" to the exemption.
- Added references to other fall protection chapters.

WAC 296-874-20020 Provide safe access to scaffolds.

- Added a reference: For requirements about integral prefabricated scaffold access, go to WAC 296-874-40020.

WAC 296-874-20022 Make sure portable, hook-on, and attachable ladders meet these requirements.

- Deleted "Provide rest platforms when using hook-on or attachable ladders on supported scaffolds more than twenty-four feet (7.3 m) high as follows:...."

- Added "Have rest platforms at vertical intervals not greater than twenty-four feet (7.3 m) on supported scaffolds."

WAC 296-874-20026 Make sure stair towers meet these requirements.

- Added "s" to "landing."

WAC 296-874-20052 Provide fall protection for employees on scaffolds.

- Added "if required" to the last bullet.
- Reorganized the fall protection reference to make consistent with the identical fall protection reference in WAC 296-874-20008.

WAC 296-874-20054 Provide fall protection if a scaffold is too far from the work face.

- Moved the first subbullet to WAC 296-874-40028 "Three inches...."
- Added "scaffolds used for" to second subbullet.
- Added a subbullet "14 inches (36 cm) for all other scaffolds."

WAC 296-874-20064 Make sure guardrail systems meet these requirements.

- Added "if required" to first bullet.
- Reworded and added language to the note for clarity "Crossbraces may be used as a toprail or midrail in a guardrail system if they meet the...."
- Reworded the last bullet to read "Make sure any rail extending beyond the post of a guardrail does not create a projection hazard."

WAC 296-874-300 Suspended scaffolds.

- Changed heading "summary" to "section contents" for clarity.

WAC 296-874-30002 Make sure suspended scaffolds and scaffold components meet these strength requirements.

- Deleted "the greater of" and Added: "4 times the rated load of the hoist" to second main bullet.
- Deleted the two subbullets following "Four times the load placed on them with the scaffold operating at the rated load of the hoist;...."

In table 4:

- Deleted "Support 6 times the maximum intended load applied or transmitted to the rope with the scaffold operating at the greater of either:...." and added "Support 6 times the rated load of the hoist."
- Deleted "Resist the greater of either:...." and added "Resist 4 times the tipping moment with the scaffold operating at the rated load of the hoist."

WAC 296-874-30004 Make sure suspended scaffold outrigger beams meet these requirements.

- Reworded the note for clarity. Deleted The bearing support is usually the face of the building or structure, and added The angle between the outrigger beam and the bearing support is usually the same as the angle between the outrigger beam and the face of the building or structure.

WAC 296-874-30012 Make sure scaffold hoists meet these requirements.

- Reworded the second main bullet for clarity "Make sure the design of scaffold hoists has been tested by an independent nationally recognized testing laboratory."

WAC 296-874-30046 Meet these requirements when using two-point adjustable suspension scaffolds (swing stages).

- Reworded the third main bullet for clarity "Make sure the design of light-metal type platforms have been tested and listed by a nationally recognized testing laboratory if they:...."

WAC 296-874-400 Supported scaffolds.

- Changed heading "Summary" to "section contents" for clarity.

WAC 296-874-40004 Prevent supported scaffolds from tipping.

- Added "other equivalent means" as a last subbullet.

WAC 296-874-40006 Make sure supported scaffolds are properly supported.

- Added plates that rest on:...." to second main bullet.
- Deleted the third main bullet "Make sure the scaffold has an adequate, firm foundation such as dry compacted soil, mud sills, or concrete slabs."
- Deleted "footings" and Added "foundations" to 4th main bullet.
- Added Note: "Condition of the foundation may change due to weather or other factors. If changes occur, the foundation needs to be evaluated by a competent person to make sure it will safely support the scaffold."
- Deleted as a stationary scaffold and added "being" to subbullet.

WAC 296-874-40008 Provide safe access for persons erecting or dismantling supported scaffolds.

- Deleted "end" from fifth main bullet.

WAC 296-874-40018 Meet these requirements when using fabricated frame scaffolds (tubular welded frame scaffolds).

- Added "pins" to subbullet "coupling...."
- Deleted "end" from sixth main bullet.
- Deleted "end" from last main bullet.

WAC 296-874-40026 Meet these requirements when using ladder jack scaffolds.

- Added "the" to first bullet.
- Added "Note: Ladders with a duty rating or weight capacity greater than a Type I ladder (250 pounds) satisfy the requirement to use a Type I or Type IA ladder."
- Added "You must:" above main bullet.

WAC 296-874-40028 Meet these requirements when using outrigger scaffolds.

- Added a main bullet "Nail, bolt, or otherwise secure platform units to the outriggers to prevent platform displacement. Platform units must extend to within 3 inches of the building wall."

WAC 296-874-40038 Meet these requirements when using step, platform and trestle ladder scaffolds.

- Reorganized the wording in the first subbullet to read "Type I (250 pound rated capacity) or Type IA (300 pound rated capacity)."
- Added a note "Ladders with a duty rating or weight capacity greater than a Type I ladder (250 pounds) satisfy the requirement to use a Type I or Type IA ladder."
- Added "You must" above main bullet following the note.

WAC 296-874-500 Definitions.

- Deleted Design working load the maximum intended load, being the total of all loads including the weight of the people, materials, equipment, and platform.
- Deleted "end" from definition of fabricated frame scaffold (tubular welded frame scaffold).
- Added "system scaffold" to definition of large area scaffold.
- Added Multi-level suspended scaffold a two-point or multipoint adjustable suspension scaffold with a series of platforms at various levels resting on common stirrups.
- Deleted "such scaffolds include chimney hoists" from definition of multipoint adjustable suspension scaffold.
- Added definition System scaffold a scaffold consisting of posts with fixed connection points that accept runners, bearers, and diagonals that can be interconnected at predetermined levels.

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 87, Amended 0, Repealed 19.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 87, Amended 0, Repealed 19.

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 87, Amended 0, Repealed 19.

Date Adopted: December 7, 2004.

Paul Trause
Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-24-860 Scaffolds.
- WAC 296-24-86005 Definitions applicable to this part.
- WAC 296-24-86010 General requirements.
- WAC 296-24-86015 Additional requirements applicable to specific types of scaffolds.
- WAC 296-24-86020 Training.
- WAC 296-24-861 Manually propelled mobile ladder stands and scaffolds (towers).
- WAC 296-24-86105 General requirements.
- WAC 296-24-86110 Mobile tubular welded frame scaffolds.
- WAC 296-24-86115 Mobile tubular welded sectional folding scaffolds.
- WAC 296-24-86120 Mobile tube and coupler scaffolds.
- WAC 296-24-86125 Mobile work platforms.
- WAC 296-24-86130 Mobile ladder stands.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-155-483 General requirements.
- WAC 296-155-484 Additional requirements applicable to specific types of scaffolds.
- WAC 296-155-485 Reserved.
- WAC 296-155-493 Training.
- WAC 296-155-494 Non-Mandatory Appendix A to Part J-1, Scaffold Specifications.
- WAC 296-155-497 Non-Mandatory Appendix D to Part J-1, List of Training Topics for Scaffold Erectors and Dismantlers.
- WAC 296-155-498 Non-Mandatory Appendix E to Part J-1, Drawings and Illustrations.

Chapter 296-874 WAC

SCAFFOLDS

NEW SECTION

WAC 296-874-100 Scope. This chapter applies to suspended and supported scaffolds, including their supporting structure and anchorage points.

Exemption: This chapter does not apply to:

- Manually propelled elevating work platforms;
- Self-propelled elevating work platforms;
- Boom-supported elevating work platforms;
- Aerial lifts;
- Crane or derrick suspended personnel platforms;
- Personnel platforms supported by powered industrial trucks (PITs).

Reference: Additional requirements for the following types of platforms are found in the general safety and health standards, chapter 296-24 WAC. Go to the following sections:

- For elevating work platforms and aerial lifts, go to elevating work platforms, WAC 296-24-875;
- For crane or derrick suspended personnel platforms, go to WAC 296-24-23533;
- For personnel platforms supported by powered industrial trucks (PITs), go to WAC 296-24-230.

Definition:

A **scaffold** is a temporary elevated platform, including its supporting structure and anchorage points, used for supporting employees or materials.

A **suspended scaffold** is one or more platforms suspended from an overhead structure by ropes or other nonrigid means.

A **supported scaffold** is one or more platforms supported by rigid means such as outrigger beams, brackets, poles, legs, uprights, posts, or frames.

NEW SECTION

WAC 296-874-200 General requirements for scaffolds.

Section contents:

Your responsibility:

To make sure all scaffolds meet these requirements.

Make sure scaffolds are properly designed and constructed

WAC 296-874-20002.

Make sure scaffolds are erected, moved, altered, or dismantled by appropriate persons

WAC 296-874-20004.

Maintain structural integrity when intermixing scaffold components

WAC 296-874-20006.

Make sure platforms are properly planked or decked

WAC 296-874-20008.

Make sure platforms meet minimum width requirements

WAC 296-874-20010.

Meet these requirements when shorter platforms are used to create a longer platform

WAC 296-874-20012.

Lay platform planks properly when the platform changes direction

PERMANENT

WAC 296-874-20014.

Stabilize the ends of platforms

WAC 296-874-20016.

Keep platform sag within acceptable limits

WAC 296-874-20018.

Provide safe access to scaffolds

WAC 296-874-20020.

Make sure portable, hook-on, and attachable ladders meet these requirements

WAC 296-874-20022.

Make sure stairway-type ladders meet these requirements

WAC 296-874-20024.

Make sure stair towers meet these requirements

WAC 296-874-20026.

Make sure stair rails and handrails meet these requirements

WAC 296-874-20028.

Make sure ramps and walkways used to access scaffolds meet these requirements

WAC 296-874-20030.

Make sure surfaces used to access scaffolds are close enough to use safely

WAC 296-874-20032.

Inspect scaffolds and scaffold components

WAC 296-874-20034.

Make sure damaged or weakened scaffolds meet minimum strength requirements

WAC 296-874-20036.

Make sure scaffolds are properly loaded

WAC 296-874-20038.

Protect employees when moving scaffolds

WAC 296-874-20040.

Increase employee working level height on scaffolds safely

WAC 296-874-20042.

Control loads being hoisted near scaffolds

WAC 296-874-20044.

Protect employees from energized power lines

WAC 296-874-20046.

Protect employees from weather hazards

WAC 296-874-20048.

Protect employees from slipping and tripping hazards

WAC 296-874-20050.

Provide fall protection for employees on scaffolds

WAC 296-874-20052.

Provide fall protection if the scaffold is too far from the work face

WAC 296-874-20054.

Provide specific fall protection for specific types of scaffolds

WAC 296-874-20056.

Make sure personal fall arrest systems meet these requirements

WAC 296-874-20058.

Make sure vertical lifelines used with personal fall arrest systems meet these requirements

WAC 296-874-20060.

Make sure horizontal lifelines used with personal fall arrest systems meet these requirements

WAC 296-874-20062.

Make sure guardrail systems meet these requirements

WAC 296-874-20064.

Provide falling object protection

WAC 296-874-20066.

Provide additional support lines on suspended scaffolds using a canopy for falling object protection

WAC 296-874-20068.

Make sure toeboards meet these requirements

WAC 296-874-20070.

Train employees who work on scaffolds

WAC 296-874-20072.

Train employees who erect, dismantle, operate or maintain scaffolds

WAC 296-874-20074.

Retrain employees when necessary

WAC 296-874-20076.

NEW SECTION

WAC 296-874-20002 Make sure scaffolds are properly designed and constructed.

You must:

- Make sure scaffolds are:
 - Designed by a qualified person;

AND

- Constructed according to that design.
- Prohibit the use of shore and lean-to scaffolds.

Definition:

A **qualified person** is one who has demonstrated the ability to solve problems related to the subject matter, work, or project. This can be done by having either:

- A recognized degree, certificate, or professional standing;

OR

- Extensive knowledge, training, and experience.

NEW SECTION

WAC 296-874-20004 Make sure scaffolds are erected, moved, altered, or dismantled by appropriate persons.

You must:

- Make sure scaffolds are erected, moved, altered, or dismantled only when the work is:
 - Supervised and directed by a competent person qualified in scaffold erection, moving, dismantling, or alteration;

AND

- Done by experienced and trained employees selected by the competent person.

Definition:

A **competent person** is someone who:

- Is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees;

AND

- Has the authority to take prompt corrective measures to eliminate them.

NEW SECTION

WAC 296-874-20006 Maintain structural integrity when intermixing scaffold components.

You must:

- Make sure intermixed scaffold components:
 - Fit together without force;

AND

- Maintain the scaffold's structural integrity.

• Make sure a qualified person determines that modifying components in order to intermix them will result in a structurally sound scaffold.

• Make sure scaffold components made of different metals are not used together.

Exemption: Different types of metals may be used together if a competent person determines that galvanic action will not reduce the strength of any component to less than the minimum strength required.

Reference: The minimum strength requirements are found in the following sections:

- Suspended scaffolds, WAC 296-874-30002;
- Supported scaffolds, WAC 296-874-40002.

NEW SECTION

WAC 296-874-20008 Make sure platforms are properly planked or decked.

You must:

• Fully plank or deck each platform between the front uprights and the guardrail supports on all working levels of a scaffold so that there is no more than one inch (2.5 cm):

- Between adjacent units;

AND

- Between the platform and the uprights.

Exemption: • There may be more than one inch between platform units if all of the following are met:

- You can demonstrate that a wider space is necessary, such as to fit around uprights when side brackets are used to extend the platform width;
- The platform is planked or decked as fully as possible;
- The open space between the platform and the guardrail supports is nine and one-half inches (24.1 cm) or less.

• Platforms used solely as walkways or only by employees erecting or dismantling scaffolds do not have to be fully decked or planked if:

- The planking provided makes for safe working conditions;

AND

- Employees on those platforms are protected from falling.

REFERENCE		
Fall protection requirements for employees:	Are located in the following chapters:	In the following sections:
On walkways within scaffolds	Chapter 296-874 WAC, Scaffolds	WAC 296-874-20056
Erecting or dismantling supported scaffolds	Chapter 296-874 WAC, Scaffolds	WAC 296-874-40010

REFERENCE		
Fall protection requirements for employees:	Are located in the following chapters:	In the following sections:
Erecting or dismantling suspended scaffolds in general industry	Chapter 296-24 WAC, General safety and health standards	Part J-1 Working surfaces, guarding floors and wall openings, ladders AND Part J-3 Powered platforms
Erecting or dismantling suspended scaffolds in construction work	Chapter 296-155 WAC, Safety standards for construction work	Part C-1 Fall restraint and fall arrest AND Part K Floor openings, wall openings, and stairways

You must:

• Make sure wood platforms are not covered with an opaque finish.

Exemption: Platform edges may be covered or marked for identification.

Note: Platforms may be coated periodically with wood preservatives, fire-retardant finishes, or slip-resistant finishes if the coating does not obscure the top or bottom wood surfaces.

NEW SECTION

WAC 296-874-20010 Make sure platforms meet minimum width requirements.

You must:

• Make sure scaffold platforms meet the minimum width requirements of Table 1, Minimum Platform Width.

**Table 1
Minimum Platform Width**

Type of Scaffold	Minimum Platform Width Required
Ladder jack scaffold Pump jack scaffold	12 inches (20 cm)
Roof bracket scaffold Top plate bracket scaffold	
Boatswain's chair	No minimum width
All other scaffolds	18 inches (46 cm) Exemption: Platforms and walkways may be less than 18 inches (46 cm) wide if all of the following are met: • You can demonstrate that the area is so narrow that the platform or walkway cannot be at least 18 inches (46 cm) wide • The platform or walkway is as wide as feasible

PERMANENT

Table 1
Minimum Platform Width

Type of Scaffold	Minimum Platform Width Required
	<ul style="list-style-type: none"> • Employees on those platforms or walkways are protected from falling by using guardrails or personal fall arrest systems.

NEW SECTION

WAC 296-874-20012 Meet these requirements when using shorter platforms to create a longer platform.

You must:

- Make sure, when platforms are overlapped to create a longer platform, that:

- The overlap is over a support;

AND

- The platforms are either:

- Overlapped by at least twelve inches (30 cm);

OR

- Are nailed together or otherwise prevented from moving.

- Make sure, when platforms are butted together to create a longer platform, that each abutted platform end rests on a separate support surface.

Note: Platforms may butt together on a common support member if the member is designed to support abutting platforms, such as either:

- A "T" section;

OR

- Hook-on platforms designed to rest on common supports.

NEW SECTION

WAC 296-874-20014 Lay platform planks properly when the platform changes direction.

You must:

- Do the following whenever platforms overlap to change direction:

- First lay the platform that rests on a bearer at an angle other than a right angle;

THEN

- Lay the platform that is perpendicular to the bearer.

NEW SECTION

WAC 296-874-20016 Stabilize the ends of platforms.

You must:

- Make sure each end of a platform:

- Is cleated or restrained by hooks or equivalent means;

OR

- Extends over the centerline of its support at least six inches (15 cm).

- Make sure the cantilevered portion of a platform meets at least one of the following:

- Is designed and installed to support employees or material without tipping;

- Has guardrails which block employee access to the cantilevered end;

- Extends over its support not more than:

- Twelve inches (30 cm) if the platform length is ten feet or less;

OR

- Eighteen inches (46 cm) if the platform length is greater than ten feet.

Note: The cantilevered portion of a platform is the portion that is not supported on one end.

NEW SECTION

WAC 296-874-20018 Keep platform sag within acceptable limits.

You must:

- Make sure a loaded platform does not sag more than one-sixtieth of the span.

NEW SECTION

WAC 296-874-20020 Provide safe access to scaffolds.

You must:

- Provide scaffold platforms more than two feet (0.6 m) above or below a point of access with at least one of the following means of access:

- Portable, hook-on, or attachable ladder;

- Stairway-type ladder;

- Ladder stand;

- Stair tower (scaffold stairway or tower);

- Ramp;

- Walkway;

- Integral prefabricated scaffold access;

- Direct access from another scaffold, structure, personnel hoist, or similar surface.

- Make sure crossbraces are not used as a means of access.

Reference: For requirements about integral prefabricated scaffold access, go to WAC 296-874-40020.

NEW SECTION

WAC 296-874-20022 Make sure portable, hook-on, and attachable ladders meet these requirements.

You must:

- Position portable, hook-on, and attachable ladders so they do not tip the scaffold.

- Make sure hook-on and attachable ladders meet all of the following:

- Specifically designed and used for that type of scaffold;

- Have rungs that are:

- Uniformly spaced;

- Not more than sixteen and three-quarters inches apart;

- At least eleven and one-half inches (29 cm) long;

- Lined up vertically between rest platforms.

- Position the bottom rung not more than twenty-four inches (61 cm) above the scaffold supporting level.

- Have rest platforms at vertical intervals not greater than twenty-four feet (7.3 m) on supported scaffolds.

PERMANENT

NEW SECTION**WAC 296-874-20024 Make sure stairway-type ladders meet these requirements.****You must:**

- Make sure stairway-type ladders meet all of the following:
 - Position the bottom step not more than twenty-four inches (61 cm) above the scaffold supporting level;
 - Have rest platforms not more than twelve feet (3.7 m) apart vertically;
 - Have slip-resistant surfaces on treads and landings;
 - Have steps that:
 - Are at least sixteen inches (41 cm) wide;
- AND**
- Line up vertically between rest platforms.
- Make sure mobile ladder stands have steps that are at least eleven and one-half inches (30 cm) wide.

Definition:

A **ladder stand** is a mobile, fixed-size, self-supporting ladder consisting of a wide flat tread ladder in the form of stairs.

NEW SECTION**WAC 296-874-20026 Make sure stair towers meet these requirements.****You must:**

- Make sure stair towers (scaffold stairways or towers) meet all of the following:
 - Are positioned so the bottom step is not more than twenty-four inches (61 cm) above the scaffold supporting level;
 - Are at least eighteen inches (45.7 cm) wide between stair rails;
 - Have slip-resistant surfaces on treads and landings;
 - Are installed at an angle of forty to sixty degrees from the horizontal.
- Provide a landing platform at least eighteen inches (45.7 cm) wide by eighteen inches (45.7 cm) long at each level.
- Provide guardrails on the open sides and ends of each landing.

Reference: For requirements about guardrails, go to WAC 296-874-20064.

You must:

- Make sure steps meet all of the following requirements:
 - Line up vertically between rest platforms;
 - Have uniform tread depth, within one-quarter inch (0.6 cm), for each flight of stairs;
 - Have uniform riser height, within one-quarter inch (0.6 cm), for each flight of stairs.

Note: Riser height may have larger variations at the top step and bottom step of the entire stair system, but not at the top and bottom steps within each flight of stairs.

NEW SECTION**WAC 296-874-20028 Make sure stair rails and handrails meet these requirements.****You must:**

- Provide a stair rail that meets all of the following on each side of a scaffold stairway:
 - Has a top rail and midrail;
 - Has a top rail that can serve as a handrail if a separate handrail is not provided;
 - Is at least twenty-eight inches (71 cm) but not more than thirty-seven inches (94 cm) high.

Note: Stair rail height is measured from the upper surface of the stair rail to the surface of the tread, in line with the face of the riser at the forward edge of the tread.

You must:

- Make sure stair rail systems and handrails have:
 - A surface that prevents employees from:
 - Being injured by punctures or lacerations;
- OR**
- Snagging their clothing.
 - Ends that do not create a projection hazard.
 - Make sure handrails, and top rails that are used as handrails:
 - Provide an adequate handhold for employees to grasp to avoid falling;
- AND**
- Are at least three inches (7.6 cm) from other objects.

NEW SECTION**WAC 296-874-20030 Make sure ramps and walkways used to access scaffolds meet these requirements.****You must:**

- Make sure ramps and walkways are not inclined at a slope steeper than one vertical in three horizontal (1:3 or twenty degrees from the horizontal).
 - Make sure ramps and walkways that are inclined at a slope steeper than one vertical in eight horizontal (1:8) have cleats to provide footing which are:
 - Securely fastened to the planks;
- AND**
- Spaced not more than fourteen inches (35 cm) apart.

Reference: Ramps and walkways that are four feet (1.2 m) or more above a lower level need to have a guardrail system. Those requirements are found in other chapters.

– For general industry activities, go to:

■ Working surfaces, guarding floors and wall openings, ladders, Part J-1, in the general safety and health standards, chapter 296-24 WAC;

– For construction activities, go to:

■ Floor openings, wall openings, and stairways, Part K, in the safety standards for construction work, chapter 296-155 WAC.

NEW SECTION**WAC 296-874-20032 Make sure surfaces used to access scaffolds are close enough to use safely.****You must:**

- Make sure a surface used to provide access to or from a scaffold is not further from the scaffold than:
 - Fourteen inches (36 cm) horizontally;
 - Twenty-four inches (61 cm) vertically.

NEW SECTION**WAC 296-874-20034 Inspect scaffolds and scaffold components.****You must:**

- Make sure scaffolds and scaffold components are inspected for visible defects by a competent person:

- Before each work shift;

AND

- After anything occurs that could affect the scaffold's structural integrity.

NEW SECTION**WAC 296-874-20036 Make sure damaged or weakened scaffolds meet minimum strength requirements.****You must:**

- Make sure any scaffold or scaffold component that has been damaged or weakened so that it no longer meets the minimum strength requirements of this chapter, is immediately either:

- Repaired, replaced, or braced to meet the minimum strength requirements;

OR

- Removed from service until repaired.

Reference: For information on minimum strength requirements for suspended and supported scaffolds, go to the following sections within this chapter:

- Make sure suspended scaffolds and scaffold components meet these strength requirements, WAC 296-874-30002;

- Make sure supported scaffolds and scaffold components meet these strength requirements, WAC 296-874-40002.

NEW SECTION**WAC 296-874-20038 Make sure scaffolds are properly loaded.****You must:**

- Load scaffolds as specified in the:

- Manufacturer's instructions;

OR

- Design of the qualified person.

- Make sure scaffolds and scaffold components do not exceed their maximum intended load or rated load, whichever is less.

NEW SECTION**WAC 296-874-20040 Protect employees when moving scaffolds.****You must:**

- Make sure scaffolds are not moved horizontally while employees are on them.

Exemption: A scaffold may be moved horizontally with employees on it if the scaffold:

- Has been specifically designed for such movement by a registered professional engineer;

OR

- Is a mobile scaffold that meets the requirements of the section, Meet these requirements when moving mobile scaffolds, WAC 296-874-40012.

NEW SECTION**WAC 296-874-20042 Increase employee working level height on scaffolds safely.****You must:**

- Make sure makeshift devices, such as boxes and barrels, are not used on scaffold platforms to increase the working level height for employees.

- Meet all of the following when using stilts on scaffolds:

- Use stilts only on large area scaffolds;

- Increase the height of a guardrail system used for fall protection by an amount equal to the height of the stilts being used;

- Make sure scaffold platforms where stilts are used are flat and free of:

- Pits, holes, and obstructions such as debris;

AND

- Other tripping or falling hazards.

- Make sure stilts are:

- Properly maintained;

AND

- The original equipment is not altered without the manufacturer's approval.

- Meet all of the following when using ladders on scaffolds:

- Use ladders only on large area scaffolds;

- Secure the platform units to the scaffold to prevent movement;

- Secure the scaffold against the sideways thrust exerted by the ladder if the ladder is placed against a structure that's not part of the scaffold;

- Make sure the ladder legs are:

- Secured to prevent them from slipping or being pushed off the platform;

AND

- On the same scaffold platform, or use other means, to stabilize the ladder against uneven platform deflection.

NEW SECTION**WAC 296-874-20044 Control loads being hoisted near scaffolds.****You must:**

- Use a tag line or equivalent measures to control loads being hoisted onto or near a scaffold if the load could swing and contact the scaffold.

NEW SECTION**WAC 296-874-20046 Protect employees from energized power lines.****You must:**

- Make sure scaffolds are erected, moved, altered, or dismantled so that they, and any conductive material handled on them, are kept at least as far from exposed and energized power lines as shown in Table 2, Minimum Separation Distance from Energized Power Lines.

Table 2
Minimum Separation Distance from Energized Power Lines

Voltage	Minimum Separation Distance
Less than 300 volts (insulated lines)	3 feet (0.9 m)
Less than 300 volts (uninsulated lines)	10 feet (3.1 m)
300 volts to 50 kv	10 feet (3.1 m)
More than 50 kv	10 feet (3.1 m) + 0.4 inches (1.0 cm) for each 1 kv over 50 kv Note: You may use an alternative minimum separation distance of 2 times the length of the line insulator, but never less than 10 feet (3.1 m).

Exemption: Scaffolds and conductive materials handled on scaffolds may be closer to power lines than the minimum separation distance specified in Table 2 if all of the following are met:

- Less clearance is necessary to do the work;
- The utility company or electrical system operator has been notified of the need to work closer to the power lines;
- The utility company or electrical system operator has done at least one of the following:
 - Deenergized the lines;
 - Relocated the lines to meet the minimum separation distance requirement;
 - Installed protective coverings over the lines to prevent accidental contact.

NEW SECTION

WAC 296-874-20048 Protect employees from weather hazards.

You must:

- Prohibit work on or from scaffolds during storms or high winds unless both of the following are met:
 - A competent person has determined that it is safe for employees to be on the scaffold;
 - The employees are protected by either:
 - A personal fall arrest system;
- OR**
- Wind screens.
- Make sure wind screens are not used unless the scaffold is secured against the anticipated wind forces.

NEW SECTION

WAC 296-874-20050 Protect employees from slipping and tripping hazards.

You must:

- Make sure debris does not accumulate on platforms.
- Prohibit employees from working on scaffolds covered with snow, ice, or other slippery material.

Exemption: Employees may be on scaffolds as necessary to remove the slipping hazard.

NEW SECTION

WAC 296-874-20052 Provide fall protection for employees on scaffolds.

You must:

- Protect each employee on a scaffold more than ten feet (3.1 m) above a lower level, from falling to the lower level, by providing either:
 - A personal fall arrest system;
- OR**
- Guardrails.

REFERENCE		
Fall protection requirements for employees:	Are located in the following chapters:	In the following sections:
On walkways within scaffolds	Chapter 296-874 WAC, Scaffolds	WAC 296-874-20056
Erecting or dismantling supported scaffolds	Chapter 296-874 WAC, Scaffolds	WAC 296-874-40010
Erecting or dismantling suspended scaffolds in general industry	Chapter 296-24 WAC, General safety and health standards	Part J-1 Working surfaces, guarding floors and wall openings, ladders AND Part J-3 Powered platforms
Erecting or dismantling suspended scaffolds in construction work	Chapter 296-155 WAC, Safety standards for construction work	Part C-1 Fall restraint and fall arrest AND Part K Floor openings, wall openings, and stairways

You must:

- Make sure employees erecting the scaffold install the guardrail system, if required, before the scaffold is used by any other employees.

NEW SECTION

WAC 296-874-20054 Provide fall protection if a scaffold is too far from the work face.

You must:

- Provide a guardrail system along the front edge of the platform, or have employees use a personal fall arrest system, if the distance from the front edge of the platform to the work face is greater than:
 - Eighteen inches (46 cm) for scaffolds used for plastering and lathing operations;
 - Fourteen inches (36 cm) for all other scaffolds.

NEW SECTION

WAC 296-874-20056 Provide specific fall protection for specific types of scaffolds.

You must:

- Use a personal fall arrest system to protect employees on the following scaffolds:

PERMANENT

- Boatswain's chair;
- Catenary scaffold;
- Float scaffold;
- Ladder jack scaffold;
- Needle beam scaffold.

• Use a personal fall arrest system **and** a guardrail system to protect employees on:

- Single-point adjustable suspension scaffolds;

AND

- Two-point adjustable suspension scaffolds.

• Protect employees working on a crawling board (chicken ladder) by using at least one of the following:

- A personal fall arrest system;
- A guardrail system with a minimum two hundred pound toprail capacity;
- A three-quarter inch (1.9 cm) diameter grabline or equivalent handhold securely fastened beside each crawling board.

• Protect employees working on a self-contained adjustable scaffold that has the platform:

- Supported by the frame structure, using a guardrail system with a minimum two hundred pound toprail capacity.
- Suspended by ropes, using:

■ A guardrail system with a minimum two hundred pound toprail capacity;

AND

■ A personal fall arrest system.

• Protect employees on walkways located within a scaffold by using a guardrail system that meets all of the following:

- Has a minimum two hundred pound toprail capacity;
- Is installed within nine and one-half inches (24.1 cm) of the walkway;
- Is installed along at least one side of the walkway.

NEW SECTION

WAC 296-874-20058 Make sure personal fall arrest systems meet these requirements.

You must:

• Make sure personal fall arrest systems used on scaffolds for general industry activities, meet the requirements of personal fall arrest system, Appendix C, Part 1, WAC 296-24-88050, in powered platforms, Part J-3, found in the general safety and health standards, chapter 296-24 WAC.

• Make sure personal fall arrest systems are attached by a lanyard to one of the following:

- Vertical lifeline;
- Horizontal lifeline;
- Appropriate structural member of the scaffold.

Reference: Requirements for personal fall arrest systems used on scaffolds for construction activities are in fall restraint and fall arrest, Part C-1, found in the safety standards for construction work, chapter 296-155 WAC.

NEW SECTION

WAC 296-874-20060 Make sure vertical lifelines used with personal fall arrest systems meet these requirements.

You must:

- Make sure vertical lifelines are all of the following:
 - Fastened to a fixed, safe point of anchorage;
 - Independent of the scaffold;
 - Protected from sharp edges and abrasion.

Note: Safe points of anchorage include structural members of buildings, but do not include:

- Standpipes, vents, or other piping systems;
- Electrical conduit;
- Outrigger beams;
- Counterweights.

You must:

• Make sure vertical lifelines, independent support lines, and suspension ropes are **not** attached to any of the following:

- Each other;
- The same point of anchorage;
- The same point on the scaffold.

• Make sure vertical lifelines, independent support lines, and suspension ropes do not use the same point of anchorage.

• Make sure independent support lines and suspension ropes are not attached to a personal fall arrest system.

• Make sure vertical lifelines are not used with single-point or two-point adjustable suspension scaffolds that have overhead components such as overhead protection or additional platform levels.

NEW SECTION

WAC 296-874-20062 Make sure horizontal lifelines used with personal fall arrest systems meet these requirements.

You must:

• Equip single-point or two-point adjustable suspension scaffolds that use horizontal lifelines or structural members of the scaffold for fall protection with both of the following:

- Additional independent support lines that are equal in number and equivalent in strength to the suspension ropes;
- Automatic locking devices capable of stopping the scaffold from falling if one or both of the suspension ropes fail.

• Make sure horizontal lifelines are secured to either:

- Two or more structural members of the scaffold;

OR

- Looped around both the suspension ropes and independent support lines above the hoist and brake attached to the end of the scaffold.

• Make sure independent support lines and suspension ropes are **not**:

- Attached to each other or the same point on the scaffold;

- Attached to or use the same point of anchorage.

• Make sure independent support lines and suspension ropes are not attached to either:

- A personal fall arrest system;

OR

- The same point on the scaffold as a personal fall arrest system.

• Make sure, if a horizontal lifeline is used where it may become a vertical lifeline, that the device used to connect a lanyard to the horizontal lifeline is capable of locking in both directions on the lifeline.

NEW SECTION

WAC 296-874-20064 Make sure guardrail systems meet these requirements.

You must:

- Make sure guardrails, if required, are installed along all open sides and ends of platforms.

Exemption: For employees doing overhand bricklaying operations from a supported scaffold, a guardrail is not required on the side next to the wall.

Definition:

Overhand bricklaying is the process of laying bricks and masonry units so that the surface of the wall is on the opposite side of the wall from the mason, requiring the mason to lean over the wall to complete the work. It includes mason tending and electrical installation incorporated into the brick wall.

You must:

- Make sure the height of the toprail top edge, or the equivalent member, of supported scaffolds is:
 - At least thirty-six inches (0.9 m) and not more than forty-five inches (1.2 m) above the platform surface for scaffolds manufactured or first placed in service **before January 1, 2000**;
 - At least thirty-eight inches (0.97 m) and not more than forty-five inches (1.2 m) above the platform surface for scaffolds manufactured or first placed in service **after January 1, 2000**.
- Make sure the height of the toprail top edge, or the equivalent member, of suspended scaffolds that require guardrails and personal fall arrest systems, is at least thirty-six inches (0.9 m) and not more than forty-five inches (1.2 m) above the platform surface.

Exemption: When conditions warrant, the height of the top edge of the toprail may be greater than forty-five inches if the guardrail system meets all other criteria of this chapter.

You must:

- Make sure the top edge of the toprail doesn't drop below the required height when the minimum load, shown in Table 3, Minimum Toprail and Midrail Strength Requirements, is used.
- Each toprail and midrail, or equivalent member, of a guardrail system must be able to withstand, without failure, the force shown in Table 3, Minimum Toprail and Midrail Strength Requirements, when the force is applied as follows:
 - To the toprail in a downward or horizontal direction at any point along its top edge;
 - To the midrail in a downward or horizontal direction at any point.

Note: Midrail includes screens, mesh, intermediate vertical members, solid panels, and equivalent structural members of the guardrail system.

Table 3

Minimum Toprail and Midrail Strength Requirements

Type of Scaffold	Toprail Capacity	Midrail Capacity
• Single-point adjustable suspension scaffolds	100 pounds (445 n)	75 pounds (333 n)

Table 3

Minimum Toprail and Midrail Strength Requirements

Type of Scaffold	Toprail Capacity	Midrail Capacity
• Two-point adjustable suspension scaffolds		
• All other scaffolds • Walkways within a scaffold	200 pounds (890 n)	150 pounds (666 n)

You must:

- Install midrails, screens, mesh, intermediate vertical members, solid panels, or equivalent structural members as follows:
 - Midrails at a height approximately midway between the top edge of the guardrail system and the platform surface;
 - Screens and mesh:
 - From the top edge of the guardrail system to the scaffold platform;
- AND**
- Along the entire opening between the supports;
 - Intermediate members, such as balusters or additional rails, not more than nineteen inches (48 cm) apart.
 - Make sure steel or plastic banding is not used as a toprail or midrail.
 - Have a competent person inspect manila rope and plastic or other synthetic rope that is used as a toprail or midrail as frequently as necessary to make sure it continues to meet the strength requirements for a toprail or midrail.

Note: Crossbraces may be used as a toprail or midrail in a guardrail system if they meet the following requirements:

- The crossing point of the two braces is between:
 - 20" and 30" above the work platform when used as a midrail.
 - 38" and 48" above the work platform when used as a toprail.
- The end points at each upright are not more than 48" apart.

You must:

- Make sure guardrails have a surface that prevents:
 - Puncture and laceration injuries;
- AND**
- Snagging clothing.
 - Make sure any rail extending beyond the post of a guardrail does not create a projection hazard.

NEW SECTION

WAC 296-874-20066 Provide falling object protection.

Reference: Hardhats and possibly other personal protective equipment has to be used to protect employees exposed to overhead hazards.

- Those requirements are found in the safety and health core rules, chapter 296-800 WAC.
- Go to Personal protective equipment (PPE), WAC 296-800-160.

You must:

- Protect employees from being struck by tools, materials, or equipment falling from a scaffold by doing one or more of the following:

PERMANENT

- Use a barricade to keep employees out of the area where falling objects could be a hazard;
 - Install a toeboard along the edge of the platform anywhere an object could fall on an employee below;
 - Install paneling or screening that covers from the top of the guardrail to the toeboard or platform anywhere the toeboard is **not** high enough to keep objects from falling off the platform;
 - Install a guardrail system with openings small enough to keep potential falling objects from passing through;
 - Erect a canopy structure, debris net, or catch platform over employees that does all of the following:
 - Will contain or deflect falling objects;
 - Is strong enough to withstand the impact forces;
 - Is installed between the falling object hazard and the employees.
 - Make sure potential falling objects that are too large or heavy to be contained or deflected by the falling object protection you are using are:
 - Moved away from the edge of the surface they could fall from;
- AND
- Secured, as necessary, to prevent falling.

NEW SECTION

WAC 296-874-20068 Provide additional support lines on suspended scaffolds using a canopy for falling object protection.

You must:

- Equip suspended scaffolds, that use a canopy for falling object protection, with additional independent support lines that meet all of the following:
 - Have the same number of support lines as there are suspension ropes;
 - Are equivalent in strength to the suspension ropes;
 - Are not attached to the same point of anchorage as the suspension ropes.

NEW SECTION

WAC 296-874-20070 Make sure toeboards meet these requirements.

You must:

- Make sure toeboards, when used, are:
 - At least three and one-half inches (9 cm) high from the top edge of the toeboard to the platform;
 - Securely fastened along the outer edge of the platform;
 - Installed for enough distance along the platform to protect employees below;
 - Installed so the gap between the bottom of the toeboard and the platform is one-quarter inch (0.7 cm) or less;
 - Solid or with openings that are one inch (2.5 cm) or less in the largest dimension;
 - Able to withstand, without failing, a force of at least fifty pounds (222 n) applied in a downward or horizontal direction anywhere along the toeboard.

Exemption: On float (ship) scaffolds, an edging of three-quarters by one and one-half inch (2 x 4 cm) wood or the equivalent may be used instead of a toeboard.

NEW SECTION

WAC 296-874-20072 Train employees who work on a scaffold. You must:

- Have a qualified person train each employee who works on a scaffold to:
 - Recognize the hazards associated with the type of scaffold they are using;
- AND
- Understand the procedures to control or minimize the hazards.
 - Include the following subjects in your training:
 - Hazards in the work area and how to deal with them, including:
 - Electrical hazards;
 - Fall hazards;
 - Falling object hazards;
 - How to erect, maintain, and disassemble the fall protection and falling object protection systems being used;
 - How to:
 - Use the scaffold;
 - Handle materials on the scaffold;
 - The load-carrying capacity and maximum intended load of the scaffold;
 - Any other requirements of this chapter that apply.

NEW SECTION

WAC 296-874-20074 Train employees who erect, dismantle, operate or maintain scaffolds.

You must:

- Have a competent person train each employee who erects, disassembles, moves, operates, repairs, maintains, or inspects scaffolds to recognize any hazards associated with the work.
- Make sure the training includes at least the following subjects:
 - Hazards in the work area and how to deal with them;
 - The correct procedures for erecting, disassembling, moving, operating, repairing, inspecting, and maintaining the type of scaffold being used;
 - The design criteria, maximum intended load-carrying capacity and intended use of the scaffold;
 - Any other requirements of this chapter that apply.

NEW SECTION

WAC 296-874-20076 Retrain employees when necessary.

You must:

- Retrain employees to reestablish proficiency if you believe they lack the skill or understanding to safely erect, use, or dismantle a scaffold.
- Retraining is required in at least the following situations:
 - An employee's work involving scaffolds is inadequate and indicates they lack the necessary proficiency;
 - A change in **any** of the following that presents a hazard the employee has not been trained for:
 - Worksite;
 - Type of scaffold;

- Fall protection;
- Falling object protection;
- Other equipment.

NEW SECTION

WAC 296-874-300 Suspended scaffolds.

Section contents:

Your responsibility:

To meet these requirements when using suspended scaffolds.

Make sure suspended scaffolds and scaffold components meet these strength requirements

WAC 296-874-30002.

Make sure suspended scaffold outrigger beams meet these requirements

WAC 296-874-30004.

Make sure counterweights are safe and used properly

WAC 296-874-30006.

Make sure tiebacks meet these requirements

WAC 296-874-30008.

Make sure suspended scaffold support devices meet these requirements

WAC 296-874-30010.

Make sure scaffold hoists meet these requirements

WAC 296-874-30012.

Make sure scaffold hoists retain enough suspension rope

WAC 296-874-30014.

Make sure wire rope is in good condition

WAC 296-874-30016.

Make sure wire suspension rope connections meet these requirements

WAC 296-874-30018.

Make sure wire rope clips are used properly

WAC 296-874-30020.

Prevent swaying of two-point and multipoint suspension scaffolds

WAC 296-874-30022.

Use emergency escape and rescue devices appropriately

WAC 296-874-30024.

Protect suspension ropes from heat or corrosive substances

WAC 296-874-30026.

Take precautions while welding

WAC 296-874-30028.

Prohibit use of gasoline-powered equipment on suspended scaffolds

WAC 296-874-30030.

Meet these requirements when using catenary scaffolds

WAC 296-874-30032.

Meet these requirements when using float (ship) scaffolds

WAC 296-874-30034.

Meet these requirements when using interior hung scaffolds

WAC 296-874-30036.

Meet these requirements when using multilevel suspended scaffolds

WAC 296-874-30038.

Meet these requirements when using multipoint adjustable suspension scaffolds

WAC 296-874-30040

Meet these requirements when using needle beam scaffolds

WAC 296-874-30042.

Meet these requirements when using single-point adjustable suspension scaffolds

WAC 296-874-30044.

Meet these requirements when using two-point adjustable suspension scaffolds (swing stages)

WAC 296-874-30046.

NEW SECTION

WAC 296-874-30002 Make sure suspended scaffolds and scaffold components meet these strength requirements.

You must:

- Meet the following strength requirements:

- Suspended scaffolds must support, without failure, the total of their own weight plus four times the maximum intended load;

- Suspended scaffold components must meet the requirements contained in Table 4, Suspended Scaffold Strength Requirements.

- Surfaces that support scaffold support devices must withstand four times the rated load of the hoist.

Note: Scaffold support devices include outrigger beams, cornice hooks, parapet clamps, and similar devices.

Table 4

Suspended Scaffold Strength Requirements

These scaffold components:	Must meet these strength requirements:
Adjustable scaffold – Suspension ropes, including connecting hardware	Support six times the rated load of the hoist.
Adjustable scaffold – Direct connections to roofs and floors – Counterweights used to balance the scaffold	Resist four times the tipping moment with the scaffold operating at the rated load of the hoist.
Nonadjustable scaffold – Suspension ropes, including connecting hardware	Support six times the maximum intended load applied or transmitted to the rope.
All other scaffold components	Support its own weight plus four times the maximum intended load.

NEW SECTION

WAC 296-874-30004 Make sure suspended scaffold outrigger beams meet these requirements.

You must:

- Make sure outrigger beams are made of structural metal or equivalent strength material.

PERMANENT

• Stabilize the inboard ends of outrigger beams by using either:
– Bolts or other direct connections to the floor or roof deck;

OR

– Counterweights and tiebacks.

Exemption: Masons' multipoint adjustable scaffold outrigger beams cannot be stabilized by counterweights.

You must:

• Make sure, before the scaffold is used, that a competent person:

– Evaluates the direct connections;

AND

– Confirms that the supporting surfaces can support the loads placed on them.

• Make sure suspended scaffold outrigger beams are all of the following:

– Restrained to prevent moving;

– Provided with stop bolts or shackles at both ends;

– Securely fastened together with the flanges turned out when channel iron beams are used in place of I-beams;

– Set and maintained with the web in a vertical position;

– Placed so the suspension rope is centered over the stirrup.

• Place outrigger beams at a right angle (perpendicular) to their bearing support.

Exemption: Outrigger beams can be placed at other than a right angle (perpendicular) if:

• You can demonstrate that immovable obstructions make it impossible to place the beams at a right angle (perpendicular) to their bearing support;

AND

• Opposing angle tiebacks are used.

Note: The angle between the outrigger beam and the bearing support is usually the same as the angle between the outrigger beam and the face of the building or structure.

NEW SECTION

WAC 296-874-30006 Make sure counterweights are safe and used properly.

You must:

• Make sure counterweights:

– Are made of material that cannot flow;

AND

– Have been specifically designed to be used as counterweights.

Note: The following cannot be used as counterweights:

• Sand, gravel and similar materials that can be easily dislocated;

• Construction material such as masonry units and roofing felt.

You must:

• Secure counterweights to outrigger beams by mechanical means to prevent them from being accidentally detached.

• Leave counterweights attached to the outrigger beams until after the scaffold has been disassembled.

NEW SECTION

WAC 296-874-30008 Make sure tiebacks meet these requirements.

You must:

• Make sure tiebacks are equivalent in strength to the suspension ropes.

• Make sure tiebacks are secured to a structurally sound anchorage on the building or structure and installed:

– At a right angle (perpendicular) to the face of the building or structure;

OR

– As opposing angle tiebacks.

NEW SECTION

WAC 296-874-30010 Make sure suspended scaffold support devices meet these requirements.

You must:

• Make sure suspended scaffold support devices, such as cornice hooks, roof hooks, roof irons, parapet clamps, or similar devices, are:

– Made of steel, wrought iron, or other material of equivalent strength;

– Supported by bearing blocks;

– Prevented from moving by using tiebacks.

Reference: • For outrigger beam requirements, go to WAC 296-874-30004;

• For tieback requirements go to WAC 296-874-30008.

NEW SECTION

WAC 296-874-30012 Make sure scaffold hoists meet these requirements.

You must:

• Make sure the stall load of any scaffold hoist is not more than three times its rated load.

• Make sure the design of scaffold hoists has been tested by an independent nationally recognized testing laboratory.

• Make sure scaffold hoists have both a:

– Normal operating brake;

AND

– Braking device or locking pawl which automatically engages when the hoist has an uncontrolled:

■ Instantaneous change in momentum;

OR

■ An accelerated overspeed.

• Prohibit use of gasoline-powered hoists on suspended scaffolds.

• Enclose the gears and brakes of power-operated hoists used on suspended scaffolds.

• Make sure manually operated hoists need a positive crank force to descend.

NEW SECTION

WAC 296-874-30014 Make sure scaffold hoists retain enough suspension rope.

You must:

• Make sure the suspension rope on winding drum hoists is long enough to wrap around the drum at least four times when the scaffold is at its lowest point of travel.

• Make sure the suspension rope on hoists that do not use a winding drum:

– Is long enough to allow the scaffold to be lowered to the level below without the rope end passing through the hoist;

OR

– Has the rope end configured, or uses other means, to prevent it from passing through the hoist.

NEW SECTION

WAC 296-874-30016 Make sure wire rope is in good condition. You must:

• Make sure a competent person inspects each rope for defects:

– Before each work shift;

AND

– After anything happens that could affect the rope's integrity.

• Replace a rope if it has any of the following:

– Physical damage which impairs the function and strength of the rope;

– Kinks that could impair the tracking or wrapping of the rope around a drum or sheave;

– Six randomly distributed broken wires in one rope lay;

– Three broken wires in one strand of one rope lay;

– Loss of more than one-third of the original diameter of the outside wires caused by abrasion, corrosion, scrubbing, flattening or peening;

– Heat damage caused by a torch;

– Any damage caused by contact with electrical wires;

– Evidence that the secondary brake has been activated during an overspeed condition and has engaged the suspension rope.

• Prohibit the use of repaired wire rope as suspension rope.

NEW SECTION

WAC 296-874-30018 Make sure wire suspension rope connections meet these requirements.

You must:

• Only use eye splice thimbles connected with shackles or cover plates and bolts to join wire suspension ropes together.

• Make sure the load ends of wire suspension ropes are:

– Equipped with proper size thimbles;

AND

– Secured by eye splicing or an equivalent means.

• Make sure all swaged attachments or spliced eyes on wire suspension rope have been made by either:

– The wire rope manufacturer;

OR

– A qualified person.

NEW SECTION

WAC 296-874-30020 Make sure wire rope clips are used properly.

You must:

• Make sure, if wire rope clips are used on suspended scaffolds, such as on the suspension ropes or support lines, that:

– A minimum of three clips are installed;

– The distance between clips is at least six rope diameters;

– Clips are installed according to the manufacturer's recommendations.

• Retighten the clips to the manufacturer's recommendations after the initial loading.

• Inspect the clips and retighten them to the manufacturer's recommendations at the start of each work shift.

• Make sure U-bolt clips are not used at the point of suspension for any scaffold hoist.

• Make sure, if U-bolt clips are used, that:

– The U-bolt is placed over the dead end of the rope;

AND

– The saddle is placed over the live end of the rope.

NEW SECTION

WAC 296-874-30022 Prevent swaying of two-point and multipoint suspension scaffolds.

You must:

• Tie or use other means to keep two-point and multipoint suspension scaffolds from swaying, if an evaluation by a competent person determines it is necessary.

Note: Window cleaners' anchors **cannot** be used to secure scaffolds since they are not designed to withstand the load.

NEW SECTION

WAC 296-874-30024 Use emergency escape and rescue devices appropriately.

You must:

• Make sure devices whose sole function is to provide emergency escape and rescue are not used as working platforms.

Note: Systems which are designed to function both as suspended scaffolds and emergency systems may be used as working platforms.

NEW SECTION

WAC 296-874-30026 Protect suspension ropes from heat or corrosive substances.

You must:

• Shield suspension ropes from heat-producing processes.

• Make sure, when acids or other corrosive substances are used on a scaffold, that the suspension ropes are protected by at least one of the following:

– Shielding;

– Treating to protect the rope from the corrosive substances;

– Making the rope of material that the corrosive substance will not damage.

NEW SECTION

WAC 296-874-30028 Take precautions while welding.

You must:

- Do the following to protect employees while welding on suspended scaffolds:

- Use an insulated thimble to attach each suspension wire rope to its hanging support, such as a cornice hook or outrigger;

- Insulate excess suspension wire rope and any additional independent lines to prevent grounding;

- Cover the wire suspension rope with insulating material that extends at least four feet (1.2 m) above the hoist;

- Make sure any tail line that extends below the hoist is:
 - Insulated to prevent contact with the platform;

AND

- Guided or retained so it does not become grounded.

- Cover each hoist with an insulated protective cover;

- Connect the scaffold to the structure using a grounding conductor that:
 - Is at least the size of the welding process work lead;

AND

- Is not in series with the welding process or the work piece.

- Shut off the welding machine if the scaffold grounding lead becomes disconnected;

- Make sure an active welding rod or an uninsulated welding lead is not allowed to contact the:
 - Scaffold;

OR

- Scaffold suspension system.

NEW SECTION

WAC 296-874-30030 Prohibit use of gasoline-powered equipment on suspended scaffolds.

You must:

- Make sure gasoline-powered equipment is **not** used on suspended scaffolds.

NEW SECTION

WAC 296-874-30032 Meet these requirements when using catenary scaffolds.

You must:

- Make sure catenary scaffolds have:
 - No more than one platform between consecutive vertical pickups;

AND

- No more than two platforms per scaffold.

- Make sure any platform that's supported by wire ropes has hook-shaped stops placed at each end of the platform that will prevent it from falling if one of the horizontal wire ropes breaks.

- Make sure wire ropes are:

- Continuous and without splices between anchors;

AND

- Not tightened to the point that putting a load on the scaffold will overstress them.

Reference: For specific fall protection requirements for employees on catenary scaffolds, go to WAC 296-874-20056.

NEW SECTION

WAC 296-874-30034 Meet these requirements when using float (ship) scaffolds.

You must:

- Support the platform with at least two bearers.

- Make sure each bearer:
 - Projects at least six inches (15.2 cm) beyond the platform on both sides;

- Projects at least six inches (15.2 cm) beyond the platform on both sides;

AND

- Is securely fastened to the platform.

- Make sure rope connections won't allow the platform to shift or slip.

- Make sure scaffolds that only have two ropes used with each float meet all of the following:
 - There are four rope ends that are securely fastened to overhead supports;

- Each supporting rope is hitched around one end of the bearer, passed under the platform to the other end of the bearer, and hitched again;

- There is enough rope at each end for the supporting ties.

Reference: For specific fall protection requirements for employees on float (ship) scaffolds, go to WAC 296-874-20056.

NEW SECTION

WAC 296-874-30036 Meet these requirements when using interior hung scaffolds.

You must:

- Suspend the scaffold only from the roof structure or other structural member, such as ceiling beams.

- Inspect the overhead supporting members and check to make sure they're strong enough before erecting the scaffold.

- Connect suspension ropes and cables to the overhead supporting members by:
 - Shackles, clips, or thimbles;

- Shackles, clips, or thimbles;

OR

- Other means that meet equivalent criteria, such as strength and durability.

NEW SECTION

WAC 296-874-30038 Meet these requirements when using multilevel suspended scaffolds.

You must:

- Equip scaffolds with additional independent support lines that meet all of the following:
 - There are the same number of support lines as there are connection points for the suspension ropes;

- The support lines are equivalent in strength to the suspension ropes;

- The support lines are rigged to support the scaffold if the suspension ropes fail.

- The support lines are rigged to support the scaffold if the suspension ropes fail.

- Make sure the independent support lines and the suspension ropes are not attached to the same points of anchorage.

- Attach platform supports directly to the support stirrup and not to another platform.

NEW SECTION

WAC 296-874-30040 Meet these requirements when using multipoint adjustable suspension scaffolds.

IMPORTANT:

This requirement applies when using multipoint adjustable suspension scaffolds, stonemasons' multipoint adjustable suspension scaffolds, and masons' multipoint adjustable suspension scaffolds.

You must:

- Make sure masons' multipoint adjustable suspension scaffold connections are designed by an engineer experienced in designing this type of scaffold.
 - Make sure bridges between two or more scaffolds meet all of the following:
 - The scaffolds were designed to be bridged;
 - The bridges are articulated;
 - The hoists are properly sized.
 - Make sure passage from one platform to another, without using bridges, is done only when the platforms are:
 - At the same height;
- AND**
- Abutting.
 - Suspend scaffolds from:
 - Metal outriggers, brackets, wire rope slings, or hooks;
- OR**
- Other means that meet equivalent criteria, such as strength and durability.

NEW SECTION

WAC 296-874-30042 Meet these requirements when using needle beam scaffolds.

You must:

- Install scaffold support beams on edge.
- Use ropes or hangers for scaffold supports:
 - One end of a needle beam scaffold may be supported by a permanent structural member.
- Securely attach ropes to the needle beams.
- Arrange the support connection to prevent the needle beam from rolling or becoming displaced.
- Securely attach platform units to the needle beams with bolts or equivalent means.

Note: Cleats and overhang are not adequate means of attachment.
Reference: For specific fall protection requirements for employees on needle beam scaffolds, go to WAC 296-874-20056.

NEW SECTION

WAC 296-874-30044 Meet these requirements when using single-point adjustable suspension scaffolds.

You must:

- Make sure two scaffolds that have been combined to form a two-point adjustable suspension scaffold meet the requirements of the section, Make sure two-point adjustable suspension scaffolds (swing stages) meet these requirements, WAC 296-874-30046.
- Make sure scaffolds, where the suspension rope between the scaffold and the suspension device is not vertical, meet all of the following:

- The rigging has been designed by a qualified person;
 - The scaffold is accessible to rescuers;
 - The suspension rope is protected from chafing at any point where it changes direction;
 - The scaffold is positioned so that swinging cannot bring the scaffold into contact with another surface.
 - Make sure boatswain's chair tackle meets all of the following:
 - It consists of correct size ball bearing blocks or bushed blocks;
 - The blocks contain safety hooks;
 - The rope is properly eye spliced;
 - The rope is either:
 - First-grade manila rope that has a diameter of at least five-eighths inch (1.6 cm);
 - OR**
 - Other rope that has equivalent characteristics, such as strength and durability.
 - Make sure boatswain's chair seat slings meet all of the following:
 - Are reeved through four corner holes in the seat;
 - Cross each other on the underside of the seat;
 - Are rigged to prevent slipping which could cause the seat to become out-of-level;
 - Are made from fiber, synthetic, or other rope which have:
 - A diameter of at least five-eighths inch (1.6 cm);
 - AND**
 - Characteristics equivalent to first grade manila rope, such as strength, slip resistance, and durability.
 - Make sure the seat sling of boatswain's chairs used when a heat-producing process, such as gas or arc welding, is being conducted is at least three-eighths inch (1.0 cm) wire rope.
 - Securely fasten cleats to the underside of noncross-laminated wood boatswain's chairs to prevent the board from splitting.
- Reference:** For specific fall protection requirements for employees on single-point adjustable suspension scaffolds, go to WAC 296-874-20056.

NEW SECTION

WAC 296-874-30046 Meet these requirements when using two-point adjustable suspension scaffolds (swing stages).

IMPORTANT:

This section does not apply to two-point adjustable suspension scaffolds used as masons' or stonemasons' scaffolds.

Reference: For requirements for masons' or stonemasons' scaffolds, go to WAC 296-874-30040.

You must:

- Make sure platforms more than thirty-six inches (0.9 m) wide have been designed by a qualified person to prevent unstable conditions.
 - Make sure platforms are one of the following:
 - Ladder-type;
 - Plank-type;
 - Beam-type;
 - Light-metal type.

PERMANENT

• Make sure the design of light-metal type platforms have been tested and listed by a nationally recognized testing laboratory if they:

– Have a rated capacity of seven hundred fifty pounds or less;

OR

– Have a length of forty feet (12.2 m) or less.

• Securely fasten the platform to the hangers (stirrups) using U-bolts or other means that satisfy the section titled, Make sure suspended scaffolds and scaffold components meet these strength requirements, WAC 296-874-30002.

• Make sure fiber or synthetic ropes are used with blocks that:

– Consist of at least one double and one single block;

AND

– Have sheaves that fit the size of the rope used.

• Make sure employees move from one platform to another only when all of the following are met:

– The platforms are at the same height;

– The platforms are abutting;

– Walk-through stirrups are used that have been specifically designed to allow employee passage.

• Make sure two-point scaffolds that are bridged or otherwise connected together when being raised or lowered meet both of the following:

– The bridge connections are articulated;

– The hoists are properly sized.

Reference: For specific fall protection requirements for employees on two-point adjustable suspension scaffolds, go to WAC 296-874-20056.

NEW SECTION

WAC 296-874-400 Supported scaffolds.

Section contents:

Your responsibility:

To meet these requirements when using supported scaffolds.

Make sure supported scaffolds and scaffold components meet strength requirements

WAC 296-874-40002.

Prevent supported scaffolds from tipping

WAC 296-874-40004.

Make sure supported scaffolds are properly supported

WAC 296-874-40006.

Provide safe access for persons erecting or dismantling supported scaffolds

WAC 296-874-40008.

Provide fall protection for persons erecting or dismantling supported scaffolds

WAC 296-874-40010.

Meet these requirements when moving mobile scaffolds

WAC 296-874-40012.

Meet these requirements when using bricklayers' square scaffolds (squares)

WAC 296-874-40014.

Meet these requirements when using crawling boards (chicken ladders)

WAC 296-874-40016.

Meet these requirements when using fabricated frame scaffolds (tubular welded frame scaffolds)

WAC 296-874-40018.

Meet these requirements when using integral prefabricated scaffold access frames

WAC 296-874-40020.

Meet these requirements when using form scaffolds and carpenter's bracket scaffolds

WAC 296-874-40022.

Meet these requirements when using horse scaffolds

WAC 296-874-40024.

Meet these requirements when using ladder jack scaffolds

WAC 296-874-40026.

Meet these requirements when using outrigger scaffolds

WAC 296-874-40028.

Meet these requirements when using pole scaffolds

WAC 296-874-40030.

Meet these requirements when using pump jack scaffolds

WAC 296-874-40032.

Meet these requirements when using repair bracket scaffolds

WAC 296-874-40034.

Meet these requirements when using roof bracket scaffolds

WAC 296-874-40036.

Meet these requirements when using step, platform, and trestle ladder scaffolds

WAC 296-874-40038.

Meet these requirements when using tube and coupler scaffolds

WAC 296-874-40040.

Meet these requirements when using window jack scaffolds

WAC 296-874-40042.

NEW SECTION

WAC 296-874-40002 Make sure supported scaffolds and scaffold components meet strength requirements.

You must:

• Make sure each supported scaffold and scaffold component can support, without failure, the total of its own weight plus at least four times the maximum intended load applied or transmitted to it.

NEW SECTION

WAC 296-874-40004 Prevent supported scaffolds from tipping.

You must:

• Make sure supported scaffolds with a height to least base dimension ratio of greater than four to one are prevented from tipping by one or more of the following:

– Guying;

– Tying;

– Bracing;

– Other equivalent means.

Note: The least base dimension includes outriggers, if used.

You must:

- Install guys, ties, and braces where horizontal members support both the inner and outer legs of the scaffold.
- Install guys, ties, and braces:
 - According to the scaffold manufacturer's recommendations;

OR

- At all points where the following horizontal and vertical planes meet:
 - First vertical level at a height equal to four times the least base dimension;
 - Subsequent vertical levels every:
 - ◆ Twenty feet (6.1 m) or less for scaffolds having a width of three feet (0.91 m) or less;
 - ◆ Twenty six feet (7.9 m) or less for scaffolds more than three feet (0.91 m) wide;
 - Horizontally at:
 - ◆ Each end of the scaffold;

AND

- ◆ Intervals of thirty feet (9.1 m) or less.

Note: The thirty-foot horizontal intervals are measured from one end of the scaffold to the other.

You must:

- Make sure the highest level of guys, ties, or braces is no further from the top of the scaffold than a distance equal to four times the least base dimension.
- Make sure scaffolds that have an eccentric load applied or transmitted to them, such as a cantilevered work platform, are prevented from tipping by one or more of the following:
 - Guying;
 - Tying;
 - Bracing;
 - Outriggers;
 - Other equivalent means.

NEW SECTION**WAC 296-874-40006 Make sure supported scaffolds are properly supported.****You must:**

- Make sure supported scaffold poles, legs, posts, frames, and uprights are:
 - Plumb;

AND

- Braced to prevent swaying or displacement.
- Make sure supported scaffold poles, legs, posts, frames, and uprights, bear on base plates that rest on:
 - Mudsills;

OR

- Other firm foundations such as concrete or dry, compacted soil.
- Make sure foundations are all of the following:
 - Level;
 - Sound;
 - Rigid;
 - Capable of supporting the loaded scaffold without settling or displacement.

Note: The condition of the foundation may change due to weather or other factors. If changes occur, the foundation needs to be evaluated by a competent person to make sure it will safely support the scaffold.

- Make sure unstable objects are not used:
 - To support scaffolds or platform units;

OR

- As working platforms.
- Make sure mobile scaffolds meet these additional requirements:
 - Wheel and caster stems are pinned or otherwise secured in the scaffold legs or adjustment screws;
 - Wheels and casters are locked, or equivalent means are used, to prevent movement when the scaffold is being used;
 - Screw jacks or other equivalent means are used if it's necessary to level the work platform.
- Make sure front-end loaders and similar equipment used to support scaffold platforms have been specifically designed for such use by the manufacturer.

Reference: For requirements about powered industrial trucks, including forklifts that are used to support scaffold platforms, go to Powered industrial trucks, chapter 296-863 WAC.

NEW SECTION**WAC 296-874-40008 Provide safe access for persons erecting or dismantling supported scaffolds.****You must:**

- Provide a safe means of access for persons erecting or dismantling scaffolds if it is:
 - Feasible;

AND

- Does **not** create a greater hazard.
- Have a competent person determine the feasibility of providing safe access.
 - Make sure the determination is based on site conditions and the type of scaffold being erected or dismantled.
 - Install a hook-on or attachable ladder as soon as scaffold erection has progressed to a point where it can be safely installed and used.
 - Make sure crossbraces on tubular welded frame scaffolds are not used to access or egress from the scaffold.
 - Make sure the frames of tubular welded frame scaffolds that are used as climbing devices meet all of the following:
 - Create a usable ladder;
 - Provide good hand holds and foot space;
 - Have horizontal members that are all of the following:
 - Parallel;
 - Level;
 - Spaced not more than twenty two inches apart vertically.

NEW SECTION**WAC 296-874-40010 Provide fall protection for persons erecting or dismantling supported scaffolds.****You must:**

- Have a competent person determine the feasibility of providing fall protection for persons erecting or dismantling supported scaffolds.
- Provide fall protection if the installation and use of fall protection is:
 - Feasible;

AND

- Does **not** create a greater hazard.

NEW SECTION

WAC 296-874-40012 Meet these requirements when moving mobile scaffolds.

You must:

- Make sure, before a scaffold is moved, that employees on the scaffold are made aware of the move.
- Apply manual force being used to move a scaffold:
 - As close to the base as practicable;
- AND
- Within five feet (1.5 m) of the supporting surface.
- Make sure power systems used to propel mobile scaffolds have been designed for such use.
- Make sure forklifts, trucks, similar motor vehicles, or add-on motors are not used to propel scaffolds unless the scaffold has been designed to be used with that type of propulsion system.
- Stabilize scaffolds to prevent tipping when they're being moved.
- Make sure a scaffold is not moved with employees riding on it unless all of the following are met:
 - The surface on which the scaffold is being moved is:
 - Within three degrees of level;
 - AND
 - Free of pits, holes, and obstructions;
 - No employee is on any part of the scaffold which extends out beyond the wheels, casters, or other supports;
 - Outrigger frames, when used, are installed on both sides of the scaffold;
 - The power system, if used:
 - Applies the propelling force directly to the wheels;
 - AND
 - Produces a speed of one foot per second (.3 mps) or less;
 - The height of the scaffold:
 - Is not more than two times the least base dimension;
 - OR
 - The scaffold is designed and constructed to meet or exceed nationally recognized stability test requirements, such as those listed in ANSI/SIA A92.5, Boom-Supported Elevating Work Platforms, and ANSI/SIA A92.6, Self-Propelled Elevating Work Platforms.

NEW SECTION

WAC 296-874-40014 Meet these requirements when using bricklayers' square scaffolds (squares).

You must:

- Reinforce wood scaffolds with gussets on both sides of each corner.
- Make sure diagonal braces are installed:
 - On all sides of each square;
 - Between squares on the front and back sides of the scaffold;
 - Extending from the bottom of each square to the top of the next square.
- Make sure scaffolds meet all of the following:
 - Are no more than three tiers high;

- Are constructed and arranged so that each square rests directly above another square;

- The upper tiers:

- Stand on a continuous row of planks laid across the next lower tier;

AND

- Are nailed down or otherwise secured to prevent displacement.

NEW SECTION

WAC 296-874-40016 Meet these requirements when using crawling boards (chicken ladders).

You must:

- Make sure crawling boards (chicken ladders) extend from the roof peak to the eaves when used for roof construction, repair, or maintenance.
- Secure crawling boards (chicken ladders) to the roof by using either:
 - Ridge hooks;
- OR
- Means that meet equivalent criteria, such as strength and durability.

Reference: There are specific fall protection requirements for employees using crawling boards (chicken ladders). Go to WAC 296-874-20058.

NEW SECTION

WAC 296-874-40018 Meet these requirements when using fabricated frame scaffolds (tubular welded frame scaffolds).

You must:

- Make sure scaffolds over one hundred twenty-five feet (38.0 m) high above their base plates are:
 - Designed by a registered professional engineer;
- AND
- Constructed and loaded as specified in the design.
- Brace frames and panels using crossbraces, horizontal braces, diagonal braces, or a combination thereof to secure vertical members together laterally.
- Make sure the length of the crossbraces will:
 - Automatically square and align the vertical members;
- AND
- Make the scaffold plumb, level, and square.
- Secure all brace connections.
- Join frames and panels together vertically by using one of the following:
 - Coupling pins;
 - Stacking pins;
 - Equivalent means.
- Use pins or other equivalent means to lock scaffold frames or panels together vertically where uplift may occur.
- Make sure brackets used to support cantilevered loads are all of the following:
 - Seated with side-brackets parallel to the frames and end-brackets at ninety degrees to the frames;
 - Not bent or twisted from these positions;
 - Used only to support persons.

Exemption: Brackets may be used to support cantilevered loads other than personnel if the scaffold has been:

- Designed for other loads by a qualified engineer;
- AND
- Built to withstand the tipping forces caused by those loads.

You must:

- Leave existing platforms undisturbed until new frames have been set in place and braced, then move the platforms to the next level.

NEW SECTION

WAC 296-874-40020 Meet these requirements when using integral prefabricated scaffold access frames.

You must:

- Make sure integral prefabricated scaffold access frames meet all of the following:
 - Have been specifically designed and constructed to be used as ladder rungs;
 - Have a rung length of at least eight inches (20 cm);
 - Have a maximum spacing between rungs of sixteen and three quarters inches (43 cm);
 - Are uniformly spaced within each frame section;
 - Have rest platforms at least every twenty feet (6.1 m) on all supported scaffolds more than twenty-four feet (7.3 m) high.

Note: Nonuniform rung spacing caused by joining end frames together is allowed, provided the resulting spacing does not exceed sixteen and three quarters inches (43 cm).

You must:

- Make sure, when panels with rungs that are less than eleven and one-half inches long are used as work platforms, that employees use either:
 - A positioning device;
- OR**
- A personal fall arrest system.

Reference:

- For personal fall arrest system requirements in this chapter, go to WAC 296-874-20058.
- For construction activities, go to fall restraint and fall arrest, Part C-1, in safety standards for construction work, chapter 296-155 WAC.

NEW SECTION

WAC 296-874-40022 Meet these requirements when using form scaffolds and carpenter's bracket scaffolds.

You must:

- Secure folding-type metal brackets that have been extended for use, with:
 - Bolts;
- OR**
- Locking-type pins.
 - Make sure wooden-bracket form scaffolds are an integral part of the form panel.
 - Attach each bracket, other than those for wooden bracket-form scaffolds, to the supporting formwork or structure by using one or more of the following:
 - Nails;
 - A metal stud attachment device;
 - Welding;
 - Hooking over a secured structural supporting member, with the form wales either:
 - Bolted to the form;

OR

- Secured by snap ties or tie bolts extending through the form and securely anchored.
 - For carpenters' bracket scaffolds only, using a bolt extending through to the opposite side of the structure's wall.

NEW SECTION

WAC 296-874-40024 Meet these requirements when using horse scaffolds.

You must:

- Make sure horse scaffolds are not constructed or arranged higher than two tiers or ten feet (3.0 m), whichever is less.
 - Do all of the following if horses are arranged in tiers:
 - Place each horse directly over the horse in the tier below;
 - Nail down or otherwise secure the legs of each horse to prevent displacement;
 - Crossbrace each tier.

NEW SECTION

WAC 296-874-40026 Meet these requirements when using ladder jack scaffolds.

You must:

- Make sure the platform height is not higher than twenty feet (6.1 m).
- Make sure ladder jacks are designed and constructed so they rest:
 - On the side rails and ladder rungs together;

OR

- Only on the rungs.
 - Make sure ladder jacks that rest on rungs only have a bearing area that includes a length of at least ten inches (25.4 cm) on each rung.
 - Make sure ladders used to support ladder jacks are:
 - Type I (two hundred fifty pound rated capacity) or Type IA (300 pound rated capacity);
- AND**
- Are placed, fastened, or equipped with devices to prevent slipping.

Note: Ladders with a duty rating or weight capacity greater than a Type I ladder (250 pounds) satisfy the requirement to use a Type I or Type IA ladder.

You must:

- Make sure job-made ladders are not used to support ladder jack scaffolds.
- Make sure scaffold platforms are not bridged together.

Reference:

- There are specific fall protection requirements for employees using ladder jack scaffolds. Go to WAC 296-874-20056.
- Requirements for wood and metal ladders for general industry activities are found in other chapters:
 - Portable ladders: Metal and wooden, WAC 296-800-290, are found in the safety and health core rules, chapter 296-800 WAC;
 - Portable wood ladders, WAC 296-24-780, and portable metal ladders, WAC 296-24-795, are found in Working surfaces, guarding floors and wall openings, ladders, Part J-1, in the general safety and health standards, chapter 296-24 WAC.

- For construction activities, go to Ladders, WAC 296-155-480, in the safety standards for construction work, chapter 296-155.

NEW SECTION

WAC 296-874-40028 Meet these requirements when using outrigger scaffolds.

You must:

- Make sure outrigger scaffolds and scaffold components are:

- Designed by a registered professional engineer;

AND

- Constructed and loaded as specified in the design.

- Make sure the part of the outrigger beam from the fulcrum point to the inboard end (farthest point of anchorage) is at least one and one-half times longer than the part from fulcrum point to the outboard end (the platform side).

- Place I-beam or channel shaped outrigger beams so that the web section is vertical.

- Make sure the fulcrum point of outrigger beams rests on secure bearings at least six inches (15.2 cm) in each horizontal dimension.

- Make sure outrigger beams are:

- Secured in place to prevent movement;

AND

- Securely braced at the fulcrum point against tipping.

- Securely anchor the inboard ends of outrigger beams by using one or both of the following:

- Braced struts bearing against sills that are in contact with the overhead beams or ceiling;

OR

- Tension members secured to the floor joists below.

- Securely brace the entire supporting structure to prevent any horizontal movement.

- Nail, bolt, or otherwise secure platform units to the outriggers to prevent platform displacement. Platform units must extend to within three inches of the building wall.

NEW SECTION

WAC 296-874-40030 Meet these requirements when using pole scaffolds.

You must:

- Make sure pole scaffolds over sixty feet high are:

- Designed by a registered professional engineer;

AND

- Constructed and loaded as specified in the design.

- Leave existing platforms undisturbed until new bearers have been set in place and braced before moving the platforms to the new level.

- Install bracing on double-pole scaffolds as follows:

- Crossbracing between the inner and outer sets of poles;

- Diagonal bracing in both directions across the entire outside face of the scaffold;

- Diagonal bracing in both directions across the entire inside face of scaffolds that are used to support loads equivalent to a uniformly distributed load of fifty pounds (222 kg) or more per square foot (929 square cm).

- Install diagonal bracing on single pole scaffolds in both directions across the entire outside face of the scaffold.

- Make sure runners meet all of the following:
 - Are installed on edge;
 - Extend over a minimum of two poles;
 - Are supported by bearing blocks securely attached to the poles.

- Make sure bearers are:

- Installed on edge;

AND

- Extend a minimum of three inches (7.6 cm) over the outside edges of runners.

- Make sure runners, bearers, and braces are not spliced between poles.

- Make sure wood poles that are spliced together meet both of the following:

- The ends of the poles at the splice:

- Are square;

AND

- The upper section rests squarely on the lower section.

- Wood splice plates are provided that meet all of the following:

- Are installed on at least two adjacent sides;

- Extend at least two feet (0.6 m) on either side of the splice;

- Overlap the abutted ends equally;

- Have the same cross-sectional areas as the pole.

Note: Splice plates of material other than wood may be used if they are of equivalent strength.

NEW SECTION

WAC 296-874-40032 Meet these requirements when using pump jack scaffolds.

You must:

- Make sure pump jack brackets, braces, and accessories are made from metal plates and angles.

- Make sure pump jack brackets have two positive gripping mechanisms to prevent any failure or slippage.

- Secure poles to the structure using rigid triangular bracing or the equivalent located at all of the following:

- Top;

- Bottom;

- Other points on the pole as necessary.

- Do both of the following when the pump jack has to pass bracing that's already installed:

- Install an additional brace approximately four feet (1.2 m) above the brace to be passed;

- Leave it in place until:

- The pump jack has been moved;

AND

- The original brace is reinstalled.

- Make sure work benches are not used as scaffold platforms.

Note: A work bench may be used as a toprail only if it meets the toprail requirements in Make sure guardrail systems meet these requirements, WAC 296-874-20064.

You must:

- Make sure wood poles used with pump jack scaffolds are:

- Straight grained;

AND

– Free of shakes, large loose or dead knots, and other defects which might impair strength.

• Make sure wood poles that are constructed of two continuous lengths are joined together with the seam parallel to the bracket.

• Install a mending plate at all splices to develop the full strength of the member when splicing two by fours together to make a pole.

NEW SECTION

WAC 296-874-40034 Meet these requirements when using repair bracket scaffolds.

You must:

• Make sure brackets are all of the following:

- Secured in place by at least one wire rope that's at least one-half inch (1.27 cm) in diameter;

- Attached to the securing wire rope by a positive locking device, or equivalent, that will prevent the bracket from being unintentionally detached from the rope;

- Provided with a shoe, heel block, foot, or a combination that:

- Is located at the contact point between the supporting structure and the bottom of the bracket;

AND

- Will prevent lateral movement of the bracket.

• Secure the platforms to the brackets in a way that prevents:

- The platforms from separating from the brackets;

AND

- The platforms or brackets from moving on a completed scaffold.

• Make sure wire rope placed around the structure to provide a safe anchorage for personal fall arrest systems used by employees erecting or dismantling scaffolds:

- Is at least five-sixteenths inch (0.8 cm) in diameter;

- Provides an anchorage that meets the requirements of WAC 296-874-20058.

- For construction activities, go to fall restraint and fall arrest, Part C-1, in the safety standards for construction work, chapter 296-155 WAC.

• Make sure each wire rope used for securing brackets in place or as an anchorage for personal fall arrest systems is all of the following:

- Protected from damage due to contact with edges, corners, protrusions, or other parts of the supporting structure or scaffold components;

- Tensioned by a turnbuckle or equivalent means. Turnbuckles must be:

- At least one inch (2.54 cm) in diameter;

AND

- Connected to the other end of its rope by an eye splice thimble that's sized appropriate to the turnbuckle.

- Not used with U-bolt wire rope clips.

• Make sure materials are not dropped to the outside of the supporting structure.

• Erect the scaffold by progressing around the structure in only one direction.

NEW SECTION

WAC 296-874-40036 Meet these requirements when using roof bracket scaffolds.

You must:

• Make sure scaffold brackets meet all of the following:

- Are constructed to fit the pitch of the roof;

- Provide a level support for the platform;

- Are anchored in place by nails.

Note: If it's not practical to use nails to anchor brackets, secure them in place with first grade manila rope of at least three-quarters inch (1.9 cm) diameter, or equivalent.

NEW SECTION

WAC 296-874-40038 Meet these requirements when using step, platform and trestle ladder scaffolds.

You must:

• Make sure ladders used to support step, platform, and trestle ladder scaffolds are:

- Type I (250 pound rated capacity) or Type IA (300 pound rated capacity);

AND

- Placed, fastened, or equipped with devices to prevent slipping.

Note: Ladders with a duty rating or weight capacity greater than a Type I ladder (250 pounds) satisfy the requirement to use a Type I or Type IA ladder.

You must:

• Make sure job-made ladders are not used to support step, platform, and trestle ladder scaffolds.

Reference: • There are specific fall protection requirements for employees using ladder jack scaffolds. Go to WAC 296-874-20056.

• Requirements for wood and metal ladders are found in other chapters:

- For general industry activities, go to the following:

- The safety and health core rules, chapter 296-800 WAC, and find portable ladders: Metal and wooden, WAC 296-800-290.

- Working surfaces, guarding floors and wall openings, ladders, chapter 296-24 WAC, Part J-1, and find Portable wood ladders, WAC 296-24-780, and Portable metal ladders, WAC 296-24-795.

- For construction activities, go to the safety standards for construction work, and find ladders, WAC 296-155-480.

You must:

• Make sure scaffold platforms are not placed higher than the second highest rung or step of the ladder supporting the platform.

• Make sure scaffold platforms are not bridged together.

NEW SECTION

WAC 296-874-40040 Meet these requirements when using tube and coupler scaffolds.

You must:

• Make sure tube and coupler scaffolds over one hundred twenty-five feet high are:

- Designed by a registered professional engineer;

AND

- Constructed and loaded as specified in the design.

- Leave existing platforms undisturbed until new bearers have been set in place and braced before moving the platforms to the new level.

- Install crossbracing across the width of the scaffold that meets all of the following:

- Bracing is installed at:

- Each end of the scaffold;

AND

- At least at every third set of posts horizontally and every fourth runner vertically.

- Bracing extends diagonally from the:

- Outer posts or runners upwards to the next inner posts or runners;

AND

- Inner posts or runners upwards to the next outer posts or runners.

- Install building ties:

- At the bearer levels between the crossbracing;

AND

- At locations specified in WAC 296-874-40004.

- Install longitudinal bracing on straight run scaffolds as follows:

- Diagonally in both directions across the inner and outer rows of posts;

- From the base of the end posts upward to the top of the scaffold at approximately a forty-five degree angle;

- As close as possible to the intersection of the bearer and post or runner and post;

- If the scaffold is longer than it is tall, repeat the bracing beginning at every fifth post;

- If the scaffold is taller than its length, install the bracing:

- From the base of the end posts upward to the opposite end posts;

AND

- In alternating directions until reaching the top of the scaffold.

- Attach bracing to the runners as close to the post as possible, if bracing can't be attached to the post.

- Make sure bearers meet all of the following:

- Are installed transversely between posts;

- If the bearer is coupled to the post, have the inboard coupler bear directly on the runner coupler;

- If the bearer is coupled to the runners, have the couplers as close to the posts as possible;

- Extend bearers beyond the posts and runners;

- Provide full contact with the coupler;

- The bottom bearers are located as close to the base as possible.

- Make sure runners meet all of the following:

- Are installed along the length of the scaffold;

- Are located on both the inside and outside posts at the same height;

- Are interlocked on straight runs to form continuous lengths and are coupled to each post;

- The bottom runners are located as close to the base as possible.

Note: Tube and coupler guardrails and midrails installed on outside posts can be used in lieu of outside runners.

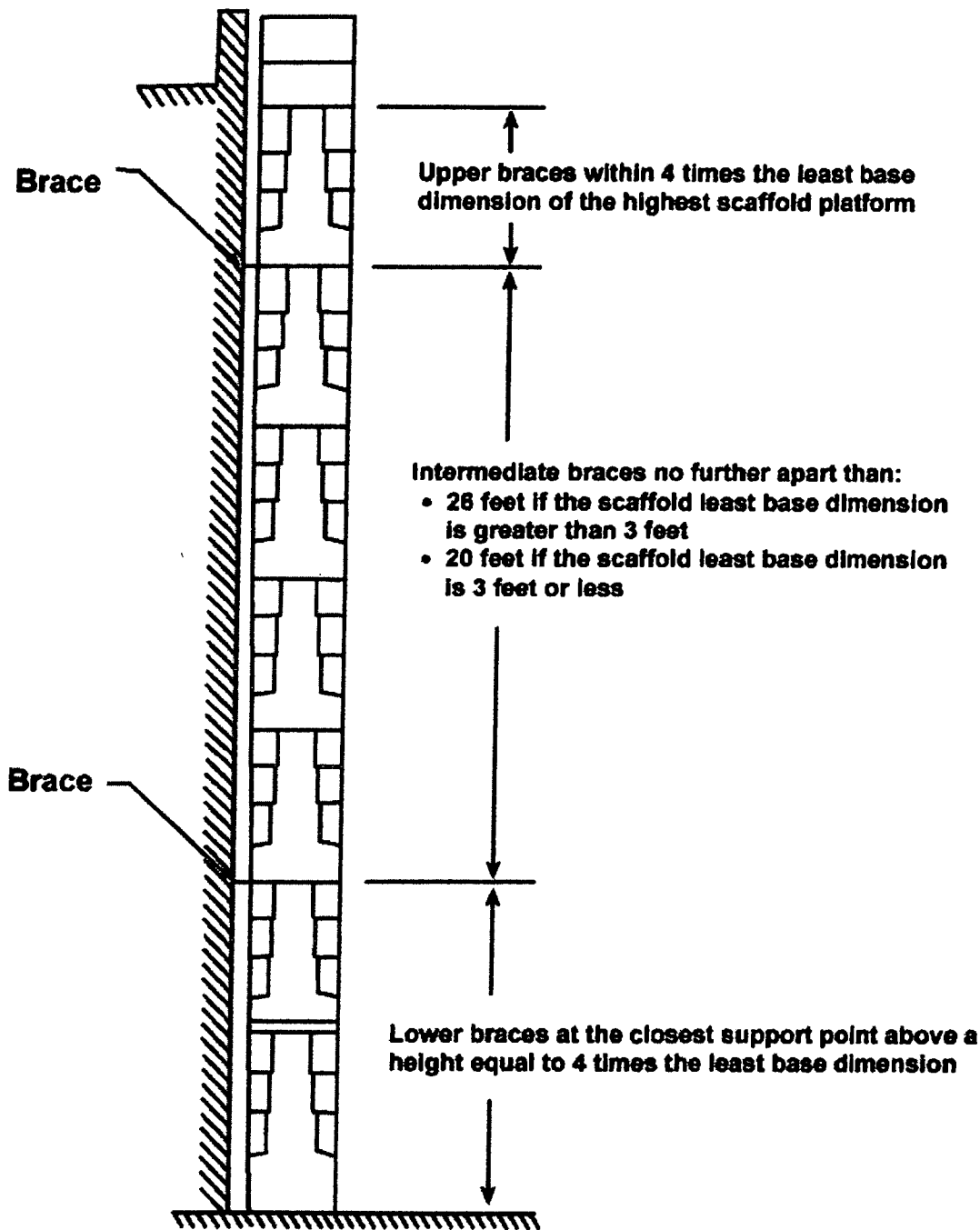
You must:

- Make sure couplers are made of a structural metal, such as drop-forged steel, malleable iron, or structural grade aluminum.

- Prohibit using couplers made of gray cast iron.

PERMANENT

Bracing – Tube and Coupler Scaffold



PERMANENT

NEW SECTION

WAC 296-874-40042 Meet these requirements when using window jack scaffolds.

You must:

- Make sure window jack scaffolds meet all of the following:
 - Are securely attached to the window opening;
 - Are used for working only at the window opening the jack is placed through;
 - Are not used:
 - To support planks placed between one window jack and another;
 - OR
 - As any other element of scaffolding.

NEW SECTION

WAC 296-874-500 Definitions.

Adjustable suspension scaffold a suspended scaffold equipped with one or more hoists that can be operated by employees on the scaffold.

Bearer a horizontal scaffold member (which may be supported by ledgers or runners) upon which the scaffold platform rests and which joins scaffold uprights, posts, poles, and similar members.

Boatswain's chair a single-point adjustable suspended scaffold consisting of a seat or sling designed to support one employee in a sitting position.

Brace a rigid connection that holds one scaffold member in a fixed position with respect to another member, or to a building or structure.

Bricklayers' square scaffold a supported scaffold composed of framed squares which support a platform.

Carpenters' bracket scaffold a supported scaffold consisting of a platform supported by brackets attached to building or structural walls.

Catenary scaffold a suspended scaffold consisting of a platform supported by two essentially horizontal and parallel ropes attached to structural members of a building or other structure. Additional support may be provided by vertical pickups.

Cleat a structural block used at the end of a platform to prevent the platform from slipping off its supports. Cleats are also used to provide footing on sloped surfaces such as access ramps.

Competent person someone who:

- Is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees;

AND

- Has the authority to take prompt corrective measures to eliminate them.

Coupler a device for locking together the tubes of a tube and coupler scaffold.

Crawling board (chicken ladder) a supported scaffold consisting of a plank with cleats spaced and secured to provide footing, for use on sloped surfaces such as roofs.

Double-pole (independent pole) scaffold a supported scaffold consisting of one or more platforms resting on cross beams (bearers) supported by ledgers and a double row of

uprights independent of support (except ties, guys, braces) from any structure.

Equivalent alternative design, material or method to protect against a hazard. You have to demonstrate it provides an equal or greater degree of safety for employees than the method, material or design specified in the rule.

Exposed power lines electrical power lines which are accessible to and may be contacted by employees. Such lines do not include extension cords or power tool cords.

Eye or eye splice a loop at the end of a wire rope.

Fabricated frame scaffold (tubular welded frame scaffold) a scaffold consisting of platforms supported on fabricated frames with integral posts, horizontal bearers, and intermediate members.

Failure load refusal, breaking, or separation of component parts. Load refusal is the point where the ultimate strength is exceeded.

Float (ship) scaffold a suspended scaffold consisting of a braced platform resting on two parallel bearers and hung from overhead supports by ropes of fixed length.

Form scaffold a supported scaffold consisting of a platform supported by brackets attached to formwork.

Guardrail system a vertical barrier, consisting of, but not limited to, top rails, midrails, and posts, erected to prevent employees from falling off a scaffold platform or walkway.

Handrails (ladder stands) a rail connected to a ladder stand running parallel to the slope and/or top step.

Hoist a manual or power-operated mechanical device to raise or lower a suspended scaffold.

Horse scaffold a supported scaffold consisting of a platform supported by construction horses (saw horses). Horse scaffolds constructed of metal are sometimes known as trestle scaffolds.

Independent pole scaffold (see double pole scaffold).

Interior hung scaffold a suspended scaffold consisting of a platform suspended from the ceiling or roof structure by fixed length supports.

Ladder jack scaffold a supported scaffold consisting of a platform resting on brackets attached to ladders.

Ladder stand a mobile, fixed-size, self-supporting ladder consisting of a wide flat tread ladder in the form of stairs.

Landing a platform at the end of a flight of stairs.

Large area scaffold a pole scaffold, tube and coupler scaffold, system scaffold, or fabricated frame scaffold erected over substantially the entire work area. For example: A scaffold erected over the entire floor area of a room.

Lean-to scaffold a supported scaffold which is kept erect by tilting it toward and resting it against a building or structure.

Ledger (see runner).

Lifeline a component consisting of a flexible line that connects to an anchorage at one end to hang vertically (vertical lifeline), or that connects to anchorages at both ends to stretch horizontally (horizontal lifeline). It serves as a means for connecting other components of a personal fall arrest system to the anchorage.

Lower levels areas below the level where the employee is located and to which an employee can fall. Such areas include, but are not limited to, ground levels, floors, roofs,

ramps, runways, excavations, pits, tanks, materials, water, and equipment.

Masons' adjustable supported scaffold (see self-contained adjustable scaffold).

Masons' multipoint adjustable suspension scaffold a continuous run suspended scaffold designed and used for masonry operations.

Maximum intended load the total load of all persons, equipment, tools, materials, transmitted loads, and other loads reasonably anticipated to be applied to a scaffold or scaffold component at any one time.

Midrail a rail, approximately midway between the toprail of a guardrail system and the platform, and secured to the uprights erected along the exposed sides and ends of a platform.

Mobile scaffold supported scaffold mounted on casters or wheels.

Multilevel suspended scaffold a two-point or multipoint adjustable suspension scaffold with a series of platforms at various levels resting on common stirrups.

Multipoint adjustable suspension scaffold a suspended scaffold consisting of a platform(s) which is suspended by more than two ropes from overhead supports and equipped with means to raise and lower the platform to desired work levels.

Needle beam scaffold a suspended scaffold which has a platform supported by two bearers (needle beams) suspended from overhead supports.

Outrigger a structural member of a supported scaffold which increases the base width of a scaffold. This provides support for and increases the stability of the scaffold.

Outrigger beam (suspended and supported) the structural member of a suspended scaffold or outrigger scaffold which provides support for the scaffold by extending the scaffold point of attachment to a point out and away from the structure or building.

Outrigger scaffold a supported scaffold consisting of a platform resting on outrigger beams which projects beyond the wall or face of the building or structure. The inboard ends of the outrigger beams are secured inside the building or structure.

Overhand bricklaying the process of laying bricks and masonry so that the surface of the wall is on the opposite side of the wall from the mason, requiring the mason to lean over the wall to complete the work. It includes mason tending and electrical installation incorporated into the brick wall during the overhand bricklaying process.

Personal fall arrest system a system used to arrest an employee's fall. It consists of an anchorage, connectors, and body harness and may also include a lanyard, deceleration device, lifeline, or combinations of these.

Platform a work surface used in scaffolds, elevated above lower levels. Platforms can be constructed using individual wood planks, fabricated planks, fabricated decks, and fabricated platforms.

Pole scaffold (see single-pole scaffold and double (independent) pole scaffold).

Pump jack scaffold a supported scaffold consisting of a platform supported by vertical poles and movable support brackets.

Qualified person a person who has successfully demonstrated the ability to solve problems relating to the subject matter, work, or project, either by:

- Possession of a recognized degree, certificate, or professional standing;

OR

- Extensive knowledge, training and experience.

Rated load the manufacturer's specified maximum load to be lifted by a hoist or to be applied to a scaffold or scaffold component.

Repair bracket scaffold a supported scaffold consisting of a platform supported by brackets. The brackets are secured in place around the circumference or perimeter of a chimney, stack, tank or other supporting structure by one or more wire ropes placed around the supporting structure.

Roof bracket scaffold a supported scaffold used on a sloped roof. It consists of a platform resting on angular-shaped supports so that the scaffold platform is level.

Runner (ledger) the lengthwise horizontal spacing or bracing member which may support the bearers.

Scaffold a temporary elevated platform, including its supporting structure and anchorage points, used for supporting employees or materials.

Self-contained adjustable scaffold a combination supported and suspended scaffold consisting of an adjustable platform mounted on an independent supporting frame, not a part of the object being worked on, which is equipped with a means to raise and lower the platform. Such systems include rolling roof rigs, rolling outrigger systems, and some masons' adjustable supported scaffolds.

Shore scaffold a supported scaffold which is placed against a building or structure and held in place with props.

Single-point adjustable suspension scaffold a suspended scaffold consisting of a platform suspended by one rope from an overhead support and equipped with means to permit the movement of the platform to desired work levels.

Single-pole scaffold a supported scaffold consisting of platforms resting on bearers, the outside ends of which are supported on runners secured to a single row of posts or uprights, and the inner ends of which are supported on or in a structure or building wall.

Stair tower (scaffold stairway/tower) a tower comprised of scaffold components which contains internal stairway units and rest platforms. These towers are used to provide access to scaffold platforms and other elevated points such as floors and roofs.

Stall load the load at which the prime mover of a power-operated hoist stalls or the power to the prime mover is automatically disconnected.

Step, platform, and trestle ladder scaffold a platform resting directly on the rungs of a step, platform, or trestle ladder.

Stilts a pair of poles or similar supports with raised footrests, used to permit walking above the ground or working surface.

Stonesetters' multipoint adjustable suspension scaffold a continuous run suspended scaffold designed and used for stonesetters' operations.

Supported scaffold one or more platforms supported by rigid means such as outrigger beams, brackets, poles, legs, uprights, posts, or frames.

Suspended scaffold one or more platforms suspended from an overhead structure by ropes or other nonrigid means.

System scaffold a scaffold consisting of posts with fixed connection points that accept runners, bearers, and diagonals that can be interconnected at predetermined levels.

Toeboard (scaffold) a barrier erected along the exposed sides and ends of a scaffold platform at platform level to prevent material, tools, and other loose objects from falling from the platform.

Top plate bracket scaffold a scaffold supported by brackets that hook over or are attached to the top of a wall. This type of scaffold is similar to carpenters' bracket scaffolds and form scaffolds.

Tube and coupler scaffold a scaffold consisting of platforms supported by tubing, erected with coupling devices connecting uprights, braces, bearers, and runners.

Tubular welded frame scaffold (see fabricated frame scaffold).

Tubular welded sectional folding scaffold a sectional, folding metal scaffold either of ladder frame or inside stairway design. It is substantially built of prefabricated welded sections, which consist of end frames, platform frame, inside inclined stairway frame and braces, or hinged connected diagonal and horizontal braces. It can be folded into a flat package when the scaffold is not in use.

Two-point suspension scaffold (swing stage) a suspended scaffold consisting of a platform supported by hangers (stirrups), suspended by two ropes from overhead supports, and equipped with a means to permit the raising and lowering of the platform to desired work levels.

Unstable objects items whose strength, configuration, or lack of stability may allow them to become dislocated and shift and therefore may not properly support the loads imposed on them. Unstable objects do not constitute a safe base support for scaffolds, platforms, or employees. Examples include, but are not limited to, barrels, boxes, loose brick, and concrete blocks.

Vertical pickup a rope used to support the horizontal rope in a catenary scaffold.

Walkway (scaffold) part of a scaffold used only for access and not as a working level.

Window jack scaffold a platform resting on a bracket or jack that projects through a window opening.

Work level the elevated platform, used for supporting workers and their materials.

Purpose: The rule updates and clarifies existing policy regarding orthodontic services, including program definitions, provider requirements, expedited prior authorization, and reimbursement. In addition, the rules incorporate into permanent rule the federal requirements of Public Law 104-101 (Health Insurance Portability and Accountability Act of 1996).

Citation of Existing Rules Affected by this Order: Amending WAC 388-535A-0010, 388-535A-0020, 388-535A-0030, 388-535A-0040, 388-535A-0050, and 388-535A-0060.

Statutory Authority for Adoption: RCW 74.08.090 and 74.09.520.

Other Authority: RCW 74.09.035, 74.09.500.

Adopted under notice filed as WSR 04-19-110 on September 21, 2004.

Changes Other than Editing from Proposed to Adopted Version: The following changes have been made to the proposed rules (additions indicated by underlined text, and deletions indicated by ~~strike through text~~), as a result of comments received:

WAC 388-535A-0020 Eligibility for orthodontic services.

(1)(c) Clients in the children's health insurance program (CHIP) receive orthodontic services through age ~~nineteen~~ eighteen. See WAC 388-416-0015 for when certification periods may be extended.

(1)(d) Clients who are eligible for services under the EPSDT program may receive orthodontic services under the provisions of WAC 388-534-0100. ~~See WAC 388-535A-0040(7) for how MAA evaluates a request under the EPSDT program for a nonecovered orthodontic service or an orthodontic service that exceeds limitations.~~

WAC 388-535A-0030 Providers of orthodontic services.

(1) ~~Orthodontics~~ Orthodontists;

WAC 388-535A-0040 Covered and noncovered orthodontic services and limitations to coverage.

(4)(a) Panoramic radiographs (x-rays), ~~allowed~~ once per client in a three-year period.

(4)(b) Interceptive orthodontic treatment, ~~allowed~~ once per the client's lifetime.

(4)(c) Limited transitional orthodontic treatment, ~~allowed~~ up to one year from the date of...

(4)(d) Comprehensive full orthodontic treatment, ~~allowed~~ up to two years from the date of...

(5) ...under the provisions of WAC 388-501-0165. See subsection (7) of this section for a request for an LE for a client eligible under the EPSDT program.

(6) ...under the provisions of WAC 388-501-0165. See subsection (7) of this section for a request for a nonecovered service for a client eligible under the EPSDT program.

(7) ~~If a nonecovered orthodontic service, or a covered orthodontic service that exceeds limitations, is requested or prescribed under the EPSDT program, MAA evaluates it as a covered service under EPSDT's standard of coverage that requires the service to be: (a) Medically necessary; (b) Safe and effective; and (c) Not experimental. MAA reviews requests for orthodontic treatment for clients who are eligible for services under the EPSDT program according to the provisions of WAC 388-534-0100.~~

WSR 05-01-064

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed December 8, 2004, 4:19 p.m., effective January 8, 2005]

Effective Date of Rule: Thirty-one days after filing.

A final cost-benefit analysis is available by contacting Dr. John Davis, P.O. Box 45506, Olympia, WA 98504-5506, phone (360) 725-1748, fax (360) 586-1590, e-mail davisjs@dshs.wa.gov. No changes were made. The preliminary cost benefit analysis will be final.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 6, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 6, Repealed 0.

Date Adopted: December 3, 2004.

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-01-050, filed 12/11/01, effective 1/11/02)

WAC 388-535A-0010 Definitions for orthodontic services. The following definitions and those found in WAC 388-500-0005 apply to this chapter. ~~((Defined words and phrases are bolded the first time they are used in the text.))~~

"Appliance placement" means the application of orthodontic attachments to the teeth for the purpose of correcting dentofacial abnormalities.

"Cleft" means an opening or fissure involving the dentition and supporting structures, especially one occurring in utero. These can be:

- (1) Cleft lip;
- (2) Cleft palate (involving the roof of the mouth); or
- (3) Facial clefts (e.g., macrostomia).

"Comprehensive full orthodontic treatment" means utilizing fixed orthodontic appliances for treatment of the permanent dentition leading to the improvement of a ~~((patient's))~~ **client's** severe handicapping craniofacial dysfunction and/or dentofacial deformity, including anatomical and functional relationships. "

"Craniofacial anomalies" means abnormalities of the head and face, either congenital or acquired, involving disruption of the dentition and supporting structures.

"Craniofacial team" means a department of health- and medical assistance administration-recognized cleft palate/maxillofacial team or an American Cleft Palate Association-certified craniofacial team. These teams are responsible for the management (review, evaluation, and approval) of patients with cleft palate craniofacial anomalies to provide integrated case management, ~~((to))~~ promote parent-professional partnership, and make appropriate referrals to implement and coordinate treatment plans.

"Dental dysplasia" means an abnormality in the development of the teeth.

"EPSDT" means the department's early and periodic screening, diagnosis, and treatment program for clients twenty years of age and younger as described in chapter 388-534 WAC.

"Hemifacial microsomia" means a developmental condition involving the first and second brachial arch. This creates an abnormality of the upper and lower jaw, ear, and associated structures (half or part of the face appears smaller sized).

"Interceptive orthodontic treatment" means procedures to lessen the severity or future effects of a malformation and to affect or eliminate the cause. ~~((It is an extension of preventive orthodontics that may include localized tooth movement.))~~ Such treatment may occur in the primary or transitional dentition and may include such procedures as the redirection of ectopically erupting teeth, correction of isolated dental cross-bite, or recovery of recent minor space loss where overall space is adequate.

"Limited transitional orthodontic treatment" means orthodontic treatment with a limited objective, not involving the entire dentition. It may be directed only at the existing problem, or at only one aspect of a larger problem in which a decision is made to defer or forego more comprehensive therapy.

"Malocclusion" means ~~((the abnormal contact between the))~~ improper alignment of biting or chewing surfaces of upper and lower teeth ~~((that interferes with the highest efficiency during the movements of the jaw that are essential to chewing)).~~

"Maxillofacial" means relating to the jaws and face.

"Occlusion" means the relation of the upper and lower teeth when in functional contact during jaw movement.

"Orthodontics" means treatment involving the use of any appliance, in or out of the mouth, removable or fixed, or any surgical procedure designed to redirect teeth and surrounding tissues.

"Orthodontist" means a dentist who specializes in orthodontics, who is a graduate of a postgraduate program in orthodontics that is accredited by the American Dental Association, and who meets the licensure requirements of the department of health.

AMENDATORY SECTION (Amending WSR 02-01-050, filed 12/11/01, effective 1/11/02)

WAC 388-535A-0020 Eligibility for orthodontic services. (1) Subject to the ~~((limits of))~~ limitations of this chapter, the medical assistance administration (MAA) covers medically necessary orthodontic treatment for severe handicapping malocclusions, craniofacial anomalies, or cleft lip or palate for children only, as follows:

(a) Clients in the categorically needy program (CN) or (CNP) receive orthodontic services through age twenty~~((;))~~.

(b) Clients in the ~~((children's health))~~ medically needy program (MNP) receive orthodontic services through age ~~((eighteen; and))~~ twenty.

(c) Clients in the ~~((EPSDT))~~ children's health insurance program (CHIP) receive orthodontic services through age

~~((twenty))~~ eighteen. See WAC 388-416-0015 for when certification periods may be extended.

(d) Clients who are eligible for services under the EPSDT program may receive orthodontic services under the provisions of WAC 388-534-0100.

(2) MAA does not cover orthodontic services for adults.

(3) Eligible clients ~~((in department-designated border areas))~~ may receive the same orthodontic services in designated border cities as if provided in-state. See WAC 388-501-0175.

AMENDATORY SECTION (Amending WSR 02-01-050, filed 12/11/01, effective 1/11/02)

WAC 388-535A-0030 Providers of orthodontic services. ~~((With prior approval from MAA, except as indicated under WAC 388-535A-0050,))~~ The following ~~((providers))~~ provider types may furnish and be reimbursed for providing covered ~~((comprehensive full))~~ orthodontic ~~((treatment, interceptive orthodontic treatment (see WAC 388-535A-0060(7)), or limited orthodontic treatment (see WAC 388-535A-0060(8)), furnished to)~~ services to medical assistance administration (MAA) clients:

(1) ~~((Dentists who specialize in orthodontics))~~ Orthodontists;

(2) Pediatric dentists ~~((who provide MAA approved orthodontic services));~~

(3) General dentists ~~((who provide MAA approved orthodontic services));~~ and

(4) ~~((Oral surgeons who provide MAA approved))~~ Department recognized craniofacial teams or other orthodontic ~~((services))~~ specialists approved by MAA's orthodontic consultant.

AMENDATORY SECTION (Amending WSR 02-01-050, filed 12/11/01, effective 1/11/02)

WAC 388-535A-0040 Covered and noncovered orthodontic services and limitations to coverage. (1) Subject to the limitations in this section and other applicable WAC, the medical assistance administration (MAA) covers ~~((medically necessary))~~ orthodontic treatment for ~~((severe handicapping malocclusions, craniofacial anomalies, or cleft lip or palate when the client meets the eligibility requirements in WAC 388-535A-0020 and the medical conditions in this section. The client must have one of the following))~~ a client who has one of the following medical conditions:

(a) Cleft ~~((f))~~ ~~((or))~~, cleft palate ~~((t))~~, or other craniofacial ~~((anomaly))~~ anomalies when the client is treated by and receives follow-up care ~~((by))~~ from a department-recognized ~~((cleft palate or))~~ craniofacial team for:

(i) Cleft lip and palate, cleft palate, or cleft lip with alveolar process involvement;

(ii) Craniofacial anomalies, including but not limited to:

(A) Hemifacial microsomia;

(B) Craniosynostosis syndromes;

(C) Cleidocranial dental dysplasia;

(D) Arthrogyposis; or

(E) Marfan syndrome.

(iii) Other medical conditions with significant facial growth impact (e.g., juvenile rheumatoid arthritis (JRA)); or

(iv) Post-traumatic, post-radiation, or post-burn jaw deformity.

(b) Other severe handicapping malocclusions, including one or more of the following:

(i) Deep impinging overbite when lower incisors are destroying the soft tissues of the palate;

(ii) Crossbite of individual anterior teeth when destruction of the soft tissue is present;

(iii) Severe traumatic malocclusion (e.g., loss of a premaxilla segment by burns or by accident, the result of osteomyelitis, or other gross pathology);

(iv) Overjet greater than 9mm with incompetent lips or reverse overjet greater than 3.5mm with reported masticatory and speech difficulties; or

(v) Medical conditions as indicated on the Washington Modified Handicapping Labiolingual Deviation (HLD) Index Score that result in a score of twenty-five or higher. On a case-by-case basis, MAA reviews all requests for treatment for conditions that result in a score of less ~~((then))~~ than twenty-five, based on medical necessity ~~((on a case-by-case basis)).~~

(2) MAA may cover requests for orthodontic treatment for dental malocclusions~~((;))~~ other than those listed in subsection (1) of this section when MAA determines that the treatment is medically necessary.

(3) ~~((MAA reviews requests for orthodontic treatment for children who are eligible for services under the EPSDT program according to the provisions of WAC 388-534-0100.~~

~~((4) MAA covers orthodontic appliance removal for a client whose appliance was placed by a provider not participating with MAA, or whose payment MAA did not cover.~~

~~((5) MAA does not cover lost or broken orthodontic appliances.~~

~~((6) MAA covers panoramic radiographs (x-rays) once in a three-year period))~~ MAA does not cover:

(a) Lost or broken orthodontic appliances;

(b) Orthodontic treatment for cosmetic purposes;

(c) Orthodontic treatment that is not medically necessary (see WAC 388-500-0005);

(d) Out-of-state orthodontic treatment; or

(e) Orthodontic treatment and orthodontic-related services that do not meet the requirements of this section or other applicable WAC.

(4) MAA covers the following orthodontic treatment and orthodontic-related services, subject to the limitations listed ~~((providers must bill for these services according to WAC 388-535A-0060))~~:

(a) Panoramic radiographs (x-rays), once per client in a three-year period.

(b) Interceptive orthodontic treatment, once per the client's lifetime.

(c) Limited transitional orthodontic treatment, up to one year from date of original appliance placement (see subsection (5) of this section for information on limitation extensions).

(d) Comprehensive full orthodontic treatment, up to two years from the date of original appliance placement (see subsection (5) of this section for information on limitation extensions).

(e) Orthodontic appliance removal only when:

(i) The client's appliance was placed by a different provider; and

(ii) The provider has not furnished any other orthodontic treatment to the client.

(f) Other medically necessary orthodontic treatment and orthodontic-related services as determined by MAA.

(5) A request to exceed stated limitations or other restrictions on covered services is called a limitation extension (LE), which is a form of prior authorization. MAA evaluates and approves requests for LE for orthodontic services when medically necessary, under the provisions of WAC 388-501-0165.

(6) MAA evaluates a request for any orthodontic service not listed as covered in this section under the provisions of WAC 388-501-0165.

(7) MAA reviews requests for orthodontic treatment for clients who are eligible for services under the EPSDT program according to the provisions of WAC 388-534-0100.

AMENDATORY SECTION (Amending WSR 02-01-050, filed 12/11/01, effective 1/11/02)

WAC 388-535A-0050 Authorization~~(s)~~ and prior authorization~~(, and expedited prior authorization)~~ for orthodontic services. (1) When the medical assistance administration (MAA) authorizes ~~((a service))~~ an interceptive orthodontic treatment, limited orthodontic treatment, or full orthodontic treatment for a client, including a client eligible for services under the EPSDT program, that authorization indicates only that the specific service is medically necessary; it is not a guarantee of payment. The client must be eligible for the covered service at the time the service is provided.

~~((MAA does not require prior authorization))~~ For orthodontic treatment of a client with cleft lip, cleft palate, or other craniofacial anomaly ~~((when the client is)),~~ prior authorization:

(a) ~~((Eligible under WAC 388-535A-0020))~~ Is not required if the client is being treated by a department-recognized craniofacial team, or an orthodontic specialist who has been approved by an MAA dental consultant to treat cleft lip, cleft palate, or other craniofacial anomalies; and

(b) ~~((Being treated by a department-recognized cleft palate or craniofacial team))~~ Is required if the client is not being treated by a provider listed in (a) of this subsection.

(3) Subject to the conditions and limitations of this section and other applicable WAC, MAA requires prior authorization for orthodontic treatment ~~((of:~~

(a) Severe handicapping malocclusions;
(b) Dental malocclusions that result in severe dental functional impairment;

(c) Those cases that result in a score less than thirty on the Washington Modified HLD Index Scale; and

(d) Services provided per WAC 388-535A-0030.

(4) MAA allows orthodontists to use expedited prior authorization (EPA) for those cases that score thirty or more on the Washington Modified HLD Index Scale. The EPA process is designed to eliminate the need for telephone prior authorization for selected procedures. The orthodontist must create an authorization number using the process explained in

MAA's orthodontic billing instructions. When MAA finds that a provider is using EPA inappropriately, MAA may:

(a) Require the provider to obtain prior authorization from MAA before providing services to any client; or

(b) Take one or more of the actions in WAC 388-502-0230(3)) for other dental malocclusions that are not listed in WAC 388-535A-0040(1).

AMENDATORY SECTION (Amending WSR 02-01-050, filed 12/11/01, effective 1/11/02)

WAC 388-535A-0060 Reimbursement for orthodontic services. (1) The medical assistance administration (MAA) reimburses providers for furnishing covered orthodontic services described in WAC 388-535A-0040 according to this section and other applicable WAC.

(2) MAA considers that a provider who furnishes covered orthodontic services to an eligible client has accepted MAA's rates and fees.

~~((2))~~ (3) To be reimbursed for providing limited transitional orthodontic treatment, providers must bill MAA in intervals during the treatment and complete treatment within twelve months of the date of appliance placement:

(a) The first three months of treatment starts the date the initial appliance is placed and includes active treatment for the first three months. The provider should bill MAA with the date of service that the initial appliance is placed.

(b) Continuing follow-up treatment must be billed after each three-month treatment interval during the treatment. Treatment provided after one year from the date the appliance is placed requires a limitation extension. See WAC 388-535A-0040(5).

(4) To be reimbursed for providing comprehensive full orthodontic treatment, providers must bill MAA in intervals during the treatment and complete treatment within twenty-four months of the date of the appliance placement:

(a) The first six months of treatment starts the date the initial appliance is placed and includes active treatment within the six months. The provider should bill MAA with the date of service that the initial appliance is placed.

(b) Continuing follow-up treatment must be billed after each three-month treatment interval, with the first three-month interval beginning six months after the initial appliance placement. Treatment provided after two years from the date the appliance is placed requires a limitation extension. See WAC 388-535A-0040(5).

(5) Payment for orthodontic services is based on MAA's schedule of maximum allowances; fees listed in the fee schedule are the maximum allowable fees.

~~((3))~~ MAA uses state-assigned procedure codes to identify covered orthodontic services.

(4) MAA does not cover out-of-state orthodontic treatment.

~~((5))~~ (6) Orthodontic providers who are in department-designated ~~((border areas))~~ bordering cities must:

(a) Meet the licensure requirements of their state; and
(b) Meet the same criteria for payment as in-state providers, including the requirements to contract with MAA.

~~((6) MAA reimburses for interceptive orthodontic treatment for cleft palate or craniofacial anomaly per WAC 388-535A-0050.))~~

~~(7) ((With the exception of the conditions listed in subsection (6) of this section, MAA reimburses for interceptive orthodontic treatment once per client's lifetime for clients with severe handicapping malocclusions.~~

~~(8) MAA reimburses for limited transitional orthodontic treatment for a maximum of one year from original appliance placement. Follow up treatment is allowed in three month increments, beginning three months after the initial placement.~~

~~(9) MAA reimburses for comprehensive full orthodontic treatment up to a maximum of two years from original appliance placement. Six follow up treatments are allowed in three month increments, beginning six months after the initial placement.~~

~~(10)) If the client's eligibility for orthodontic treatment under WAC 388-535A-0020 ends before the conclusion of the orthodontic treatment, payment for any remaining treatment is the individual's responsibility; MAA does not reimburse for these services.~~

~~((11)) (8) The client is responsible for payment of any orthodontic service or treatment received during any period of ineligibility, even if the treatment was started when the client was eligible; MAA does not reimburse for these services.~~

~~((12) The client is responsible for paying for services when the client has not disclosed coverage to the provider, per))~~

~~(9) See WAC 388-502-0160 and 388-501-0200(, MAA does not reimburse in these situations) for when a provider or a client is responsible to pay for a covered service.~~

WSR 05-01-065
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)

[Filed December 8, 2004, 4:21 p.m., effective January 8, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The existing planned home births pilot project is nearing the end of the authorized five-year timeframe. Medical Assistance Administration (MAA) has evaluated the effectiveness of the pilot project and will be retaining the program permanently. As a result, a revision of the aforementioned three sections of chapter 388-533 WAC is necessary to establish the planned home births program permanently. These changes meet the requirements of the Maternity Care Access Act of 1989 that requires MAA to evaluate the maternity care access system to determine effectiveness and need for modification and to prevent unnecessary barriers to maternity care for eligible persons.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-533-0500; and amending WAC 388-533-0400 and 388-533-0600.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.760, and 74.09.770.

Adopted under notice filed as WSR 04-21-060 on October 18, 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 0, Amended 2, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 1.

Date Adopted: December 3, 2004.

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-07-043, filed 3/13/02, effective 4/13/02)

WAC 388-533-0400 Maternity care and newborn delivery. (1) The following definitions and abbreviations and those found in WAC 388-500-0005 apply to this chapter. ~~((Defined words and phrases are bolded the first time they are used in the text.))~~

(a) **"Birthing center"** means a specialized facility licensed as a childbirth center by the department of health (DOH) under chapter 246-349 WAC.

(b) **"Bundled services"** means ~~((those services that are integral to a major procedure that may be bundled with the major procedure for the purposes of reimbursement))~~ services integral to the major procedure that are included in the fee for the major procedure. Under this chapter, certain ~~((bundled))~~ services which are customarily bundled must be billed separately (unbundled) when the services are provided by different providers.

(c) **"Facility fee"** means ~~((that))~~ the portion of MAA's ~~((reimbursement that covers))~~ payment for the hospital or birthing center charges. This does not include MAA's ~~((reimbursement))~~ payment for the professional fee defined below.

(d) **"Global fee"** means the fee MAA pays for total obstetrical care. Total obstetrical care includes all bundled antepartum care, delivery services and postpartum care.

(e) **"High-risk"** pregnancy means any pregnancy that poses a significant risk of a poor birth outcome.

(f) **"Professional fee"** means ~~((that))~~ the portion of MAA's ~~((reimbursement that covers the))~~ payment for services that rely on the provider's professional skill or training, or the part of the reimbursement that recognizes the provider's cognitive skill. (See WAC 388-531-1850 for reimbursement methodology.)

(2) MAA covers full scope medical maternity care and newborn delivery services to ~~((its))~~ fee-for-service clients who qualify for categorically needy (CN) or medically needy (MN) scope of care (see WAC 388-462-0015 for client eligi-

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bility). Clients enrolled in an MAA managed care plan must receive all medical maternity care and newborn delivery services through the plan. See subsection ~~((24))~~ (20) of this section for client eligibility limitations for smoking cessation counseling provided as part of antepartum care services.

~~(3) ((MAA does not provide full scope maternity care and delivery services to its clients who qualify for medically indigent (MI) scope of care (see WAC 388-462-0015 for client eligibility). Clients who qualify for MI scope of care have hospital delivery coverage only.~~

~~(4))~~ MAA does not provide maternity care and delivery services to its clients who are eligible for:

(a) Family planning only (a pregnant client under this program should be referred to the local community services office for eligibility review); or

(b) Any other program not listed in this section.

~~((5))~~ (4) MAA requires providers of maternity care and newborn delivery services to meet all of the following. Providers must:

(a) Be currently licensed by the state of Washington's department of health (DOH) and/or department of licensing;

(b) Have signed core provider agreements with MAA;

(c) Be practicing within the scope of their licensure; and

(d) Have valid certifications from the appropriate federal or state agency, if such is required to provide these services (e.g., federally qualified health centers (FQHCs), laboratories certified through the Clinical Laboratory Improvement Amendment (CLIA), etc.).

~~((6))~~ (5) MAA covers total obstetrical care services ~~((reimbursed))~~ paid under a global fee. Total obstetrical care includes all of the following:

(a) Routine antepartum care that begins in any trimester of a pregnancy;

(b) Delivery (intrapartum care/birth) services; and

(c) Postpartum care. This includes family planning counseling.

~~((7))~~ (6) When an eligible client receives all the services listed in subsection ~~((6))~~ (5) of this section from one provider, MAA ~~((reimburses))~~ pays that provider ~~((in one of the following ways:~~

~~(a) Through a global obstetrical fee; or~~

~~(b) Through separate fees in any combination:~~

~~(i) First trimester antepartum care;~~

~~(ii) Second trimester antepartum care;~~

~~(iii) Third trimester antepartum care;~~

~~(iv) Delivery services (intrapartum care); and~~

~~(v) Postpartum care)) a global obstetrical fee.~~

~~((8))~~ (7) When an eligible client receives services from more than one provider, MAA ~~((reimburses))~~ pays each provider for the services furnished. The separate services that MAA ~~((reimburses))~~ pays appear in subsection ~~((7(b)))~~ (5) of this section.

~~((9) MAA reimburses)~~

(8) MAA pays for antepartum care services in one of the following two ways:

(a) Under a global fee ~~((for total obstetrical care)); or~~

(b) Under ~~((separate trimester))~~ antepartum care fees.

~~((10))~~ (9) MAA's fees for antepartum care include all of the following:

(a) Completing an initial and any subsequent patient history;

(b) Completing all physical examinations;

(c) Recording and tracking the client's weight and blood pressure;

(d) Recording fetal heart tones;

(e) Performing a routine chemical urinalysis (including all urine dipstick tests); and

(f) Providing maternity counseling.

~~((11))~~ (10) MAA covers certain antepartum services in addition to the bundled services listed in subsection ~~((10))~~ (9) of this section. MAA ~~((reimburses))~~ pays separately for any of the following:

~~(a) ((A prenatal assessment fee for a pregnant client (limited to one prenatal assessment fee per pregnancy per provider);~~

~~(b))~~ An enhanced prenatal management fee (a ~~((monthly))~~ fee for medically necessary increased prenatal monitoring). MAA provides a list of diagnoses and/or conditions that MAA identifies as justifying more frequent monitoring visits. MAA ~~((reimburses))~~ pays for either (a) or (b) ~~((or (e)))~~ of this subsection, but not both;

~~((e))~~ (b) A prenatal management fee for "high-risk" maternity clients. This ~~((monthly))~~ fee is payable to either a physician or a certified nurse midwife. MAA ~~((reimburses))~~ pays for either (a) or (b) ~~((or (e)))~~ of this subsection, but not both;

~~((d))~~ (c) Necessary prenatal laboratory tests except routine chemical urinalysis, including all urine dipstick tests, as described in subsection ~~((10))~~ (9)(e) of this section; and/or

~~((e))~~ (d) Treatment of medical problems that are not related to the pregnancy. MAA pays these fees to physicians or advanced registered nurse practitioners (ARNP).

~~((12))~~ (11) MAA covers high-risk pregnancies. MAA considers a pregnant client to have a high-risk pregnancy when the client:

(a) Has any high-risk medical condition (whether or not it is related to the pregnancy); or

(b) Has a diagnosis of multiple births.

~~((13))~~ (12) MAA covers delivery services for clients with high-risk pregnancies, described in subsection ~~((12))~~ (11) of this section, when the delivery services are provided in a hospital.

~~((14))~~ (13) MAA ~~((covers the))~~ pays a facility fee for delivery services in the following settings:

(a) Inpatient hospital; or

(b) Birthing centers.

~~((15))~~ (14) MAA ~~((covers the))~~ pays a professional fee for delivery services in the following settings:

(a) Hospitals, to a provider who meets the criteria in subsection ~~((5))~~ (4) of this section and who has privileges in the hospital;

(b) Planned home ~~((birth settings for providers who are participating in MAA's home birth pilot project; or~~

~~(c) Birthing centers, as described in WAC 388-533-0600.~~

~~(16))~~ births and birthing centers.

(15) MAA covers hospital delivery services for an eligible client as defined in ~~((subsections (2), (3), and (4(b)))~~ subsection (2) of this section. MAA's bundled ~~((reimbursement))~~

payment for the professional fee for hospital delivery services include:

(a) The admissions history and physical examination; and

(b) The management of uncomplicated labor (intrapartum care); and

(c) The vaginal delivery of the newborn (with or without episiotomy or forceps); ~~((and))~~ or

(d) Cesarean delivery of the newborn.

~~((17))~~ (16) MAA pays only a labor management fee to a provider who begins intrapartum care and unanticipated medical complications prevent that provider from following through with the birthing services.

~~((18))~~ (17) In addition to ~~((the MAA reimbursement))~~ MAA's payment for professional services in subsection ~~((16))~~ (15) of this section, MAA may ~~((reimburse))~~ pay separately for services provided by any of the following professional staff:

(a) A stand-by physician in cases of high risk delivery and/or newborn resuscitation;

(b) A physician assistant or registered nurse "first assist" when delivery is by cesarean section;

(c) ~~((A registered nurse — "first assist" when delivery is by cesarean section;~~

~~((d))~~ (d) A physician, ~~((advanced registered nurse practitioner))~~ (ARNP), or licensed midwife for newborn examination as the delivery setting allows; and/or

~~((e))~~ (d) An obstetrician/gynecologist specialist for external cephalic version and consultation.

~~((19))~~ (18) In addition to the professional delivery services fee in subsection ~~((16))~~ (15) or the global/total fees (i.e., those that include the hospital delivery services) in subsections (5) and (6) ~~((and (7)))~~ of this section, MAA allows additional fees for any of the following:

(a) High-risk vaginal delivery;

(b) Multiple vaginal births. MAA's typical ~~((reimbursement))~~ payment covers delivery of the first child. For each subsequent child, MAA ~~((reimburses))~~ pays at fifty percent of the provider's usual and customary charge, up to MAA's maximum allowable fee; or

(c) High-risk cesarean section delivery.

~~((20))~~ (19) MAA does not ~~((reimburse))~~ pay separately for any of the following:

(a) More than one child delivered by cesarean section during a surgery. MAA's cesarean section surgery fee covers one or multiple surgical births;

(b) Postoperative care for cesarean section births. This is included in the surgical fee. Postoperative care is not the same as or part of postpartum care.

~~((21))~~ (20) In addition to the services listed in subsection ~~((11))~~ (10) of this section, MAA covers counseling for tobacco dependency for eligible pregnant women through two months postpregnancy. This service is commonly referred to as smoking cessation education or counseling.

(a) MAA covers smoking cessation counseling for only those fee-for-service clients who are eligible for categorically needy (CN) scope of care. See (f) of this subsection for limitations on prescribing pharmacotherapy for eligible CN clients. Clients enrolled in managed care may participate in a smoking cessation program through their plan.

(b) MAA pays a fee to certain providers who include smoking cessation counseling as part of an antepartum care visit or a postpregnancy office visit (which must take place within two months following live birth, miscarriage, fetal death, or pregnancy termination). MAA ~~((reimburses))~~ pays only the following providers for smoking cessation counseling:

(i) Physicians;

(ii) Physician assistants (PA) working under the guidance and billing under the provider number of a physician;

(iii) ~~((Advanced registered nurse practitioners (ARNP)))~~ ARNPs, including certified nurse midwives (CNM); and

(iv) Licensed midwives (LM).

(c) MAA covers one smoking cessation counseling session per client, per day, up to ten sessions per client, per pregnancy. The provider must keep written documentation in the client's file for each session. The documentation must reflect the information in (e) of this subsection.

(d) MAA covers two levels of counseling. Counseling levels are:

(i) Basic counseling (fifteen minutes), which includes (e)(i), (ii), and (iii) of this subsection; and

(ii) Intensive counseling (thirty minutes), which includes the entirety of (e) of this subsection.

(e) Smoking cessation counseling consists of providing information and assistance to help the client stop smoking. Smoking cessation counseling includes the following steps (refer to MAA's physician-related services ~~((RBRVS))~~ billing instructions and births and birthing centers billing instructions for specific counseling suggestions and billing requirements):

(i) Asking the client about her smoking status;

(ii) Advising the client to stop smoking;

(iii) Assessing the client's willingness to set a quit date;

(iv) Assisting the client to stop smoking, which includes developing a written quit plan with a quit date. If the provider considers it appropriate for the client, the "assisting" step may also include prescribing smoking cessation pharmacotherapy as needed (see (f) of this subsection); and

(v) Arranging to track the progress of the client's attempt to stop smoking.

(f) A provider may prescribe pharmacotherapy for smoking cessation for a client when the provider considers the treatment is appropriate for the client. MAA covers certain pharmacotherapy for smoking cessation as follows:

(i) MAA covers Zyban™ only;

(ii) The product must meet the rebate requirements described in WAC 388-530-1125;

(iii) The product must be prescribed by a physician, ARNP, or physician assistant;

(iv) The client for whom the product is prescribed must be eighteen years of age or older;

(v) The pharmacy provider must obtain prior authorization from MAA when filling the prescription for pharmacotherapy; and

(vi) The prescribing provider must include both of the following on the client's prescription:

(A) The client's estimated or actual delivery date; and

(B) Indication ~~((that))~~ the client is participating in smoking cessation counseling.

(g) MAA's ~~((reimbursement))~~ payment for smoking cessation counseling is subject to postpay review. See WAC 388-502-0230, Provider review and appeal, and WAC 388-502-0240, Audits and the audit appeal process for contractors/providers, for information regarding review and appeal processes for providers.

AMENDATORY SECTION (Amending WSR 00-23-052, filed 11/13/00, effective 12/14/00)

WAC 388-533-0600 Planned home births and births in birthing centers. (1) MAA covers planned home births and ~~and~~ births in birthing centers for its clients when the client and the maternity care provider choose to have a home birth or to give birth in an MAA-approved birthing center and the client:

(a) Is eligible for CN or MN scope of care (see WAC 388-533-400(2));

(b) Has a MAA-approved medical provider who has accepted responsibility for the planned home birth or birth in birthing center ~~((birth))~~ as provided in this section;

(c) Is expected to deliver the child vaginally and without complication (i.e., with a low risk of adverse birth outcome); and

(d) Passes MAA's risk screening criteria. MAA provides these risk-screening criteria to qualified medical services providers.

(2) MAA approves only the following provider types to provide MAA-covered planned home births and births in birthing centers:

(a) Physicians licensed under chapters 18.57 or 18.71 RCW;

(b) Nurse midwives licensed under chapter 18.79 RCW; and

(c) Midwives licensed under chapter 18.50 RCW.

(3) Each participating birthing center must:

(a) Be licensed as a childbirth center by the department of health (DOH) under chapter 246-349 WAC;

(b) ~~((Have a valid core provider agreement with MAA;~~

(e)) Be specifically approved by MAA to provide birthing center services; ~~((and~~

~~((d)))~~ (c) Have a valid core provider agreement with MAA; and

(d) Maintain standards of care required by DOH for licensure.

~~((3))~~ (4) MAA suspends or terminates the core provider agreement of a birthing center if it fails to maintain DOH standards cited in subsection ~~((2))~~ (3) of this section.

~~((4))~~ MAA approves only the following provider types to provide MAA-covered births in birthing centers:

~~(a) Physicians licensed under chapters 18.57 or 18.71 RCW;~~

~~(b) Nurse midwives licensed under chapter 18.79 RCW;~~ and

~~(c) Midwives licensed under chapter 18.50 RCW.)~~

(5) ~~((Each provider using a))~~ Home birth or birthing center providers must:

(a) Obtain from the client a signed consent form in advance of the ~~((birthing center))~~ birth;

(b) Follow MAA's risk screening criteria and consult with and/or refer the client or newborn to a physician or hospital when medically appropriate;

(c) Have current, written, and appropriate plans for consultation, emergency transfer and transport of a client and/or newborn to a hospital;

(d) Make appropriate referral of the newborn for ~~((screening))~~ pediatric care and medically necessary follow-up care; ~~((and))~~

(e) Inform parents of the benefits of a newborn screening test and offer to send the newborn's blood sample to the department of health for testing; and

(f) Have evidence of current cardiopulmonary resuscitation (CPR) training for:

(i) Adult CPR; and

(ii) Neonatal resuscitation.

(6) Planned home providers must:

(a) Provide medically necessary equipment, supplies, and medications for each client;

(b) Have arrangements for twenty-four hour per day coverage;

(c) Have documentation of contact with local area emergency medical services to determine the level of response capability in the area; and

(d) Participate in a formal, state-sanctioned, quality assurance/improvement program or professional liability review process (e.g., Joint Underwriting Association (JUA), Midwives Association of Washington State (MAWS), etc.).

(7) MAA does not cover planned home births or births in birthing centers for women identified with any of the following conditions:

(a) Previous cesarean section;

(b) Current alcohol and/or drug addiction or abuse;

(c) Significant hematological disorders/coagulopathies;

(d) History of deep venous thromboses or pulmonary embolism;

(e) Cardiovascular disease causing functional impairment;

(f) Chronic hypertension;

(g) Significant endocrine disorders including pre-existing diabetes (type I or type II);

(h) Hepatic disorders including uncontrolled intrahepatic cholestasis of pregnancy and/or abnormal liver function tests;

(i) Isoimmunization, including evidence of Rh sensitization/platelet sensitization;

(j) Neurologic disorders or active seizure disorders;

(k) Pulmonary disease;

(l) Renal disease;

(m) Collagen-vascular diseases;

(n) Current severe psychiatric illness;

(o) Cancer affecting site of delivery;

(p) Known multiple gestation;

(q) Known breech presentation in labor with delivery not imminent; or

(r) Other significant deviations from normal as assessed by the provider.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-533-0500 Planned home births—Pilot project.

WSR 05-01-066**PERMANENT RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed December 8, 2004, 4:23 p.m., effective January 8, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The rules clarify existing managed care rules; revise WAC 388-538-060 to remove language regarding contract access standards; to simplify enrollment process; and adopt rules for the Washington Medicaid integration partnership (WMIP) and the Medicare/Medicaid integration program (MMIP).

Citation of Existing Rules Affected by this Order: Amending WAC 388-538-050, 388-538-060, 388-538-065, 388-538-067, 388-538-070, 388-538-095, 388-538-112, and 388-538-120.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: RCW 74.09.522, ESSB 5404, section 201(4), chapter 25, Laws of 2003, section 201(4), chapter 276, Laws of 2004, 42 USC 1396N (section 1915 (b) and (c) of the Social Security Act of 1924).

Adopted under notice filed as WSR 04-21-057 and 04-21-058 on October 18, 2004.

Changes Other than Editing from Proposed to Adopted Version: The following changes, other than editing, were made to the rule as a result of comments of received:

AMENDED SECTION:

WAC 388-538-050 Definitions, new language added at the adopted rule is double underlined.

The word "contracts" was added to the definition below and the "s" was removed from the word program.

"Timely" - in relation to the provision of services, means an enrollee has the right to receive medically necessary health care as expeditiously as the enrollee's health condition requires. In relation to authorization of services and grievances and appeals, means in accordance with the ((healthy options (HO)/state children's health insurance program (SCHIP) contract)) department's managed care program contracts and the time frames stated in this chapter.

Added the words "is designed to integrate" instead of "integrates."

"Washington Medicaid Integration Partnership" or "WMIP" means the managed care program that is designed to integrate medical, mental health, chemical dependency treatment, and long-term care services into a single coordinated health plan for eligible aged, blind, or disabled clients.

NEW SECTION: Added language at adoption is double underlined, deleted language is lined through.

WAC 388-538-061 Managed care provided through the Washington Medicaid Integration Partnership (WMIP) or Medicare/Medicaid Integration Program (MMIP)

(4) The process for enrollment of WMIP and MMIP clients is as follows:

(a) Enrollment in WMIP and MMIP is voluntary, subject to program limitations in subsection (b) and (c) of this section.

(ab) For WMIP, MAA automatically enrolls clients, with the exception of American Indian/Alaska Natives and clients eligible for both Medicare and Medicaid, when they:

- (i) Are aged, blind, or disabled;
- (ii) Are twenty-one years of age or older; and
- (iii) Receive categorically needy medical assistance.

(bc) For MMIP, clients ~~are eligible to voluntarily~~ may enroll when they:

- (i) Are sixty-five years of age or older; and
- (ii) Receive Medicare and/or Medicaid.

(ed) American Indian/Alaska Native (AI/AN) clients and clients who are eligible for Medicare and Medicaid who meet the eligibility criteria in (b) or (c) of this subsection may voluntarily enroll or end enrollment in WMIP or MMIP at any time.

(de) MAA will not enroll a client in WMIP or MMIP, or will end an enrollee's enrollment in WMIP or MMIP when the client has, or becomes eligible for, CHAMPUS/TRICARE or any other ~~accessible~~ third-party health care coverage that would require exemption or involuntary disenrollment from managed care.

(ef) A clients or enrollee in WMIP or MMIP or the client's or enrollee's representative may end enrollment from the MCO at any time without cause. The client may then re-enroll at any time with the MCO. MAA ends enrollment for clients prospectively to the first of the month following request to end enrollment, except as provided in subsection (g) of this section.

(fg) Clients may request that MAA retroactively end enrollment from WMIP and MMIP. On a case-by-case basis, MAA may retroactively end enrollment from WMIP and MMIP when, in MAA's judgment:

- (i) The client or enrollee has a documented and verifiable medical condition; and
- (ii) Enrollment in managed care could cause an interruption of on-going treatment that could jeopardize the client's or enrollee's life or health or ability to attain, maintain, or regain maximum function.

(5) In addition to the scope of medical care described in WAC 388-538-095, ~~the following services are also included in the MCO contract for WMIP and MMIP enrollees~~ WMIP and MMIP are designed to include the following services:

(a) For WMIP enrollees - mental health, chemical dependency treatment, and long-term care services; and

(b) For MMIP enrollees - long-term care services.

(6) MAA sends each client written information about covered services when the client is eligible to enroll in WMIP or MMIP, and any time there is a change in covered services. In addition, MAA requires MCOs to provide new enrollees with written information about covered services. This notice

informs the client about the right to disenroll and how to do so.

A final cost-benefit analysis is available by contacting Alison Robbins, MAA Care Coordinator, Medical Assistance Administration, P.O. Box 45530, Olympia, WA 98504-5530, phone (360) 725-1634, fax (360) 753-7315, e-mail rob-biaa@dshs.wa.gov. No changes were made. The preliminary cost-benefit analysis will be final.

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 6, 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 6, Repealed 0.

Date Adopted: December 3, 2004.

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 05-02 issue of the Register.

WSR 05-01-068
PERMANENT RULES
PARKS AND RECREATION
COMMISSION

[Filed December 9, 2004, 2:15 p.m., effective January 9, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The state Parks and Recreation Commission has amended chapter 352-37 WAC, Ocean beaches, to ensure the provisions and language reflect changes in the agency's park management and operational practices. The amendments adopted by the commission include definitions for aircraft, director and drivable beach. The amendments update driving and parking limitations, clarify right-of-way privileges for nonmotorized vehicles and extend prohibitions for recreation activities on ocean beaches to various forms of aircraft. These changes also reflect changes made during the recodification of the authorizing statutes referenced in this chapter and changes to state park names. The rule-making action created new definitions and new section related to fires and campfires. The new rules specifies the park ranger's authority to place restrictions on fires for the protection of the health, safety and welfare of the public, park visitors or staff, or for the protection of park resources.

Citation of Existing Rules Affected by this Order: Amending chapter 352-37 WAC, WAC 352-37-010, 352-37-020, 352-37-030, 352-37-040, 352-37-070, 352-37-090, 352-

37-100, 352-37-190 and 352-37-200; and adding a new section WAC 352-37-105.

Statutory Authority for Adoption: RCW 79A.05.030, 79A.05.035, 79A.05.055, 79A.05.070, and 79A.05.165.

Adopted under notice filed as WSR 04-21-102 on October 20, 2004.

Changes Other than Editing from Proposed to Adopted Version: (1) WAC 352-37-010 Definitions.

The existing definition for "Campfires" was shortened to read as follows: "Campfires" shall mean any open flame from a wood source.

The remaining language taken from the definition of "Campfires" is rewritten for clarity and consistency and is adopted as new WAC 352-37-105 Fires and campfires (noted below).

Explanation: The commission determined that the definition contained regulatory implications, references to park ranger authority and in general was too complicated for easy use and comprehension. The definition was shortened to provide a more precise meaning for term campfires.

(2) WAC 352-37-010 Definitions.

The existing definition of "Fires" was shortened to read as follows: "Fires" shall mean any open flame from any source or device including, but not limited to campfires, stoves, candles, torches, barbecues and charcoal.

Explanation: The commission determined that the definition contained references to park ranger authority and in general was too complicated for easy use and comprehension. The definition was shortened to provide a more precise, meaning for term fire.

(3) New WAC 352-37-105 Fires and campfires.

The commission adopted a new section of rule WAC 352-37-105 Fires and campfires, which consists primarily of the language taken from the definitions for "Campfires" and "Fire."

Explanation: The commission removed the regulatory implications and references to park ranger authority as it relates to campfires and fires from the definition sections and consolidated it into a single new WAC 352-37-105 for the ease of understanding.

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 9, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, 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 9, Repealed 0.

Date Adopted: December 2, 2004.

December 9, 2004

Jim French
Chief of Policy Research
and Program Development

AMENDATORY SECTION (Amending WSR 90-07-050, filed 3/19/90, effective 4/19/90)

WAC 352-37-010 Purpose. The purpose of this chapter is to implement the provisions of RCW ((43.51.650)) 79A.05.600 through ((43.51.765)) 79A.05.695 which require local governments which have a portion of the Seashore Conservation Area within their boundaries to prepare recreation management plans for the ocean beaches designating at least forty percent of the beach for use by pedestrians and nonmotorized vehicles from April 15 to the day following Labor Day of each year.

This chapter sets forth those sections of the plans which the commission has adopted as rules.

AMENDATORY SECTION (Amending WSR 90-07-050, filed 3/19/90, effective 4/19/90)

WAC 352-37-020 Definitions. Whenever used in this chapter the following terms shall have the meanings herein defined unless the context clearly indicates otherwise:

((1)) "Aircraft" shall mean any machine designed to travel through the air, whether heavier or lighter than air; airplane, dirigible, balloon, helicopter, etc. The term aircraft shall not include paraglider or remote controlled aircraft.

"Campfires" shall mean any open flame from a wood source.

"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.

"Commission" shall mean the Washington state parks and recreation commission.

((2)) "Director" shall mean the director of the Washington state parks and recreation commission or ((his/her)) the director's designee.

((3) ~~"Persons" shall mean all natural persons, firms, partnerships, or combinations of persons whenever acting for themselves or by an agent, servant, or employee.~~

(4) ~~"Ocean beaches" shall mean all lands fronting on the Pacific Ocean between Cape Disappointment and Leadbetter Point; between Toke Point and the south jetty on Point Chehalis; and between Damon Point and the Makah Indian Reservation, and occupying the area between the line of ordinary high tide and the line of extreme low tide, as these lines now are or may hereafter be located, and, where applicable, between the Seashore Conservation Line, as established by survey of the Washington state parks and recreation commission and the line of extreme low tide, as these lines now are or may hereafter be located, or as defined in RCW 43.51.655, provided, that the ocean beaches shall not include any lands within the established boundaries of any Indian reservation.~~

(5) ~~"Long Beach Peninsula" shall mean that area of the ocean beaches as defined in subsection (4) of this section~~

~~lying between Cape Disappointment on the south and Leadbetter Point on the north.~~

(6) ~~"South Beach" shall mean that area of the ocean beaches as defined in subsection (4) of this section lying between Toke Point on the south and the south jetty on Point Chehalis on the north.~~

(7) ~~"North Beach" shall mean that area of the ocean beaches as defined in subsection (4) of this section lying between Damon Point on the south and Cape Flattery on the north.~~

(8) ~~"Hard sand area" shall mean that area over which the tide ebbs and flows on a daily basis; and which is sufficiently hard or firm to support the weight of, and to provide unhindered traction for, an ordinary passenger vehicle.~~

(9) ~~"Dry sand area" shall mean that area lying above and to the landward side of the hard sand area as defined in subsection (8) of this section.~~

(10) ~~"Driveable beach" shall mean that area of the ocean beaches lying between the upper or landward limit of the hard sand area and the clam beds.~~

(11) ~~"Motor vehicle" shall mean any self-propelled device capable of being moved upon a public highway, and in, upon, or by which any persons or property may be transported or drawn, and shall include, but not be limited to, automobiles, trucks, motorcycles, motor bikes, motor scooters, mopeds, jeeps, or similar type four-wheel drive vehicles, buses, camper trucks, motor homes, and other self-propelled recreational vehicles. A motor vehicle must have a means of propulsion associated or attached directly to the device, and not receive motive power from a source independent or outside of the device. A motor vehicle must be certificated and licensed according to the provisions of chapter 46.12 RCW (Certificates of ownership and registration), and chapter 46.16 RCW (Vehicle licenses).~~

(12) ~~"Wind/sand sailer" shall mean a wheeled, wind-driven recreational conveyance.~~

(13) ~~"Parasail" shall mean a parachute-type device attached to a rope pulled by a motor vehicle, resulting in the participant being lifted from the ground by the force of the wind.~~

(14) ~~"Hovercraft" shall mean a powered vehicle supported by a cushion of air capable of transporting persons.)~~ "Driveable beach" shall mean that area of the ocean beaches lying between the upper or landward limit of the hard sand area and the clam beds.

"Dry sand area" shall mean that area lying above and to the landward side of the hard sand area as defined in this section.

"Fire" shall mean any open flame from any source or device including, but not limited to, campfires, stoves, candles, torches, barbeques and charcoal.

"Hard sand area" shall mean that area over which the tide ebbs and flows on a daily basis; and which is sufficiently hard or firm to support the weight of, and to provide unhindered traction for, an ordinary passenger vehicle.

"Hovercraft" shall mean a powered vehicle supported by a cushion of air capable of transporting persons.

"Long Beach Peninsula" shall mean that area of the ocean beaches as defined in this section lying between Cape

Disappointment on the south and Leadbetter Point on the north.

"Motor vehicle" shall mean every vehicle that is self-propelled. For the purposes of this chapter, a motor vehicle must be approved for highway use in accordance with Title 46 RCW.

"North Beach" shall mean that area of the ocean beaches as defined in this section lying between Damon Point on the south and Cape Flattery on the north.

"Ocean beaches" shall mean all lands fronting on the Pacific Ocean between Cape Disappointment and Leadbetter Point; between Toke Point and the south jetty on Point Chehalis; and between Damon Point and the Makah Indian Reservation, and occupying the area between the line of ordinary high tide and the line of extreme low tide, as these lines now are or may hereafter be located, and, where applicable, between the Seashore Conservation Line, as established by survey of the Washington state parks and recreation commission and the line of extreme low tide, as these lines now are or may hereafter be located, or as defined in RCW 79A.05-.605, provided, that the ocean beaches shall not include any lands within the established boundaries of any Indian reservation.

"Parasail" shall mean a parachute-type device attached to a rope pulled by a motor vehicle, resulting in the participant being lifted from the ground by the force of the wind.

"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.

"South Beach" shall mean that area of the ocean beaches as defined in this section lying between Toke Point on the south and the south jetty on Point Chehalis on the north.

"Wind/sand sailer" shall mean a wheeled, wind-driven recreational conveyance.

AMENDATORY SECTION (Amending WSR 92-19-098, filed 9/17/92, effective 10/18/92)

WAC 352-37-030 Vehicular traffic—Where permitted—Generally. Subject to the restrictions set forth in subsequent sections of this chapter, and except at the point of intersection of any access road and the beach, the use of motor vehicles on and along the ocean beaches shall be permitted only on that area between the extreme upper or landward limit of the hard sand area and the clam beds, ~~(and)~~ defined as the "driveable beach" in WAC 352-37-020. The operation ~~(, or parking,)~~ of any vehicle is prohibited above and on the landward side of the driveable beach. The provisions of this section shall not apply to official vehicles engaged in authorized law enforcement, maintenance, or sanitary patrol activities or emergency vehicles while engaged in the performance of any necessary service.

~~(Areas identified within)~~ The Long Beach Peninsula, South Beach, and North Beach Recreation Management Plans, as referenced in RCW ~~((43-51-650))~~ 79A.05.600 through ~~((43-51-765))~~ 79A.05.695, as adopted by local governments located on the same beach and approved by the commission, identify those areas where the operation or parking of any vehicle is prohibited. Exceptions that allow for the

use of any vehicles in these areas identified as exclusive pedestrian/nonmotorized use areas are found in WAC 352-37-070. Except as provided in WAC 352-37-220, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 90-07-050, filed 3/19/90, effective 4/19/90)

WAC 352-37-040 Long Beach Peninsula. (1) Leadbetter Point exclusive pedestrian/nonmotorized vehicle use area is described as the area from the northern tip of Leadbetter Point to the north side of the Oysterville beach access road.

(a) Motor vehicles are not allowed year round in the area located between the northern tip of Leadbetter Point and the southern boundary of Leadbetter Point State Park.

(b) Motor vehicles are not allowed in the area located between the southern boundary of Leadbetter Point State Park to the north side of the Oysterville beach access road, from April 15 to the day following Labor Day of the same year.

(2) Long Beach/Seaview exclusive pedestrian/nonmotorized vehicle use area is described as the area from the south side of the Bolstad Avenue beach access road south to the north side of the Seaview beach access road at 38th Avenue.

Motor vehicles are not allowed from April 15 to the day following Labor Day of the same year.

(3) Ft. Canby unit exclusive pedestrian/nonmotorized vehicle use area is described as the area from the north jetty of the Columbia River located in ~~((Ft. Canby))~~ Cape Disappointment State Park to north head/south boundary of Beard's Hollow ~~((State Park))~~.

Motor vehicles are not allowed on Benson Beach in front of ~~((Ft. Canby))~~ Cape Disappointment State Park for the entire year. Motor vehicles may not be used on the beach in front of the state park for any clam season at any time of the year.

AMENDATORY SECTION (Amending WSR 90-07-050, filed 3/19/90, effective 4/19/90)

WAC 352-37-070 Conditions under which motor vehicles may be used in the exclusive pedestrian/ nonmotorized use areas. Unless specifically excepted in the description of the times during which motor vehicles are not allowed for each exclusive pedestrian/nonmotorized vehicle use area, motor vehicles may be used in the pedestrian/nonmotorized vehicle use areas under the following circumstances:

(1) Motor vehicles may be used in the areas during any recreational razor clam digging seasons designated by the department of fisheries which take place partially or entirely during the period when motor vehicles are otherwise not allowed to use the area.

(2) Motor vehicles may also be used in the areas during special events approved by the commission as set forth in WAC 352-37-200 Special group recreation event permit, which specifically allows the use of motorized vehicles. The vehicle may be used for access or in the event.

(3) As provided by RCW ~~((43-51-720))~~ 79A.05.660, public vehicles operated in the performance of official duties

and vehicles responding to an emergency can use the areas at any time.

(4)(a) Motor vehicles may be used to remove sand from a beach access, gap road, or other area provided that all required permits have been obtained and the removal complies with all applicable requirements.

(b) On the Long Beach Peninsula pursuant to RCW 4.24.210, (~~(43-51-045)~~) 79A.05.035(5), and (~~(43-51-715)~~) 79A.05.655(3), the Pacific County planning department and the city of Long Beach may issue permits for wood debris removal during any period of closure to vehicular traffic, in their respective jurisdictions, if in the opinion of said jurisdiction the amount, size, and location of such wood debris is determined to constitute a hazard to the general public and/or impede the movement of public vehicles on the ocean beach. Said permits shall be valid for twenty-four hours only. Persons seeking permits for removal of wood debris within the seashore conservation area must apply to the director or (~~his~~) designee for a wood debris removal permit.

(5)(a) Motor vehicles may be used to remove wood debris under RCW 4.24.210 and (~~(43-51-045)~~) 79A.05.035(5) provided that all required permits have been obtained and the removal complies with all applicable requirements.

(b) On the Long Beach Peninsula in accordance with RCW (~~(43-51-715)~~) 79A.05.655(4), the Pacific County planning department and the city of Long Beach may issue permits, on their respective jurisdictions, for the removal of sand on the ocean beach during periods of closure to vehicular traffic. Said sand removal shall occur only on beach access roads and private property under the terms of a covenant, easement, or deed that allows such activity. The local jurisdictions shall exercise good judgment in setting the terms of such sand removal permits. Such terms should prohibit sand removal during weekends, holidays, festivals, and other occasions when and where there is increased use of the ocean beach by the public. The hours of sand removal shall also be specified and shall prohibit this activity from occurring too early or too late in the day in order to minimize disturbance of nearby businesses, residents, and visitors.

(6) In case of an emergency, motor vehicles may be used to maintain and construct erosion control devices, including bulkheads, provided that all required permits have been obtained and the operation of the vehicles and the construction complies with all applicable requirements.

AMENDATORY SECTION (Amending WSR 92-19-098, filed 9/17/92, effective 10/18/92)

WAC 352-37-090 Pedestrians to be granted right of way. Vehicular and equestrian traffic shall at all times yield the right of way to pedestrians and nonmotorized vehicles on the ocean beaches. Except as provided in WAC 352-37-220, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 92-19-098, filed 9/17/92, effective 10/18/92)

WAC 352-37-100 Parking. Parking of vehicles shall be permitted only in an area extending one hundred feet west-erly from the upper or landward limit of the hard sand area, or

driveable beach area (WAC 352-37-020) or where otherwise specifically designated by the Washington state parks and recreation commission. Beach parking shall only be allowed in areas open for beach driving. Except as provided in WAC 352-37-220, any violation of this section is an infraction under chapter 7.84 RCW.

NEW SECTION

WAC 352-37-105 Fires and campfires. All fires, except campfires, fires for stoves, candles, torches, barbecues and charcoal, are prohibited in state parks. Campfires are restricted to within the designated campfire pit, ring or other provided campfire enclosure and the flame must be no higher than two feet. On ocean beaches, campfires must be at least one hundred feet from the dunes, no more than four feet in diameter and no more than four feet high. No campfires are allowed on any shellfish bed. Park rangers may impose additional restrictions on fires for the protection of the health, safety and welfare of the public, park visitors or staff, or for the protection of park resources.

AMENDATORY SECTION (Amending WSR 90-07-050, filed 3/19/90, effective 4/19/90)

WAC 352-37-190 Excluded/limited recreation activities. The following forms of public outdoor recreation activities or devices are prohibited on the ocean beaches unless specifically designated therefore or authorized by the director as a special recreation event.

(1) Vehicles not licensed and certificated pursuant to chapters 46.12 and 46.16 RCW.

(2) Wind/sand sailers.

(3) Parasails.

(4) Hovercraft.

(5) Powered parasail.

(6) Ultra-light aircraft.

(7) Powered hang gliders.

AMENDATORY SECTION (Amending WSR 95-22-067, filed 10/30/95, effective 1/1/96)

WAC 352-37-200 Special group recreation event permit. (1) Any person or group desiring to make use of a portion of the ocean beaches for a group recreation event which will require the closure of the area to certain conflicting recreational uses, may apply to the director for a special group recreation event permit. The director, or his/her designee, may issue such a permit after consultation with the appropriate local government, if the event does not unduly interfere with normal public recreation. Such authorization shall include the closure of the specified area to recreational activities, including motor vehicle traffic, which are determined to have the potential to interfere with the event or which could risk the safety of the recreating public or the special event participants. However, no such authorization may result in the unreasonable exclusion of pedestrian recreationists from the specified portion of the ocean beach; all events authorized under this permit shall be open to public participation and/or observation.

(2) In determining whether to issue the permit, the director or designee will review the proposal for consistency with established approval criteria developed by the agency, which are designed to ensure the appropriateness of the event to the ocean beaches, and the basis for any associated public recreation restrictions. The criteria are available upon request from the agency.

(3) A special group recreation event permit shall be issued only for recreational events where there is a reasonable expectation that a minimum of twenty persons will participate. The event must be oriented towards a recreational pursuit. Not more than three permits will be issued to a given applicant for the same event during a one-year period. The group recreation activity must be consistent with the seashore conservation area (RCW ((43.51.650)) 79A.05.600 through ((43.51.685)) 79A.05.630), and may include an activity otherwise excluded under this chapter. Special group recreation events shall not exceed three days or seventy-two hours.

(4) Persons or organizations that desire to conduct a special group recreation event on the ocean beaches shall submit a permit application provided by the director and appropriate fees to the:

Washington State Parks and
Recreation Commission
7150 Cleanwater Lane
P.O. Box 42650
Olympia, WA 98504-2650

Such application shall be submitted at least fifteen days in advance of the proposed date of the event, to allow for necessary internal review and analysis, consultation with local governments, public notice, establishment of permit conditions, and required agency preparations and coordination. The director or his/her designee shall approve or disapprove a permit application and establish the conditions for an approved application. The permittee must pay any fees published by state parks for the use of park lands or facilities. The director or the designee shall determine the need for any fees necessary to cover costs incurred by the agency, as well as the need for any bond, damage deposit, or liability insurance arising from any potential hazards associated with the character of the event. Any such fees, bond, damage deposit, or liability insurance shall be provided prior to the issuance of the permit.

(5) If additional costs are incurred by the commission resulting from the event, the applicant shall reimburse the commission for such costs in a timely manner. If the additional costs are not paid, the director may recover such costs from the bond or damage deposits provided if previously required. Any funds remaining from the bond or damage deposit shall be returned to the applicant.

WSR 05-01-069
PERMANENT RULES
PARKS AND RECREATION
COMMISSION

[Filed December 9, 2004, 2:18 p.m., effective January 9, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The state Parks and Recreation Commission has revised the language and provisions on chapter 352-32 WAC to ensure that they reflect current agency business practices and offer the park visitors easy access and understanding for the agency's management practices. The commission has also revised the language to correct and clarify associated penalties in concurrence with the Office of the Administrator of the Courts. The rule-making action created a definition of seaweed to correspond with the applicable statutes and regulations under the jurisdiction of the state Department of Natural Resources. The new rule specifies the director's authority to take special actions to reduce seaweed harvest to prevent environmental damage and to specify the method of posting restrictions and closures of state park areas for seaweed harvesting. The rule-making action created new definitions and a new section related to fires and campfires. The new rules specify the park ranger's authority to place restrictions on fires for the protection of the health, safety and welfare of the public, park visitors or staff, or for the protection of park resources.

Citation of Existing Rules Affected by this Order: Amending chapter 352-32 WAC, WAC 352-32-010, 352-32-075, 352-32-155, 352-32-210, 352-32-235, 352-32-250, 352-32-251 and 352-32-255; and adding new WAC 352-32-125, and 352-32-350.

Statutory Authority for Adoption: RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070.

Adopted under notice filed as WSR 04-21-103 on October 20, 2004.

Changes Other than Editing from Proposed to Adopted Version: WAC 352-32-010 Definitions.

(1) The existing definition for "Campfires" was shortened to read as follows: "Campfires" shall mean any open flame from a wood source.

The remaining language taken from the definition of "Campfires" is rewritten for clarity and consistency and is adopted as new WAC 352-32-125 Fires and campfires (noted below).

Explanation: The commission determined that the definition contained regulatory implications, references to park ranger authority and in general was too complicated for easy use and comprehension. The definition was shortened to provide a more precise meaning for term campfires.

WAC 352-32-010 Definitions.

(2) The existing definition of "Fires" was shortened to read as follows: "Fires" shall mean any open flame from any source or device including, but not limited to campfires, stoves, candles, torches, barbecues and charcoal.

Explanation: The commission determined that the definition contained references to park ranger authority and in general was too complicated for easy use and comprehension. The definition was shortened to provide a more precise meaning for term fire.

WAC 352-32-252 Off-season senior citizen pass—Fee.

(3) The commission did not repeal WAC 352-32-252 as proposed.

Explanation: The proposed rule-making action intended to repeal WAC 352-32-252 Off-season senior citizen pass—Fee, however, the commission evaluated the public testimony and determined there would be benefit to retaining the off-season pass program as currently exists.

New WAC 352-32-125 Fires and campfires.

(4) The commission adopted a new section of rule WAC 352-32-125 Fires and campfires, which consists primarily of the language taken from the definitions of campfires and fire.

Explanation: The commission removed the regulatory implications and references to park ranger authority as it relates to campfires and fires from the definition sections and consolidated it into a single new WAC 352-32-125 for the ease of understanding.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 8, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, 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 2, Amended 8, Repealed 0.

Date Adopted: December 2, 2004.

December 9, 2004

Jim French

Chief of Policy Research
and Program Development

AMENDATORY SECTION (Amending WSR 04-01-067, filed 12/12/03, effective 1/12/04)

WAC 352-32-010 Definitions. Whenever used in this chapter the following terms shall be defined as herein indicated:

"Aircraft" shall mean any machine designed to travel through the air, whether heavier or lighter than air; airplane, dirigible, balloon, helicopter, etc. The term aircraft shall not include paraglider or remote controlled aircraft.

"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.

"Campfires" shall mean any open flame from a wood source.

"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 not to exceed eight) 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.

"Fire" shall mean any open flame from any source or device including, but not limited to, campfires, stoves, candles, torches, barbeques and charcoal.

"Fish" shall mean all marine and freshwater fish and shellfish species including all species of aquatic invertebrates.

"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 evidentiary 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:

(1) 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.

(2) 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.

"Seaweed" shall mean all species of marine algae and flowering sea grasses.

"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" shall include every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway. For the purposes of this chapter, this definition excludes bicycles, wheelchairs, motorized foot scooters, electric personal assistive mobility devices (EPAMDs), snowmobiles and other nonlicensed vehicles.

"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 352-32-075 Use of nonmotorized cycles or similar devices. (1) Whenever used in this section, nonmotorized cycle or similar device shall mean any wheeled, operator-propelled equipment that transports the operator on land, including cycles, (~~roller blades~~) in-line skates and skateboards, but not including wheelchairs or other devices utilized by persons with disabilities.

(2) Operation of nonmotorized cycles or similar devices shall be permitted upon public roads in state park areas.

(3) No operation of nonmotorized cycles or similar devices shall be permitted on trails in any state park area, except where designated and posted to specifically or conditionally permit such activity, or as specified in (b) of this subsection.

(a) The director or designee may open or close trails to such use. This decision shall include an evaluation of factors including, but not limited to, the degree of conflict with other park users, public safety, and damage to park resources and/or facilities related to these devices. This evaluation shall include a reasonable effort to involve interested trail users of the park in question, including, at a minimum, one public meeting advertised and conducted in the region where the park is located.

(b) No existing trails open to use by nonmotorized cycles or similar devices prior to January 1, 1999, shall be closed to such use without an evaluation of use suitability following the criteria and process of (a) of this subsection; except for temporary closures by the park manager due to emergency health, safety, or resource protection considerations.

(4) No operation of nonmotorized cycles or similar devices shall be permitted off trails in any state park area, except where authorized by the commission and posted to specifically or conditionally permit such activity.

(5) Use of nonmotorized cycles or similar devices is prohibited in the following state park areas:

(a) Within designated natural areas, natural forest areas, or natural area preserves: Provided, That relocation of existing nonmotorized trails into natural areas or natural forest areas may be permitted upon a finding by the director or designee that such relocation is for the purpose of reducing overall resource impacts to a state park area.

(b) Upon designated special use trails such as interpretive or exercise trails.

(c) Upon docks, piers, floats, and connecting ramps.

(6) Persons operating such devices in state park areas shall:

(a) Obey regulatory signs, including those permanently or temporarily erected, that govern the timing, location, speed, type and/or manner of operation, designed to promote visitor health and safety.

(b) Restrict speed and manner of operation to reasonable and prudent practices relative to terrain, prevailing conditions, equipment, personal capabilities, personal safety, and the safety of all other park visitors.

(c) Yield the right of way to pedestrians and animals.

(d) Dismount and walk in congested areas and posted walk zones.

(e) Slow down, make presence known well in advance, and use courtesy and caution when approaching or overtaking other persons or animals.

(f) Display adequate lighting during hours of darkness.

(g) Use caution when approaching turns or areas of limited sight distance.

(h) Not disturb or harass wildlife.

(i) When on public roads within a state park area, operate in compliance with any additional requirements of RCW 46.61.750 through 46.61.850.

(7) The director or designee may designate trails for preferential use by cyclists and may specifically authorize use of any facilities for special cycling recreation events, excluding roads or trails specified in subsection (5) of this section.

(8) Any violation of this section is an infraction under chapter 7.84 RCW.

NEW SECTION

WAC 352-32-125 Fires and campfires. All fires, except campfires, fires for stoves, candles, torches, barbecues and charcoal, are prohibited in state parks. Campfires are restricted to within the designated campfire pit, ring or other provided campfire enclosure and the flame must be no higher than two feet. On ocean beaches, campfires must be at least

one hundred feet from the dunes, no more than four feet in diameter and no more than four feet high. No campfires are allowed on any shellfish bed. Park rangers may impose additional restrictions on fires for the protection of the health, safety and welfare of the public, park visitors or staff, or for the protection of park resources.

AMENDATORY SECTION (Amending WSR 00-13-070, filed 6/16/00, effective 7/17/00)

WAC 352-32-155 Lakes located wholly within state parks boundaries—Internal combustion engines prohibited. (1) In order to preserve the scenic quality, peace, and tranquility and to protect and preserve the wildlife on lakes lying wholly within state park boundaries, to increase visitor safety, and to limit the degradation of lake water quality, the use of internal combustion engines on lakes lying wholly within the boundaries of state park areas is prohibited except where listed in WAC 352-32-155(2) or when authorized in writing by the director.

(2) Lakes where internal combustion engines may be used are:

Horsethief Lake in ((~~Horsethief Lake~~)) Columbia Hills State Park.

(3) This provision does not apply to government employees, or their agents in the performance of their duties, or search and rescue, medical emergency response, law enforcement or fire fighting activities.

(4) Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 00-13-070, filed 6/16/00, effective 7/17/00)

WAC 352-32-210 Consumption of alcohol in state park areas. (1) Opening, possessing alcoholic beverage in an open container, or consuming any alcoholic beverages in any state park or state park area is prohibited except in the following designated areas and under the following circumstances in those state parks or state park areas not posted by the director or designee as closed to alcohol pursuant to subsection (4) of this section:

(a) In designated campsites or in other overnight accommodations, by registered occupants or their guests; provided ELC users obtain written permission through state parks application process;

(b) In designated picnic areas, which shall include those sites within state park areas where picnic tables, benches, fireplaces, and/or outdoor kitchens are available, even though not signed as designated picnic areas and public meeting rooms;

(c) In any reservable group day use facility by any authorized group which has paid the reservation fee and applicable damage deposit and which has obtained prior permit authorization to have alcohol by the park manager; and

(d) In any building, facility or park area operated and maintained under a concession agreement, wherein the concessionaire has been licensed to sell alcoholic beverages by the Washington state liquor control board, and where the dispensation of such alcoholic beverages by such concessionaire has been approved by the commission.

(2) Opening, possessing alcoholic beverage in an open container, or consuming any alcoholic beverages is prohibited at the following locations:

(a) Dash Point State Park;

(b) Saltwater State Park;

(c) Sacajawea State Park;

Except in the following designated areas and under the following circumstances:

(i) In designated campsites, or in other overnight accommodations by registered occupants or their guests.

(ii) In any building, facility or park area operated and maintained under a concession agreement wherein the concessionaire has been licensed to sell alcoholic beverages by the Washington state liquor control board, and where the dispensation of such alcoholic beverages by such concessionaire has been approved by the commission.

(iii) In any reservable group day use facility by any authorized group which has paid the reservation fee and applicable damage deposit and which has obtained prior permit authorization to have alcohol by the park manager.

(3) The director or designee may, for a specified period or periods of time, close any state park or state park area to alcohol if the director concludes that an alcohol closure is necessary for the protection of the health, safety and welfare of the public, park visitors or staff, or park resources. The director or designee shall consider factors including but not limited to the effect or potential effect of alcohol on public and employee safety, park appearance, atmosphere, and noise levels, conflicts with other park uses or users, the demand for law enforcement, and the demand on agency staff. Prior to closing any park or park area to alcohol, the director or designee shall hold a public hearing in the general area of the park or park area to be closed to alcohol. Prior notice of the meeting shall be published in a newspaper of general circulation in the area. In the event the director or designee determines that an immediate alcohol closure is necessary to protect against an imminent and substantial threat to the health, safety and welfare of the public, park visitors or staff, or park resources, the director or designee may take emergency action to close a park or park area to alcohol without first complying with the publication and hearing requirements of this subsection. Such emergency closure may be effective for only so long as is necessary for the director or designee to comply with the publication and hearing requirements of this subsection.

(4) The director or designee shall ensure that any park or park area closed to alcohol pursuant to subsection (3) of this section is conspicuously posted as such at the entrance to said park or park area. Additionally, the director or designee shall maintain for public distribution a current list of all parks and park areas closed to alcohol pursuant to subsection (3) of this section.

(5) Dispensing alcoholic beverages from containers larger than two gallons is prohibited in state park areas except when authorized in writing and in advance by the park manager.

(6) The provisions of this rule shall not apply to any part of the Seashore Conservation Area, as designated and established by RCW 79A.05.605.

(7) Opening, consuming, or storing alcoholic beverages in Fort Simcoe State Park and Squaxin Island State Park is prohibited.

(8) Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 00-13-070, filed 6/16/00, effective 7/17/00)

WAC 352-32-235 Use of metal detectors in state parks. The use and operation of metal detectors, as well as the removal of small contemporary materials, is permitted within selected state parks as designated by the director or designee, in accordance with all commission direction on land management, and subject to the conditions and limitations specified.

(1) The use of metal detectors is permitted only within specified portions of approved state parks as posted for public reference. Metal detecting may be allowed in an approved campsite occupied by the registered detectorist and in unoccupied campsites within approved campgrounds.

(2) The use of metal detectors within a state park shall be limited to daylight hours that the park has posted as "open." No use shall be allowed during periods of seasonal or emergency park closure, except where otherwise posted.

(3) Any person wishing to use a metal detector shall so indicate to park personnel at the park where the use is to occur, by complying with the registration process provided for such purpose.

(4) Exceptional uses of metal detectors in state parks may be allowed through the issuance of a special recreation event application, available from the agency.

(5) This section does not apply to commission employees while engaged in the performance of their duties.

(6) Persons operating metal detectors in state parks and state park areas shall:

(a) Observe all laws and regulations.

(b) Never destroy or disturb park facilities, natural features, or historical or archeological resources. No item which is, or appears to be of historical or archaeological significance, may be removed from the site at which it was found. Any such find shall be immediately reported to park personnel, and the area in which the find occurred shall ~~((not))~~ be ~~((disturbed further))~~ closed.

(c) Limit digging implements to ice picks, screwdrivers and probes not to exceed two inches in width and sand scoops not to exceed six inches in width and eight inches in length, containing perforations no less than one-half inch in width, to be used only on sand surfaces. Any holes dug shall be limited to six inches maximum depth and shall be immediately refilled and the surface restored to its earlier condition.

(d) Properly dispose of all found or recovered trash and litter.

(e) Conduct themselves with thoughtfulness, courtesy and consideration for others, and not interfere with other recreational activities. An operator shall not allow any emitted metal detector sound audible to other park users.

(7) Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 04-01-067, filed 12/12/03, effective 1/12/04)

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 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 nonmotorized for motorized vehicle - fees will be charged as published by state parks. Payment for utility campsite will be collected whether utility hookups are actually used or not, except when otherwise specified by a ranger;

(3) Overnight camping - multiple campsites: Where campsites are designated and posted as a "multiple campsite," an individual may rent the multiple campsite by paying the multiple campsite fee and providing the required information on the occupants of the other sites. The multiple campsite fee will be calculated by multiplying the standard, utility or primitive campsite fee, as applicable, by the number of individual campsites to be used in the designated multiple campsite;

(4) Group camping area - certain parks: Individual camping units using these facilities must pay campsite fees as published by state parks;

(5) Conference center facilities - fees will be charged for use of facilities and services as set forth in the fee schedule published by state parks and will include, but not be limited

to: Overnight accommodations in individual recreational housing units or dormitory units; use of meeting rooms, performance venues and rally areas; linen and janitorial services; group food services; and use of equipment, supplies, and staff time necessary to support group activities. Certain deposits, reservation and cancellation fees also apply as set forth in the fee schedule published by state parks and may not be refundable.

(6) Environmental interpretation:

(a) Service fees will be established by the director or designee in order to recover, to the maximum extent practicable, all direct and indirect costs of environmental interpretation services on a program-wide basis based on anticipated attendance.

(b) Material and publication fees will be established by the director or designee. All material and publication fees will be deposited in the parks improvement account to be used for purposes specified in RCW 79A.05.060.

(c) Facility use, including environmental learning center fees, will be established by the commission. A facility use fee schedule is available by contacting Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650;

(7) Adirondacks - not to include those located in ELC areas: Occupancy shall be limited to the number of built-in bunks provided;

(8) Extra vehicle overnight parking fee will be charged for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite: Provided, An extra vehicle overnight parking fee shall not be imposed when:

(a) Up to four motorcycles occupy one campsite, exclusive of other vehicles or recreation vehicles; or

(b) 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 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) Variable pricing - variable prices will apply for use of 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 surcharge may be imposed for failure to pay the self-registration 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 cleanup in the parks.

(25) Merchandise - prices for merchandise including but not limited to interpretive, recreational and historic materials, literature, food, beverage, grocery and other items at agency operated sales points will be based on market rates and practices.

(26) Back country camping permit - fee will be charged as published by state parks for selected state park areas as designated by the director.

(27) Group use registration - fee will be charged for groups of a size to be specified in the fee schedule on a park by park basis who have not otherwise reserved group facilities.

(28) Special event - fees will be charged based on the cost of providing events and market rates for comparable activities at other locations.

(29) Aquatic facilities - fees will be charged as published by state parks.

(30) Vehicle parking permit:

(a) The director or designee shall designate state parks where a vehicle parking permit shall be required for parking

and shall publish a fee schedule to include any or all of the following:

- (i) A single day or multiple day vehicle parking permit;
- (ii) An annual vehicle parking permit;
- (b) Vehicle parking permits shall not be required for:
 - (i) Vehicles registered for overnight accommodations, other than those registered as extra overnight parking vehicles;
 - (ii) Vehicles whose occupants hold a current pass authorized in WAC 352-32-251, Limited income senior citizen, disability, and disabled veteran passes;
 - (iii) Vehicles whose occupants hold a current watercraft launch site permit;
 - (iv) Vehicles whose occupants perform volunteer activities approved by the park ranger;
 - (v) Vehicles whose occupants engage in official business as authorized by agreement or otherwise approved by the park ranger;
- (c) Any vehicle parking permit must be displayed as instructed on the permit.
- (31) Checks dishonored by nonacceptance or nonpayment (NSF checks) - handling fee and interest:
 - (a) A handling fee may be assessed consistent with the maximum amount allowed in the office of state procurement, department of general administration's state contract and as published by state parks for checks as defined by chapter 62A.3-104 RCW, dishonored by nonacceptance or nonpayment.
 - (b) Interest at the maximum rate allowable may be charged on the NSF check as defined by chapter 62A.3-515 RCW, and as published by state parks for a check not paid within fifteen days after a statutory notice of dishonor is sent to maker's last known address.

AMENDATORY SECTION (Amending WSR 03-01-079, filed 12/13/02, effective 1/13/03)

WAC 352-32-251 Limited income senior citizen, disability, and disabled veteran passes. (1)(a) Persons who are senior citizens, meet the eligibility requirements of RCW 79A.05.065, and have been residents of Washington state for at least the past twelve consecutive months shall, upon application to the commission accompanied by either a copy of a federal income tax return filed for the previous calendar year, or a senior citizen property tax exemption pursuant to RCW 84.36.381, or a notarized affidavit of income on a form provided by the commission, receive a limited income senior citizen pass at no charge, which entitles the holder's camping party to free parking at any state park, free use of trailer dump stations, watercraft launch sites, and to a 50 percent reduction in any campsite fees, or moorage fees levied by the commission. Limited income senior citizen passes shall remain valid so long as the pass holder meets eligibility requirements.

(b) Proof submitted to the commission for the return of a senior citizen pass surrendered upon request to a commission employee who has reason to believe the user does not meet the eligibility criteria shall be the same as listed in subsections (1) and (5) of this section for original pass issuance.

(2) Persons who are permanently disabled, legally blind, or profoundly deaf, meet the eligibility requirements of RCW

79A.05.065, and have been residents of Washington state for at least the past twelve consecutive months shall, upon application to the commission, receive a five year disability pass at no charge and temporarily disabled persons who meet the eligibility requirements of RCW 79A.05.065 and have been residents of Washington state for at least the past twelve consecutive months shall, upon application to the commission, receive a one year disability pass at no charge which entitles the holder's camping party to free parking at any state park, free use of trailer dump stations, watercraft launch sites, and to a 50 percent reduction in any campsite fees, or moorage fees levied by the commission.

(3) Persons who are veterans, meet the eligibility requirements of RCW 79A.05.065, and have been residents of Washington state for at least the past twelve consecutive months shall, upon application to the commission, receive a lifetime disabled veteran pass at no charge. Pass holders must provide proof of continued residency as determined by the director or designee. The pass entitles the holder's camping party to free parking at any state park and to free use of any state park campsite, trailer dump station, watercraft launch site, moorage facility, and reservation service.

(4) Applications for limited income senior citizen, disability, and disabled veteran passes shall be made on forms prescribed by the commission.

(5) Verification of age shall be by original or copy of a birth certificate, notarized affidavit of age, witnessed statement of age, baptismal certificate, or driver's license. Verification of residency shall be by original or copy of a Washington state driver's license, voter's registration card, or senior citizen property tax exemption.

(6) For pass holders who travel by ~~((car))~~ vehicle or recreational vehicle, camping party shall include the pass holder and up to seven guests of the holder who travel with the holder and use one campsite or portion of a designated group camping or emergency area. One additional vehicle without built-in sleeping accommodations may be part of the camping party of a pass holder at one campsite or portion of a designated group camping or emergency area, when in the judgment of a ranger, the constructed facilities so warrant, and the total number of guests of the holder do not exceed seven.

(7) For pass holders who travel by a mode of transportation other than ~~((car))~~ vehicle or recreational vehicle, camping party shall include the pass holder and up to seven guests who travel with the pass holder and use one campsite or portion of a designated group camping or emergency area.

(8) If the conditions of a pass holder change or the pass holder changes residency to a place outside Washington state during the time period when a pass is valid such that a pass holder no longer meets the eligibility requirements of RCW 79A.05.065 and WAC 352-32-251, the pass becomes invalid, and the pass holder shall return the pass to the commission or surrender the pass to a state park representative.

AMENDATORY SECTION (Amending WSR 00-13-070, filed 6/16/00, effective 7/17/00)

WAC 352-32-255 Self-registration. In those parks so posted by the commission, park visitors shall register for the use of facilities and shall pay the appropriate fee upon arrival,

on a self-registration basis, in accordance with all posted instructions. Any violation of this section is an infraction under chapter 7.84 RCW.

NEW SECTION

WAC 352-32-350 Seaweed harvest. (1) For the purposes of this section, seaweed is defined as all species of marine algae and flowering sea grasses.

(2) Pursuant to RCW 79A.05.165(1), all state park areas are closed to the harvest of seaweed except Fort Ebey, Fort Flagler and Fort Worden state parks which are open to the noncommercial harvest of seaweed in accordance with RCW 79.96.210 from April 16 - May 15 each year. Seaweed harvesting in state park areas is limited to posted park hours.

(3) Seaweed shall be harvested using the following techniques: The leaves of bull kelp (*Nereocystis*) will be cut no closer than twenty-four inches (61 cm) above the bulb, and short stemmed kelps such as sugar wrack (*Laminaria*) and wing kelp (*Alaria*) are to be cut no closer than twelve inches (30 cm) above the anchor point. Cutting will be done using a knife or similar instrument, leaving the anchor point in place at all times. No tearing of the plants from the substrate or trimming is allowed, and rakes, tined forks, or similar tools are prohibited. The limit weight is ten pounds wet weight (fresh-picked before cleaning) per person per day, and drying or partial drying is prohibited prior to weighing. Each harvester must use a scale to determine when the harvest weight limit has been reached, and use their own container. Multiple limits may not be combined in the same container.

(4) The director of state parks or designee may take immediate action to reduce harvest levels where there is evidence of environmental damage. Such state park areas shall post changes in the daily harvest limits to inform the public of the reduced harvest levels.

(5) No person shall harvest or possess any seaweed within a state park area closed to harvest pursuant to subsection (2) or (4) of this section, except as necessary for scientific research authorized in writing by the environmental program manager at state parks.

(6) Any violation of this section is an infraction under chapter 7.84 RCW.

WSR 05-01-074

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed December 9, 2004, 4:02 p.m., effective January 9, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of this filing is to amend WAC 388-478-0015 Need standards for cash assistance, this rule needs to be changed because it contains need standards for cash assistance programs and DSHS is required by RCW 74.04.770 to establish standards of need for cash assistance programs on an annual basis. These standards are based on studies of actual living costs for basic requirements.

Citation of Existing Rules Affected by this Order: Amending WAC 388-478-0015.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Other Authority: RCW 74.04.770.

Adopted under notice filed as WSR 04-20-103 on October 5, 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 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.

Date Adopted: December 8, 2004.

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

PERMANENT

AMENDATORY SECTION (Amending WSR 03-24-059, filed 12/1/03, effective 1/1/04)

WAC 388-478-0015 Need standards for cash assistance. The need standards for cash assistance units are:

(1) For assistance units with obligation to pay shelter costs:

Assistance Unit Size	Need Standard
1	\$ ((1,036)) <u>1,021</u>
2	((1,311)) <u>1,293</u>
3	((1,619)) <u>1,596</u>
4	((1,910)) <u>1,883</u>
5	((2,202)) <u>2,170</u>
6	((2,493)) <u>2,458</u>
7	((2,881)) <u>2,841</u>
8	((3,189)) <u>3,144</u>
9	((3,497)) <u>3,447</u>
10 or more	((3,804)) <u>3,750</u>

(2) For assistance units with shelter provided at no cost:

Assistance Unit Size	Need Standard
1	\$ ((511)) <u>530</u>
2	((647)) <u>671</u>
3	((799)) <u>828</u>
4	((943)) <u>977</u>
5	((1,086)) <u>1,126</u>
6	((1,230)) <u>1,275</u>
7	((1,422)) <u>1,474</u>

Assistance Unit Size	Need Standard
8	((1,574)) <u>1,631</u>
9	((1,725)) <u>1,788</u>
10 or more	((1,877)) <u>1,946</u>

WSR 05-01-075**PERMANENT RULES****DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Children's Administration)

[Filed December 9, 2004, 4:03 p.m., effective January 9, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Adopting new chapter 388-147 WAC, Licensing requirements for pregnant and parenting teen programs and facilities is a set of new rules providing appropriate minimum licensing requirements for independent living facilities where teen families live in apartment-like settings. The WAC requirements appropriately fit this type of independent-living group residential care, while providing safe comfortable housing, basic case management services, and independent-living skills development.

Statutory Authority for Adoption: RCW 74.15.030.

Other Authority: Chapter 74.15 RCW.

Adopted under notice filed as WSR 04-18-045 on August 26, 2004.

A final cost-benefit analysis is available by contacting Jean L. Croisant, P.O. Box 45710, Olympia, WA 98504-5710, phone (360) 902-7992, fax (360) 902-7903, e-mail loje300@dshs.wa.gov. No changes were made. The preliminary cost-benefit analysis will be final.

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 72, 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 72, Amended 0, Repealed 0.

Date Adopted: December 8, 2004.

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 05-02 issue of the Register.

WSR 05-01-076**PERMANENT RULES****EMPLOYMENT SECURITY DEPARTMENT**

[Filed December 9, 2004, 4:44 p.m., effective January 9, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To amend rules to comply with the provisions of chapter 4, Laws of 2003 2nd sp.s. (2ESB 6097). The substantive changes in the law made it necessary to modify the rules related to an individual's eligibility for unemployment benefits, job search requirements, the job search monitoring program, penalties, overpayments, and the calculation of maximum benefits. Additional rules are adopted to define new eligibility terms contained in the legislation.

Citation of Existing Rules Affected by this Order: Repealing WAC 192-12-011, 192-12-012, 192-12-020, 192-12-180, 192-12-184, 192-12-190, 192-12-300, 192-12-310, 192-12-320, 192-12-330, 192-12-340, 192-16-019, 192-16-023, 192-23-014, 192-23-015, 192-23-016 and 192-23-017; and amending WAC 192-04-040, 192-04-050, 192-16-009, 192-16-015, 192-16-016, 192-150-050, 192-150-055, 192-150-060, 192-150-065, 192-150-085, 192-150-090, 192-180-010, 192-180-015, 192-180-020, 192-180-025, 192-180-030, 192-240-035, and 192-240-040.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040, 50.12.042.

Adopted under notice filed as WSR 04-10-114 on May 5, 2004.

Changes Other than Editing from Proposed to Adopted Version: WAC 192-150-140 (3)(c), was rephrased to add language referring to the reasonably prudent person standard. A sentence was added to WAC 192-150-150, clarifying that an individual is not considered to have accepted changes in working conditions if he or she continues to work while pursuing established grievance or arbitration procedures. WAC 192-180-015(4), was modified to require claimants to retain job search logs for thirty, as opposed to sixty, days after receiving their final payment.

A final cost-benefit analysis is available by contacting Juanita Myers, P.O. Box 9046, Olympia, 98507-9046, phone (360) 902-9665, fax (360) 902-9799, e-mail jmyers@esd.wa.gov.

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 41, Amended 18, Repealed 17.

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 41, Amended 18, Repealed 17.

Date Adopted: December 3, 2004.

Dr. Sylvia P. Mundy
Commissioner

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 05-03 issue of the Register.

WSR 05-01-079
PERMANENT RULES
DEPARTMENT OF REVENUE

[Filed December 10, 2004, 9:47 a.m., effective January 10, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of this rule is to explain the business and occupation tax credit program for manufacturing and research and development facilities located in rural counties and designated community empowerment zones. The rule has been revised to incorporate provisions of chapter 25, Laws of 2004, which added a county that is smaller than two hundred and twenty-five square miles as a part of the definition of "rural county."

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-240 manufacturer's new employee tax credits.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Adopted under notice filed as WSR 04-19-075 on September 17, 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; **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.

Date Adopted: December 10, 2004.

Janis P. Bianchi, Manager
 Interpretations and
 Technical Advice Unit

AMENDATORY SECTION (Amending WSR 01-17-069, filed 8/15/01, effective 9/15/01)

WAC 458-20-240 Manufacturer's new employee tax credits. (1) Introduction. Chapter 82.62 RCW provides business and occupation (B&O) tax credits to certain persons engaged in manufacturing and research and development activities. These credits are intended to stimulate the economy ~~((and))~~ by creating employment opportunities in specific ~~((distressed areas))~~ rural counties and community empowerment zones of this state. The credits are as much as \$4,000 per qualified employment position. This rule explains the eligibility requirements and application procedures for this pro-

gram. It is important to note that an application for the tax credits must be submitted to the department of revenue before the actual hiring of qualified employment positions. See subsection (6) of this rule for additional information regarding this application requirement. This tax credit program is a companion to the tax deferral program under chapter 82.60 RCW; however, the eligible geographic areas in the two programs are not identical.

The department of employment security and the department of community, trade, and economic development administer programs for ~~((distressed areas))~~ rural counties and job training. These agencies should be contacted directly for information concerning those programs.

(2) **Who is eligible for these tax credits?** Subject to certain qualifications, an applicant (person applying for a tax credit under chapter 82.62 RCW) who is engaged in an eligible business project is entitled to the tax credits provided by chapter 82.62 RCW.

(a) **What is an eligible business project?** An "eligible business project" means manufacturing, commercial testing, or research and development activities conducted by an applicant in an eligible area at a specific facility, subject to the restriction noted in the following paragraph. An "eligible business project" does not include any portion of a business project undertaken by a light and power business or any portion of a business project creating employment positions outside an eligible area.

To be considered an "eligible business project," the applicant's number of average full-time qualified employment positions at the specific facility must be at least fifteen percent greater in the calendar year for which credit is being sought than the number of positions at the same facility in the immediately preceding calendar year. Subsection (4) of this rule explains how to determine whether this threshold is satisfied.

(b) **What is an eligible area?** As noted above, the facility must be located in an eligible area to be considered an eligible business project. An "eligible area" is:

(i) A rural county, which is a county with fewer than one hundred persons per square mile or, on and after April 1, 2004, a county smaller than two hundred twenty-five square miles, as determined annually by the office of financial management and published by the department of revenue effective for the period of July 1st through June 30th (see RCW 82.62.010(3)); or

(ii) A community empowerment zone (CEZ). CEZ means an area meeting the requirements of RCW 43.31C.020 and officially designated by the director of the department of community, trade, and economic development.

(iii) **How to determine whether an area is an eligible area.** Rural county designation information can be obtained from the office of financial management internet website at www.ofm.wa.gov/popden/rural.htm. The department has instituted a geographic information system (GIS) to assist taxpayers in determining taxing jurisdiction boundaries, local tax rates, and a mapping and address lookup system to determine whether a specific address is within a CEZ. The system is available on the department's internet website at www.dor.wa.gov.

PERMANENT

(c) **What are manufacturing and research and development activities?** Manufacturing or research and development activities must be conducted at the facility to be considered an eligible business project.

(i) **Manufacturing.** "Manufacturing" has the meaning given in RCW 82.04.120. In addition, for the purposes of chapter 82.62 RCW "manufacturing" also includes computer programming, the production of computer software, other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(ii) **Research and development.** "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. "Commercial sales" does not include sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(iii) **Computer-related services.** "Computer-related services," for the purposes of chapter 82.62 RCW's definition of "manufacturing," are services that are connected with or interact directly in the manufacture of computer hardware or software or the programming of the manufactured hardware. "Computer-related services" includes the manufacture of hardware such as chips, keyboards, monitors, and any other hardware, and the components of these items. "Computer-related services" also includes creating operating systems and software that will be copied and sold as canned software. The activities performed by the manufacturer to test, correct, revise, or upgrade software or hardware before they are approved for sale to the consumer are considered computer-related services. "Computer-related services" does not include services such as information services.

(3) **What are the hiring requirements?** The average full-time qualified employment positions at the specific facility during the calendar year for which credits are claimed must be at least fifteen percent greater than the average full-time qualified employment positions at the same facility for the preceding calendar year.

(a) **What is a qualified employment position?** A "qualified employment position" means a position filled by a permanent full-time employee employed at an eligible business project for twelve consecutive months. Once a full-time position is established and filled it will continue to qualify for twelve consecutive periods so long as any person fills the position. The position is considered "filled" even during periods of vacancy, provided these periods do not exceed thirty consecutive days and the employer is training or actively recruiting a replacement employee.

(b) **What is a "permanent full-time employee"?** A "permanent full-time employee" is a position that is filled by an employee who satisfies any one of the following minimum thresholds:

(i) Works thirty-five hours per week for fifty-two consecutive weeks;

(ii) Works four hundred fifty-five hours, excluding overtime, each quarter for four consecutive quarters; or

(iii) Works one thousand eight hundred twenty hours, excluding overtime, during a period of twelve consecutive months.

(c) **"Permanent full-time employee" - Seasonal operations.** For applicants that regularly operate on a seasonal basis only and that employ more than fifty percent of their employees for less than a full twelve month continuous period, a "permanent full-time employee" is a permanent full-time employee as described above or an equivalent in full time equivalent (FTE) work hours.

(4) **How to determine if the fifteen percent employment increase requirement is met.** Qualification for tax credits depends upon whether the applicant hires enough new positions to meet the fifteen percent average increase requirement.

(a) **Determining the fifteen percent increase.** To determine the projected number of permanent full-time qualified employment positions necessary to satisfy the fifteen percent employment increase requirement:

(i) Determine the average number of permanent full-time qualified employment positions that existed at the facility during the calendar year prior to the year in which tax credit is being claimed.

(ii) Multiply the average number of full-time positions from subsection (i) by .15 or fifteen percent. The resulting number equals the number of positions that must be filled to meet the fifteen percent increase. Numbers are rounded up to the nearest whole number at point five (.5).

(b) **When does hiring have to occur?** All hiring increases must occur during the calendar year for which credits are being sought for purposes of meeting the fifteen percent threshold test. Positions hired in a calendar year prior to making an application are not eligible for a credit but the positions are used to calculate whether the fifteen percent threshold has been met.

(c) **The department will assist applicants to determine their hiring requirements.** Accompanying the tax credit application is a worksheet to assist the applicant in determining if the fifteen percent qualified employment threshold is satisfied. Based upon the information provided in the application, the department will advise applicants of their minimum number of hiring needs for which credits are being sought.

(d) **Examples.** The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax status of each situation must be determined after a review of all of the facts and circumstances.

(i) ABC Company anticipates increasing employment during the 2001 calendar year at a manufacturing facility by an average of 15 full-time qualified employment positions for a total of 113 positions. The average number of full-time qualified employment positions during the 2000 calendar year was 98. To qualify for the tax credit program the minimum average number of full-time qualified employment positions required for the 2001 calendar year is $98 \times .15 = 14.7$ (rounding up to 15 positions). Therefore, ABC Company's plan to hire 15 full-time qualified employment positions for 2001 meets the 15% employment increase requirement.

(ii) ABC anticipates increasing employment at this same manufacturing facility by an average of 15 additional full-time qualified employment positions during the 2002 calen-

dar year to a total of 128 positions. To qualify for the tax credit program the minimum average number of full-time qualified employment positions required for the 2002 calendar year is 17 ($113 \times .15 = 16.95$, rounding up to 17). Therefore, ABC Company's plan to hire 15 full-time qualified employment positions for 2002 does not meet the 15% employment increase requirement.

(5) Restriction against displacing existing jobs within Washington. The law provides that no recipient may use tax credits approved under this program to decertify a union or to displace existing jobs in any community of the state. Thus, the average expected increase of employment positions at the specific facility for which application is made must reflect a gross increase in the applicant's employment of persons at all locations in this state. Transfers of personnel from existing positions outside of an eligible area to new positions at the specific facility within an eligible area will not be allowed for purposes of approving tax credits. Also, layoffs or terminations of employment by the recipient at other locations in Washington but outside an eligible area for the purpose of hiring new positions within an eligible area will result in the withdrawal of any credits taken or approved.

(6) Application procedures. A taxpayer must file an application with and obtain approval from the department of revenue to receive tax credits under this program. A separate application must be submitted for each calendar year for which credits are claimed. RCW 82.62.020 requires that application for the tax credits be made prior to the actual hiring of qualified employment positions. Applications failing to satisfy this statutory requirement will be disapproved.

(a) How to obtain and file applications. Application forms will be provided by the department upon request either by calling ((6)360((+))-902-7175 or via the department's internet website at www.dor.wa.gov under forms. The completed application may be sent by fax to ((360)902-7167)) 360-586-0527 or mailed to the following address: State of Washington

Department of Revenue
Taxpayer Account Administration
P.O. Box 47476
Olympia, WA 98504-7476

The U.S. Post Office postmark or fax date will be used as the date of application.

(b) Confidentiality. Information contained in applications, reports, or any other information received by the department in connection with this tax credit program is not confidential and is subject to disclosure. All other taxpayer information is subject to the confidentiality provisions in RCW 82.32.330.

(c) Department to act upon application within sixty days. The department will determine if the applicant qualifies for tax credits on the basis of the information provided in the application and will approve or disapprove the application within sixty days. If approved, the department will issue a credit approval notice containing the dollar amount of tax credits available for use and the procedures for taking the credit. If disapproved, the department will notify the applicant in writing of the specific reasons for disapproval. The applicant may seek administrative review of the department's disapproval of an application by filing a petition for review

with the department. The petition must be filed within thirty days from the date of notice of the disallowance pursuant to the provisions of WAC 458-20-100, Appeals, small claims and settlements.

(d) No adjustment of credit after approval. After an application is approved and tax credits are granted, no upward adjustment or amendments of the application will be made for that calendar year.

(7) How much is the tax credit? The amount of tax credit is based on the number of and the wages and benefits paid to qualified employment positions created.

(a) How much tax credit may I claim for each qualified employment position? The amount of tax credit that may be claimed for each position created is as follows:

(i) Two thousand dollars for each qualified employment position that pays forty thousand dollars or less in wages and benefits annually and is employed in an eligible business project; and

(ii) Four thousand dollars for each qualified employment position that pays more than forty thousand dollars in wages and benefits annually and is employed in an eligible business project.

(b) What qualifies as wages and benefits? For the purposes of chapter 82.62 RCW, "wages" means compensation paid to an individual for personal services, whether denominated as wages, salary, commission, bonus, or otherwise. "Benefits" means compensation not paid as wages and includes Social Security, retirement, health care, life insurance, industrial insurance, unemployment compensation, vacation, holiday, sick leave, military leave, and jury duty. "Benefits" does not include any amount reported as wages.

(8) How to claim approved credits. The recipients must take the tax credits approved under this program on their regular combined excise tax return for their regular assigned tax reporting period. These tax credits may not exceed the B&O tax liability. The amount of credit taken should be entered into the "credit" section of the return form, with a copy of the credit approval notice issued to the recipient attached to the return.

(a) When can credits be used? The credits may be used as soon as hiring of the projected qualified employment positions begins or may accrue until they are most beneficial for the recipient's use. For example, if a recipient has been approved for \$12,000 of tax credits based upon projections to hire five new positions, that recipient may use \$2,000 or \$4,000 of tax credit at the time it hires each new employee, depending on the wage/benefit level of the position filled.

(b) No refunds for unused credits. No tax refunds will be made for any tax credits which exceed tax liability during the life of this program. If tax credits derived from qualified hiring exceed the recipients' business and occupation tax liability in any one calendar year under this program, they may be carried forward to the next calendar year(s), until used.

(9) Annual report to be filed by recipient. A recipient of tax credits under this program must complete and submit an annual report of employment activities to substantiate that he or she has complied with the hiring and retention requirements for approved credits. RCW 82.62.050. This report must be filed with the department by January 31st of the year following the calendar year for which credit was approved by

the department. Based upon this report the department will verify that the recipient is entitled to the tax credits approved by the department when the application was reviewed. The completed annual report may be sent by FAX to 360-586-0527 or mailed to the following address:

State of Washington

Department of Revenue

Taxpayer Account Administration

P.O. Box 47476

Olympia, WA 98504-7476

The U.S. Post Office postmark or FAX date will be used as the date of filing.

(a) **Verification of annual report.** The department will use the same report the recipient provides to the department of employment security, which is known as the quarterly employment security report, to verify the recipient's eligibility for tax credits. The recipient must maintain copies of the quarterly employment report for the year prior to the year for which credits are claimed, the year credits are claimed, and for the four quarters following the hiring of persons to fill the qualified employment positions. (The recipient does not have to forward copies of the quarterly employment report to the department each quarter.) The department may use other wage information provided to the department by the department of employment security. The taxpayer must provide additional information to the department, as the department finds necessary to calculate and verify wage eligibility.

(b) **Failure to file report.** The law provides that if any recipient fails to submit a report or submits an inadequate report, the department may declare the amount of taxes for which credit has been used to be immediately due and payable. An inadequate report is one which fails to provide information necessary to confirm that the requisite number of employment positions has been created and maintained for twelve consecutive months.

(10) **What if the required number of positions is not created?** The law provides that if the department finds that a recipient is not eligible for tax credits for any reason, other than failure to create the required number of qualified employment positions, the amount of taxes for which any credit has been used will be immediately due. No interest or penalty will be assessed in such cases. However, if the department finds that a recipient has failed to create the specified number of qualified employment positions, the department will assess interest, but not penalties, on the taxes against which the credit has been used. This interest on the assessment is mandatory and will be assessed at the statutory rate under RCW 82.32.050, retroactively to the date the tax credit was used. The interest will accrue until the taxes for which the credit was used are fully repaid. RCW 82.32.050. The interest rates under RCW 82.32.050 can be obtained from the department's internet website at (www.dor.wa.gov/reports/r2000-2.pdf?noframes) www.dor.wa.gov or by calling the department's information center at 1-800-647-7706.

(11) **Program thresholds.** The department cannot approve any credits that will cause the total credits approved to exceed seven million five hundred thousand dollars in any fiscal year. RCW 82.62.030. A "fiscal year" is the twelve-month period of July 1st through June 30th. If all or part of an application for credit is disallowed due to cap limitations, the

disallowed portion will be carried over for approval the next fiscal year. However, the applicant's carryover into the next fiscal year is only permitted if the total credits approved for the next fiscal year does not exceed the cap for that fiscal year as of the date on which the department has disallowed the application.

WSR 05-01-090

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed December 13, 2004, 9:13 a.m., effective January 13, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This change is to correct an error in rule designation from 380 to 308. There is no substantive change being made.

Citation of Existing Rules Affected by this Order: Amending WAC 308-94-105 Delivery of snowmobile on dealer temporary permit.

Statutory Authority for Adoption: RCW 46.01.110.

Adopted under notice filed as WSR 04-20-088 on October 5, 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 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.

Date Adopted: December 6, 2004.

Fred Stephens
Director

AMENDATORY SECTION (Amending WSR 01-11-070, filed 5/14/01, effective 6/14/01)

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

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

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

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

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

(d) The dealer must detach the hard copy of the dealer permit and record the date of expiration in dark, bold letters

and numbers on the permit side of that copy. Date of expiration will be forty-five calendar days after date on which the snowmobile is physically delivered to the customer/purchaser.

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

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

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

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

(a) The dealer temporary permit must not:

(b) Be issued for a dealer inventoried or a dealer or dealer-employee operated snowmobile;

(c) Be issued as a demonstration permit;

(d) Be issued for a snowmobile processed as a courtesy delivery.

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

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

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

(a) Snowmobile purchaser's names;

(b) Vehicle identification number;

(c) Dates of snowmobile sales and deliveries; and

(d) Date and location of purchase of each permit form and the permit number.

(8) Is the dealer required to submit the application for registration within a certain period of time? Yes, the dealer must submit the application for registration in accordance with WAC ((380-94-030)) 308-94-030 within forty-five days from the date of delivery of the snowmobile to the customer.

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

WSR 05-01-102
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed December 14, 2004, 9:53 a.m., effective February 1, 2005]

Effective Date of Rule: February 1, 2005.

Purpose: Amendments to factory assembled structures rules.

The purpose of this rule making is to:

- Adopt the most recent International Building Codes (based on 2003 legislative changes) and other nationally recognized codes and standards.
- Make clarifying and housekeeping changes.
- Moved the electrical inspection fee for factory assembled structures (FAS) to the FAS rules. This will reduce the costs to the manufacturers, as they will not be paying for the double inspections.
- Currently, when conversion vending units come to Washington state from another state and it has been constructed for more than six months and has not been altered, the unit is exempt from L&I's rules. However, we do not issue an insignia for the structure stating it is exempt. Department of Health (DOH) requires that L&I inspect the unit before DOH will certify it, therefore the unit must come back to L&I for inspection and issuance of insignia if the structure is deemed safe. This is causing businesses to come back to L&I three and four times when it is not needed. We are proposing to provide an exempt insignia through a one-time fee for inspection and the insignia. This will remove the need for businesses to pay more than once for an inspection.

Citation of Existing Rules Affected by this Order: Repealing WAC 296-150C-1345 May the electrical disconnect required for mechanical equipment be inside of or mounted on the equipment? and 296-150F-0615 May the electrical disconnect required for mechanical equipment be inside of or mounted on the equipment?; and amending WAC 296-150C-0020 What definitions apply to this chapter?, 296-150C-0800 What manufacturing codes apply to commercial coaches?, 296-150C-0910 Minimum uniform and concentrated live loads, 296-150C-1080 What design and construction requirements apply to a commercial coach chassis?, 296-150C-1150 Hallways, 296-150C-1175 Glass and glazed openings, 296-150C-1180 Commercial coach exits, 296-150C-1510 Air ducts—Expandable or multiple commercial coach connections, 296-150C-1520 Air ducts—Duct and plenum insulation, 296-150C-3000 Commercial coach fees, 296-150F-0605 May the required toilet facilities be located in an adjacent building?, 296-150F-3000 Factory-built housing and commercial structure fees, 296-150M-0120 Where can I obtain technical assistance regarding manufactured (mobile) homes?, 296-150M-0260 Who do I contact for replacement HUD labels?, 296-150M-0302 What are some examples of work to manufactured or mobile homes that either require or do not require a permit and inspection?, 296-150M-0310 What happens if I fail to get your approval prior to altering a manufactured home?, 296-150M-0614 How may I obtain a

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copy of the American National Standards Institute (ANSI) A225.1- Manufactured Homes Installation?, 296-150T-3000 Factory-built temporary worker housing fees, 296-150V-1180 What requirements apply to conversion vendor unit exits on all units approved after December 31, 1999?, 296-150V-3000 Conversion vendor units and medical units— Fees; and new WAC 296-150V-0205 Who must obtain conversion vendor unit or medical unit insignia?

Statutory Authority for Adoption: Chapter 43.22 RCW and chapter 291, Laws of 2003 (SHB 1734).

Adopted under notice filed as WSR 04-20-078 on October 5, 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 20, Repealed 2.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 20, 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 1, Amended 20, Repealed 2.

Date Adopted: December 14, 2004.

Paul Trause
Director

AMENDATORY SECTION (Amending WSR 00-01-187, filed 12/22/99, effective 2/8/00)

WAC 296-150C-0020 What definitions apply to this chapter? "Alteration" is the replacement, addition, modification, or removal of any equipment or installation that affects the construction, fire and life safety, or the plumbing, mechanical, and electrical systems of a commercial coach.

The following are not considered alterations:

- Repairs with approved parts;
- Modification of a fuel-burning appliance according to the listing agency's specifications; or
- Adjustment and maintenance of equipment.

"Approved" is approved by the department of labor and industries.

"Building site" is a tract, parcel, or subdivision of land on which a commercial coach will be installed.

"Consumer" is a person or organization, excluding a manufacturer or dealer of commercial coaches, who buys or leases a commercial coach.

"Commercial coach" is a structure (referred to as a unit) that:

- Can be transported in one or more sections;
- Is used for temporary commercial purposes;
- Is built on a permanent chassis;
- Conforms to the construction standards of this chapter;

- May include plumbing, mechanical, electrical and other systems.

Note: A commercial coach may not be used as a single-family dwelling or hazardous storage building. A commercial coach does not have to be placed on a permanent foundation.

"Damaged in transit" means damage that affects the integrity of a structural design or any of the systems.

"Dealer" is a person, company, or corporation whose business is leasing, selling, offering for lease or sale, buying, or trading commercial coaches.

"Department" is the department of labor and industries. The department may be referred to as "we" or "us" in this chapter. Note: You may contact us at: Department of Labor and Industries, Specialty Compliance, PO Box 44440, Olympia, WA 98504-4440.

"Design plan" is a plan for the construction or alteration of a commercial coach or conversion of a vehicle to a commercial coach including floor plans, elevation drawings, specifications, engineering data, or test results necessary for a complete evaluation of the design.

"Design option" is a design that a manufacturer may use as an option to its commercial coach design plan.

"Equipment" is all material, appliances, devices, fixtures, fittings, or accessories used in the manufacture, assembly, conversion to, or alteration of a commercial coach.

"Factory assembled structure (FAS) advisory board" is a board authorized to advise the director of the department regarding the issues and adoption of rules relating to commercial coaches. (See RCW 43.22.420.)

"Insignia" is a label that we attach to a commercial coach to verify that the structure meets the requirements of this chapter and the applicable codes.

"Install" is to erect, construct, assemble, or set a commercial coach in place.

"Labeled" is to bear the department's insignia.

"Listed" is a piece of equipment or apparatus that has been approved by a testing agency to the appropriate standard.

"Local enforcement agency" is an agency of city or county government with power to enforce local regulations governing the installation of a commercial coach.

"Master design plan" is a design plan that expires when a new state building code has been adopted.

"One-year design plan" is a design plan that expires one year after approval or when a new state building code has been adopted.

"System" is part of a commercial coach designed to serve a particular function. Examples include structural, plumbing, electrical, or mechanical systems.

AMENDATORY SECTION (Amending WSR 02-12-022, filed 5/28/02, effective 6/28/02)

WAC 296-150C-0800 What manufacturing codes apply to commercial coaches? (1) All design, construction, and installations of commercial coaches must conform with the following codes and the requirements of this chapter:

(a) The latest adopted version of the Washington State Ventilation and Indoor Air Quality Code, as adopted by chapter 51-13 WAC;

(b) The structural and other requirements of this chapter;
 (c) Occupancy classification only from chapter 3 of The ~~((Uniform))~~ International Building Code, ~~((1997))~~ 2003 edition as adopted and amended by chapter ~~((51-40))~~ 51-50 WAC, except commercial coaches must not be group H or R-3 occupancy;

(d) Accessibility requirements of chapter 11 of The ~~((Uniform))~~ International Building Code, ~~((1997))~~ 2003 edition as adopted and amended by chapter ~~((51-40))~~ 51-50 WAC;

(e) ~~((Table 16-A))~~ Section 1607 Uniform and concentrated floor loads and footnotes of The ~~((Uniform))~~ International Building Code, ~~((1997))~~ 2003 edition as adopted and amended by chapter ~~((51-40))~~ 51-50 WAC;

(f) The ~~((Uniform))~~ International Mechanical Code, ~~((1997))~~ 2003 edition as adopted and amended by chapter ~~((51-42))~~ 51-52 WAC except when conflicting with the provisions of this chapter, this chapter controls;

(g) The National Electrical Code as referenced in chapter 19.28 RCW and chapter ~~((296-46A))~~ 296-46B WAC;

(h) The latest adopted version of the Washington State Energy Code, as adopted according to chapter 19.27A RCW;

(i) The Uniform Plumbing Code, as adopted and amended according to chapter 19.27 RCW;

(j) Where there is a conflict between codes, an earlier named code takes precedent over a later named code. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive governs. Where there is a conflict between a general requirement and a special requirement, the specific requirement must be applicable.

(2) All construction methods and installations must use accepted engineering practices, provide minimum health and safety to the occupants of commercial coaches and the public, and demonstrate journeyman quality of work of the various trades.

(3) Requirements for any size, weight, or quality of material modified by the terms "minimum," "not less than," "at least," and similar expressions are minimum standards. The manufacturer may exceed these rules provided the deviation does not result in inferior installation or defeat the purpose and intent of this chapter.

Note: The codes, RCW's and WAC's referenced in this rule are available to view at the Washington State Library, the Washington State Law Library, and may also be available at your local library.

AMENDATORY SECTION (Amending WSR 00-17-148, filed 8/22/00, effective 9/30/00)

WAC 296-150C-0910 Minimum uniform and concentrated live loads. See use or occupancy of the ~~((1997))~~ 2003 edition of The ~~((Uniform))~~ International Building Code for group occupancy loads.

AMENDATORY SECTION (Amending WSR 99-13-010, filed 6/4/99, effective 7/5/99)

WAC 296-150C-1080 What design and construction requirements apply to a commercial coach chassis? Each

commercial coach chassis must be designed and constructed to be capable of:

(1) Effectively sustaining the design loads consisting of the dead load plus five PSF load on the floor and the superimposed dynamic load resulting from highway movement, in no case shall the dynamic load be required to exceed twice the dead load; and

(2) Accepting the shock and vibration from the roadway and towing vehicle through the use of adequate running gear assemblies.

(3) In the set up mode, the commercial coach must be designed to accommodate ~~((a fifty PSF floor load))~~ the design live floor load established in WAC 296-150C-0800 (1)(e).

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-1150 Hallways. (1) Hallways in structures required to meet accessibility standards must have a minimum horizontal dimension that conforms to accessibility standards set by the Washington state Uniform Building Code standards set in the accessibility standard in WAC 296-150C-0800 (1)(d).

(2) Hallways in nonaccessible construction site trailers must have a minimum horizontal dimension of 32 inches.

AMENDATORY SECTION (Amending WSR 00-17-148, filed 8/22/00, effective 9/30/00)

WAC 296-150C-1175 Glass and glazed openings. The provisions of this section shall apply to the installation of glass or glazed openings, including hazardous locations.

(1) Standards. Standards for material shall meet ~~((UBC Standard 24-1 for flat glass and UBC Standard 24-2 for safety glazing))~~ International Building Code Section 2406.1.

(2) Identification. Flat glass shall bear the manufacturer's label designating the type and thickness of glass. Safety glazing shall have the manufacturer's identification etched or ceramic fired on the glass and be visible when the unit is glazed.

(3) Wind loads. Exterior glass and glazing shall be capable of withstanding a wind pressure of 20 pounds per square foot.

(4) Hazardous locations. The following shall be considered specific hazardous locations for the purposes of glazing:

(a) Glazing in ingress and egress doors;

(b) Glazing in fixed and sliding panels of sliding door assemblies and panels in swinging doors other than wardrobe doors;

(c) Glazing in storm doors;

(d) Glazing in fixed or operable panels adjacent to a door where the nearest exposed edge of the glazing is within a 24-inch arc of either vertical edge of the door in a closed position;

(e) Glazing in a fixed or operable panel, other than locations in (d) of this subsection, that meets all of the following conditions:

(i) Exposed area of an individual pane greater than 9 square feet.

- (ii) Exposed bottom edge less than 18 inches above the floor;
- (f) Shower doors and tub enclosures.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-1180 Commercial coach exits. When applicable, a commercial coach must comply with ((Uniform)) International Building Code, Chapter 11 Accessibility and with the following requirements:

(1) Commercial coaches must have at least two exterior doors that are remote from each other. Remote means that in:

- (a) Single-wide units the doors may not be less than twelve feet apart; and
- (b) Multiwide units the doors may not be less than twenty feet apart, center to center from each other measured in a straight line direction regardless of the length of travel between doors.

Exception: A commercial coach that is twenty-four feet long or less needs only one exit door, unless it has a dormitory sleeping area.

(2) Exterior doors must be constructed for exterior use. Exterior doors must provide at least a thirty-five inch wide by seventy-nine inch high clear opening (36" x 80" door). Each swinging exterior door must have a key-operated lock that has a deadlock latch. A deadlock with a passage set installed below the deadlock may be used as an acceptable alternate for each exterior door. The locking mechanism must be engaged or disengaged by the use of a lever or other device from the interior of the commercial coach. Locks must not require the use of a key for operation from the inside.

AMENDATORY SECTION (Amending WSR 04-12-048, filed 5/28/04, effective 6/30/04)

WAC 296-150C-3000 Commercial coach fees.

INITIAL FILING FEE	\$31.40
DESIGN PLAN FEES:	
INITIAL FEE - MASTER DESIGN	\$216.30
INITIAL FEE - ONE YEAR DESIGN	\$88.60
RENEWAL FEE	\$37.50
RESUBMIT FEE	\$63.20
ADDENDUM (Approval expires on same date as original plan)	\$63.20
ELECTRONIC PLAN SUBMITTAL FEE \$4.80 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
ELECTRICAL PLAN REVIEW (When required by chapter 296-46B WAC. Plan review for educational, institutional or health care facilities and other buildings)	
Electrical Plan submission fee	\$63.20
Service/feeder Ampacity:	
0 - 100	\$28.00
101 - 200	\$34.90
201 - 400	\$65.50
401 - 600	\$77.20
601 - 800	\$99.50
801 - 1000	\$121.80

(3) Every room designed for dormitory sleeping, unless it has an exterior exit door, must have at least one window which can be opened from the inside without using tools. This window must provide a clear opening of at least twenty-two inches in its smallest dimension and five square feet in area with the bottom of the opening not more than three feet above the floor. If a screen or storm window is used it must be readily removable without using tools.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-1510 Air ducts—Expandable or multiple commercial coach connections. In addition to the requirements of the ((Uniform)) International Mechanical Code and the Washington State Energy Code air ducts for:

(1) An expandable or multiple commercial coach may have ducts of the heating system installed in the various units. The points of connection must be so designed and constructed that when the commercial coach is fully expanded or coupled, the resulting duct joint will conform to the requirements of this chapter.

(2) Installation instructions for supporting the crossover duct from the commercial coach must be provided for on-site installation. The duct must not touch the ground.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-1520 Air ducts—Duct and plenum insulation. Every heating and cooling duct and plenum must be installed according to the ((Uniform)) International Mechanical Code and the Washington State Energy Code.

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Over 1000	\$132.10
Over 600 volts surcharge	\$20.90
Thermostats:	
First	\$12.40
Each additional	\$3.00
Low voltage fire alarm and burglar alarm:	
Each control panel and up to four circuits or zones	\$11.30
Each additional circuit or zone	\$2.00
Generators, refer to appropriate service/feeder ampacity fees	
<i>Note: Altered services or feeders shall be charged the above rate per the service/feeder ampacity fees.</i>	
Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) shall be charged per hour or fraction of an hour*	\$74.90
<u>ELECTRICAL COMMERCIAL/INDUSTRIAL</u>	
Electrical Service/feeders Ampacity	201 plus
Service/feeder	\$184.30
Additional Feeder	\$35.00
<u>ELECTRICAL MULTIFAMILY RESIDENTIAL</u>	
Electrical Service/feeders	201 plus
Service/feeder	\$97.80
Additional Feeder	\$25.00
MEDICAL GAS PLAN REVIEW:	
SUBMISSION FEE	\$60.60
FIRST STATION	\$60.60
EACH ADDITIONAL STATION	\$22.20
RECIPROCAL PLAN REVIEW:	
INITIAL FEE - MASTER DESIGN	\$96.40
INITIAL FEE - ONE YEAR DESIGN	\$58.40
RENEWAL FEE	\$58.40
ADDENDUM	\$58.40
PLANS APPROVED BY PROFESSIONALS	\$44.00
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	\$11.90
DEPARTMENT INSPECTION FEES	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$63.20
TRAVEL (Per hour)	\$63.20
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	\$63.20
TRAVEL (Per hour*)	\$63.20

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PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
ALTERATION INSPECTION (One hour plus insignia alteration fee)	\$94.60
INSIGNIA FEES:	
FIRST SECTION	\$19.20
EACH ADDITIONAL SECTION	\$11.90
ALTERATION	\$31.40
REISSUED-LOST/DAMAGED	\$11.90
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$63.20
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year upon request)	\$11.90
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments	
** Per state guidelines	
*** Actual charges incurred	

AMENDATORY SECTION (Amending WSR 99-13-010, filed 6/4/99, effective 7/5/99)

WAC 296-150F-0605 May the required toilet facilities be located in an adjacent building? Under the following conditions, the department will allow the required toilet facilities to be located in adjacent building(s):

(1) The manufacturer shall note in the plan submittal that the requirements of ((UBC)) IBC Chapter 29, Section 2902

and ((Table 29-A)) Section 2902.1, as amended by the state building code must be verified by the building official; and

(2) A Notification to Local Enforcement Agency (NLEA) must accompany each unit so that the requirements of ((UBC)) IBC Chapter 29, Section 2902 and ((Table 29-A)) Section 2902.1 as amended by the state building code can be verified by the building official.

AMENDATORY SECTION (Amending WSR 04-12-048, filed 5/28/04, effective 6/30/04)

WAC 296-150F-3000 Factory-built housing and commercial structure fees.

INITIAL FILING FEE	\$55.70
DESIGN PLAN FEES:	
INITIAL FEE - MASTER DESIGN (CODE CYCLE)	\$274.50
INITIAL FEE - ONE YEAR DESIGN	\$160.90
RENEWAL FEE	\$55.70
RESUBMIT FEE	\$80.40
ADDENDUM (Approval expires on same date as original plan.)	\$80.40
ELECTRONIC PLAN SUBMITTAL FEE \$4.70 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
ELECTRICAL PLAN REVIEW (When required by chapter 296-46A WAC, Plan review for educational, institutional or health care facilities and other buildings):	
Electrical Plan submission fee	\$61.30
Service/feeder Ampacity:	
0 - 100	\$27.20
101 - 200	\$33.90
201 - 400	\$63.40
401 - 600	\$74.90
601 - 800	\$96.40
801 - 1000	\$118.00
Over 1000	\$128.00

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Over 600 volts surcharge	\$20.30
Thermostats:	
First	\$12.10
Each additional	\$3.00
Low voltage fire alarm and burglar alarm:	
Each control panel and up to four circuits or zones	\$11.00
Each additional circuit or zone	\$2.00
Generators, refer to appropriate service/feeder ampacity fees	
<i>Note: Altered services or feeders shall be charged the above rate per the service/feeder ampacity fees.</i>	
Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) will be charged per hour or fraction of an hour*	\$72.50
<u>ELECTRICAL COMMERCIAL/INDUSTRIAL</u>	
<u>Electrical Service /feeders Ampacity</u>	201 plus
<u>Service/feeder</u>	\$184.30
<u>Additional Feeder</u>	\$35.00
<u>ELECTRICAL MULTIFAMILY RESIDENTIAL</u>	
<u>Electrical Service/feeders</u>	201 plus
<u>Service/feeder</u>	\$97.80
<u>Additional Feeder</u>	\$25.00
MEDICAL GAS PLAN REVIEW:	
SUBMISSION FEE	\$76.30
FIRST STATION	\$76.30
EACH ADDITIONAL STATION	\$27.80
RECIPROCAL PLAN REVIEW:	
INITIAL FEE-MASTER DESIGN	\$122.80
INITIAL FEE-ONE YEAR DESIGN	\$74.30
RENEWAL FEE	\$74.30
ADDENDUM	\$74.30
PLANS APPROVED BY DESIGN PROFESSIONALS	\$55.70
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	\$14.40
DEPARTMENT INSPECTION FEES	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$71.20
TRAVEL (Per hour*)	\$71.20
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	\$71.20
TRAVEL (Per hour*)	\$71.20
PER DIEM**	
HOTEL***	

PERMANENT

MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
FIRST SECTION	\$227.00
EACH ADDITIONAL SECTION	\$20.60
REISSUED-LOST/DAMAGED	\$55.70
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$71.20
NOTIFICATION TO LOCAL ENFORCEMENT AGENCY (NLEA)	\$30.90
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year upon request)	\$11.60
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

PERMANENT

AMENDATORY SECTION (Amending WSR 99-13-010, filed 6/4/99, effective 7/5/99)

WAC 296-150M-0120 Where can I obtain technical assistance regarding manufactured (mobile) homes? We provide field technical service upon written request, on manufactured (mobile) homes for an hourly fee. Field technical service may include an evaluation, consultation, plan examination, interpretation, and clarification of technical data relating to the application of our rules.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150M-0260 ((How do I replace a lost or damaged HUD label?)) **Who do I contact for replacement HUD labels?** ((1) If a HUD label is lost or damaged after it is placed on a manufactured home, you should notify the manufacturer's production Inspection Primary Inspection Agency (PIA) in writing immediately. The department of labor and industries is the IPIA for builders of manufactured homes in Washington state.

((2) If your manufactured home complies with federal standards that were in effect the date your home was built, the IPIA may replace your lost or damaged HUD label.)) **The HUD labels have been removed from my home. I can't sell/refinance my home without the HUD label.**

You must contact the Department of Housing and Urban Development (HUD). HUD does not reissue labels for manufactured homes. However, HUD can issue a letter verifying a label for the unit for which it can locate the necessary historical information. The label numbers can be found on a data plate inside the home in one of three locations:

- On or near the main electrical panel;
- In a kitchen cabinet; or
- In a bedroom closet.

The data plate has a map of the United States to let the consumer know the land zone and snow load for which their home was built. You can use the following information to request label verification:

Office of Manufactured Housing

Fax: 202-708-4213
E-mail: mhs@hud.gov
Phone: 202-708-6423.

AMENDATORY SECTION (Amending WSR 03-12-044, filed 5/30/03, effective 5/30/03)

WAC 296-150M-0302 What are some examples of work to manufactured or mobile homes that either require or do not require a permit and inspection?

TYPE OF WORK	ALTERATION PERMIT AND INSPECTION REQUIRED?	
	Yes	No
(1) Air Conditioner/Heat Pump		
(a) New installation	X	
(b) Replacement	X	
(c) Reconnection after moving home	X	
(d) Repair		X
(e) Adjustment and/or maintenance		X
(2) Bottom Board - Repair		X
(3) Clothes Washer		
(a) New installation		X
(b) Replacement		X
(c) Repair with approved parts		X
(d) Adjustment and/or maintenance		X
(4) Clothes Dryer (Electric)		
(a) New installation (Prewired electrical)		X
(b) Replacement		X
(c) Repair with approved parts		X
(d) Adjustment and/or maintenance		X
(e) Replacement with gas clothes dryer when modifications to electrical or gas systems are performed	X	
(5) Clothes Dryer (Gas)		

TYPE OF WORK	ALTERATION PERMIT AND INSPECTION REQUIRED?	
	Yes	No
(a) New installation (Preplumbed gas)		X
(b) Replacement		X
(c) Repair with approved parts		X
(d) Adjustment and/or maintenance		X
(e) Replacement with electric clothes dryer when modifications to electrical or gas systems are performed	X	
(6) Dishwasher		
(a) New installation	X	
(b) Replacement		
(i) Cord connected		X
(ii) Direct wired	X	
(c) Repair		X
(d) Adjustment and/or maintenance		X
(7) Doors (Interior and Exterior)		
(a) Additional*	X	
(b) Replacement of door that fits into the same opening		X
(8) Electrical		
(a) Replacing main electrical panel	X	
(b) Adding circuits	X	
(c) Extending existing circuit(s)	X	
(d) Replacing lighting fixtures****	((X))	X
(e) Replacing circuit breakers/fuses		X
(f) Replacing switches, receptacles, light bulbs, fluorescent tubes and glass or plastic shades		X
(g) Repairing bath exhaust fans		X
(h) Repairing fans in kitchen range hoods		X
(9) Exterior Finish		
(a) Painting		X
(b) Replacement of siding	X	
(10) Furnace (Electric)		
(a) New installation	X	
(b) Replacement	X	
(c) Repair		X
(d) Adjustment and/or maintenance		X
(e) Replacement with gas furnace	X	
(11) Furnace (Gas)		
(a) New installation	X	
(b) Replacement	X	
(c) Repair		X
(d) Change from LP Gas to Natural Gas or from Natural Gas to LP gas per its listing		X
(e) Adjustment and/or maintenance		X
(f) Replacement with electric furnace	X	
(12) Gas Lines		
(a) New installation	X	

TYPE OF WORK	ALTERATION PERMIT AND INSPECTION REQUIRED?	
	Yes	No
(b) Extend existing gas line	X	
(c) Repair	X	
(13) Interior		
(a) Painting, wall papering and similar finish work		X
(b) Replacement or addition of curtains, drapes, blinds, window shades and other window coverings		X
(c) Replacement of carpeting and other floor-covering materials with similar materials		X
(14) Microwave Oven (Over range)		
(a) New installation when electrical system modifications are performed	X	
(b) Replacement		X
(c) Repair		X
(d) Adjustment and/or maintenance		X
(15) Microwave Oven (Countertop)		X
(16) Pellet Stove		
(a) New installation	X	
(b) Replacement	X	
(c) Repair		X
(d) Adjustment and/or maintenance		X
(17) Plumbing		
(a) Adding plumbing fixtures***	X	
(b) Repairing damage***	X	
(c) Replacing fixtures***		X
(d) Repairing fixtures***		X
(e) Replacement/repair of shower doors and curtains		X
(18) Range/Cook Top/Eye Level Oven (Electric)		
(a) Replacement		
(i) Cord connected		X
(ii) Direct wired	X	
(b) Repair with approved parts		X
(c) Adjustment and/or maintenance		X
(d) Replacement with gas appliance(s)	X	
(19) Range/Cook Top/Eye Level Oven (Gas)		
(a) New installation	X	
(b) Replacement		X
(c) Repair with approved parts		X
(d) Adjustment and/or maintenance		X
(e) Replacement with electric appliance(s)	X	
(20) Roofing		
(a) Reroofing	X	
(b) Applying liquid or mastic roof sealant to a metal roof		X

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TYPE OF WORK	ALTERATION PERMIT AND INSPECTION REQUIRED?	
	Yes	No
(c) Repair of damaged composition shingles		X
(21) Structural changes		
(a) Adding a dormer*	X	
(b) Truss repairs*	X	
(c) Add opening in wall**	X	
(d) Add gypsum board to walls or ceilings	X	
(e) Repair or replacing floor decking/joists	X	
(22) Water Heater (Electric)		
(a) Replacement w/electric water heater	X	
(b) Repair		X
(c) Adjustment and/or maintenance		X
(d) Replacement with gas water heater	X	
(23) Water Heater (Gas)		
(a) Replacement w/gas water heater	X	
(b) Repair		X
(c) Change from LP gas to Natural Gas or from Natural Gas to LP gas per its listing		X
(d) Adjustment and/or maintenance		X
(e) Replacement with electric water heater	X	
(24) Windows		
(a) Replacement ((Except bedroom egress)) is same opening with no structural changes*****		X
((b) Replacement of bedroom egress X))		
((e)) (b) Replacement when structural changes are required	X	
((d)) (c) Replacement of glass		X
(25) Wood Stove/Fireplace		
(a) New installation	X	
(b) Replacement	X	
(c) Repair		X
(d) Adjustment and/or maintenance		X

* May also require a plan review. Please contact your local L&I representative.

** May also require a plan review. The department has detailed drawings you may use for openings in sidewalls. Please contact your local L&I representative.

*** Fixtures include: Faucets, sinks, lavatories, laundry tubs, water closets (toilets), tubs, showers and tub/shower combos.

**** Fixtures must be installed per its listing and intended use.

***** Windows in bedrooms must be of egress type.

NOTE: Exemption from the permit and inspection requirements shall not be deemed to grant authorization for any work to be done in violation of the applicable code, Chapter 296-150M WAC.

AMENDATORY SECTION (Amending WSR 98-14-078, filed 6/30/98, effective 7/31/98)

WAC 296-150M-0310 What happens if I fail to get your approval prior to altering a manufactured home? ~~((+))~~ If you alter a manufactured home without getting our approval and an alteration insignia, your manufactured (mobile) home ~~((cannot be sold or leased))~~ must meet the requirements of WAC 296-150M-0049.

~~((2) We may remove any Washington state insignia(s) attached to your manufactured (mobile) home.))~~

AMENDATORY SECTION (Amending WSR 99-13-010, filed 6/4/99, effective 7/5/99)

WAC 296-150M-0614 How may I obtain a copy of the American National Standards Institute (ANSI) A225.1-Manufactured Homes Installation? Copies of the standard are available from:

~~((Publications/Communications National Conference of States on Building Codes and Standards, Inc: 505 Huntmar Park Drive, Suite 210 Herndon, Virginia 22070))~~
National Fire Protection Agency
 Item Number: **ANSIA2251**
 Phone: 800-344-3555
 Address: **1 Batterymatch Park P.O. Box 9101 Quincy, MA 02269-9101**

AMENDATORY SECTION (Amending WSR 04-12-048, filed 5/28/04, effective 6/30/04)

WAC 296-150T-3000 Factory-built temporary worker housing fees.

INITIAL FILING FEE	\$44.00
DESIGN PLAN FEES:	
INITIAL ONE YEAR DESIGN	\$126.90
RENEWAL FEE	\$44.00
RESUBMIT FEE	\$63.20
ADDENDUM (Approval expires on same date as original plan)	\$63.20
ELECTRONIC PLAN SUBMITTAL FEE \$4.70 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) shall be charged per hour or fraction of an hour*	\$75.00

APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	\$11.90
DEPARTMENT INSPECTION FEES	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$63.20
TRAVEL (Per hour)*	\$63.20
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	\$63.20
TRAVEL (Per hour*)	\$63.20
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
FIRST SECTION	\$177.90
EACH ADDITIONAL SECTION	\$17.30
REISSUED-LOST/DAMAGED	\$44.00
ELECTRICAL COMMERCIAL/INDUSTRIAL	
Electrical Service/feeders Ampacity	201 plus
Service/feeder	\$184.30
Additional Feeder	\$35.00
ELECTRICAL MULTIFAMILY RESIDENTIAL	
Electrical Service/feeders	201 plus
Service/feeder	\$97.80
Additional Feeder	\$25.00
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$63.20
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free per year)	\$11.90
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments	
** Per state guidelines	
*** Actual charges incurred	

PERMANENT

AMENDATORY SECTION (Amending WSR 00-17-148, filed 8/22/00, effective 9/30/00)

WAC 296-150V-1180 What requirements apply to conversion vendor unit exits on all units approved after December 31, 1999? At least one conversion vending unit exit or medical unit exit must meet the following requirements:

- (1) Exterior doors must be constructed for exterior use.
- (2) The exterior door must be at least a 28 inch wide clear opening by 72 inches high.
- (3) Locks must be operable from the interior of the unit without use of a key.

(4) Exit doors may either be hinged or sliding. Roll-up doors may not be used to meet the requirements of this section.

(5) Existing units with doors less than 28 inches in width must have a second means of exit. The second means of exit for converted units shall be 24 inches by 17 inches, and for newly built units exits must be a minimum of 5 square feet of openable area.

(6) Pass-through windows shall be safety glazed based on the IBC Section 2406.1.

Exception: When there are employees, a minimum of 28 inches clear opening must be provided.

NEW SECTION

WAC 296-150V-0205 Can I obtain an exempt vendor/medical insignia? For approval of an exempt vendor/medical insignia, you must complete a factory built structures alteration request with:

(1) Documentation that shows that the unit was used outside of the state for six months before being brought into Washington state (see RCW 43.22.380).

Types of documentation to include state or local health certificates.

(2) Payment of the factory built structures alteration permit and exempt insignia fee.

(3) Completion of a fire and life safety inspection.

AMENDATORY SECTION (Amending WSR 04-12-048, filed 5/28/04, effective 6/30/04)

WAC 296-150V-3000 Conversion vendor units and medical units—Fees.

INITIAL FILING FEE	\$31.40
DESIGN PLAN FEES:	
INITIAL FEE - MASTER DESIGN	\$216.30
INITIAL FEE - ONE YEAR DESIGN	\$88.60
RENEWAL FEE	\$37.80
RESUBMIT FEE	\$63.20
ADDENDUM (Approval expires on same date as original plan)	\$63.20
ELECTRONIC PLAN SUBMITTAL FEE \$4.70 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
RECIPROCAL PLAN REVIEW:	
INITIAL FEE - MASTER DESIGN	\$96.40
INITIAL FEE - ONE YEAR DESIGN	\$58.40
RENEWAL FEE	\$58.40
ADDENDUM	\$58.40
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	
	\$11.90
DEPARTMENT INSPECTION FEES:	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$63.20
TRAVEL (Per hour)*	\$63.20
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
ALTERATION INSPECTION (One hour plus insignia alteration fee)	\$94.60
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	\$63.20
TRAVEL (Per hour*)	\$63.20
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
FIRST SECTION	\$18.30
ALTERATION	\$31.40
REISSUED-LOST/DAMAGED	\$11.90
EXEMPT	\$31.40

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ELECTRICAL COMMERCIAL/INDUSTRIAL	
Electrical Service/feeders Ampacity	201 plus
Service/feeder	\$184.30
Additional Feeder	\$35.00
ELECTRICAL MULTIFAMILY RESIDENTIAL	
Electrical Service/feeders	201 plus
Service/feeder	\$97.80
Additional Feeder	\$25.00
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$63.20
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year upon request)	\$11.90
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-150C-1345 May the electrical disconnect required for mechanical equipment be inside of or mounted on the equipment?

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-150F-0615 May the electrical disconnect required for mechanical equipment be inside of or mounted on the equipment?

**WSR 05-01-105
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed December 15, 2004, 9:35 a.m., effective January 15, 2005]

Effective Date of Rule: January 15, 2005.

Purpose: Employer-worker reemployment incentives, chapter 296-16 WAC.

The new rules will assist in the implementation of chapter 258, Laws of 2004 (SSB 6615).

The purpose of the new rules is to:

- Redefine the preferred worker program for clarity;
- Explain what benefits are available under the preferred worker program;
- Clarify which employers and workers may receive preferred worker program benefits; and
- Expand the program, in some situations, to grant benefits to the employer at the time of record.

Citation of Existing Rules Affected by this Order: Repealing WAC 296-16-010 Premium waived for employment of preferred worker.

Statutory Authority for Adoption: RCW 51.04.010, 51.04.020 and chapter 258, Laws of 2004 (SSB 6615).

Adopted under notice filed as WSR 04-19-106 on September 21, 2004.

Changes Other than Editing from Proposed to Adopted Version: Changes between the proposed and adopted version clarified items such as who is the employer of record, and what benefits are available when the worker has already received "preferred worker" certification under a prior claim.

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 11, 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 11, Amended 0, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 15, 2004.

Paul Trause
Director

NEW SECTION

WAC 296-16-100 What is the department's "preferred worker" program? The department's "preferred worker" program provides eligible employers with financial incentives to hire certified "preferred workers," and to reemploy certified "preferred workers" with developmental disabilities.

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NEW SECTION

WAC 296-16-110 Who may be certified as a "preferred worker"? A worker may be certified as a "preferred worker" if he or she has an open claim for an industrial injury or occupational disease that:

- (1) Prevents the worker from returning to work with the employer of record, and substantially impairs the likelihood of the worker's reemployment with a different employer; or
- (2) Has resulted in payment of time-loss compensation benefits for a period of at least fourteen consecutive days, if the worker has a developmental disability as defined by RCW 71A.10.020.

NEW SECTION

WAC 296-16-115 How does a worker apply for "preferred worker" certification? Any claim party may inquire about the "preferred worker" program by contacting the claim manager, vocational counselor, or the department's "preferred worker" section.

A worker who is unable to return to work with the employer of record must receive assistance applying for "preferred worker" certification from a registered vocational provider.

Exception: A worker with developmental disabilities, who will be reemployed by the employer of record, does not need to apply for "preferred worker" certification. Instead, the department will consider the worker's eligibility for certification after receiving the employer's *Intent to Hire Preferred Worker* form.

NEW SECTION

WAC 296-16-120 Who certifies industrially injured or ill workers as "preferred workers"? Only a department employee with authority to do so may certify a worker as a "preferred worker."

NEW SECTION

WAC 296-16-130 How long does a worker's "preferred worker" certification last? A worker's "preferred worker" certification lasts for thirty-six consecutive months, and will not be extended.

Exception: The department may interrupt the certification period if:

- (1) Medical documentation shows that the worker is unable to work or look for work, due to the industrial injury or occupational disease for which the "preferred worker" certification was granted; and
- (2) The worker's claim for the same injury or disease is still open.

When the worker is again able to work or look for work, the certification period will resume. The period of interruption does not count toward the thirty-six month total.

NEW SECTION

WAC 296-16-140 Which employers are eligible to benefit from the "preferred worker" program? When an employer offers the worker a medically appropriate job, the

employer is eligible to benefit from the "preferred worker" program if:

- (1) The employer is the employer of record who reemploys their own worker, and the worker:
 - (a) Has a developmental disability as defined by RCW 71A.10.020; and
 - (b) Under the open claim with that employer, has received payment of time-loss compensation for a period of at least fourteen consecutive days; or
- (2) The employer is NOT the employer of record, and the employer hires a certified preferred worker.

NEW SECTION

WAC 296-16-150 What benefits do eligible employers receive from the "preferred worker" program? (1) Eligible employers insured with the state fund who hire a certified "preferred worker," or who reemploy a certified "preferred worker" with developmental disabilities:

- (a) Do not pay accident fund and medical aid fund premiums for that worker during the "preferred worker" certification period; and
 - (b) Will not have the cost of any new claim filed by that worker charged to their experience rating, if the claim is for a new injury sustained or an occupational disease diagnosed during the "preferred worker" certification period.
- (2) Eligible self-insured employers who hire a certified "preferred worker," or who reemploy a certified "preferred worker" with developmental disabilities, will receive reimbursement from the second injury fund for all benefits paid on any new claim filed by that worker, if the claim is for a new injury sustained or an occupational disease diagnosed during the "preferred worker" certification period.

NEW SECTION

WAC 296-16-160 What must an employer do to qualify for benefits when hiring or reemploying a "preferred worker"? An employer must complete an *Intent to Hire Preferred Worker* form. The employer must return the completed form to the department within sixty days from the "preferred worker's" first day of:

- (1) Employment, if the employer is a subsequent or new employer. In these situations, the employer must also provide the department a description of the job offered to the worker.
- (2) Reemployment, if the employer is the employer of record and the worker has a developmental disability as defined by RCW 71A.10.020. In these situations, if the doctor has released the worker without restrictions and the worker is returning to the job of record, a job description is not needed.

NEW SECTION

WAC 296-16-170 Where may an employer obtain an *Intent to Hire Preferred Worker* form? Employers may obtain an *Intent to Hire Preferred Worker* form from the department's offices or website.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-16-010 Premium waived for employment of preferred worker.

WSR 05-01-109
PERMANENT RULES
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed December 15, 2004, 11:11 a.m., effective January 15, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 139-02-040 Public disclosure officer, this change is being made because the public disclosure officer may not always be located in the business office.

Citation of Existing Rules Affected by this Order: Amending [WAC 139-02-040].

Statutory Authority for Adoption: RCW 43.101.080.

Adopted under notice filed as WSR 04-22-037 on October 27, 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 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 8, 2004.

Sharon M. Tolton
 Deputy Director

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

WAC 139-02-040 Public disclosure officer. The commission shall designate a public disclosure officer(~~(located in its business office;))~~) who shall be responsible for implementing the commission's rules regarding disclosure of public records, coordination of staff in this regard, and generally insuring compliance by the staff with public records disclosure requirements.

WSR 05-01-110
PERMANENT RULES
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed December 15, 2004, 11:13 a.m., effective January 15, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 139-10-240 Basic juvenile security workers academy curriculum, changing this rule will provide consistency between WAC 139-10-240 and 139-10-210. The original change was made to better reflect representative job classifications that are served by this academy and to increase professionalism and recognition of officers in this field.

Citation of Existing Rules Affected by this Order: Amending [WAC 139-10-240].

Statutory Authority for Adoption: RCW 43.101.080.

Adopted under notice filed as WSR 04-19-048 on September 14, 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 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 8, 2004.

Sharon M. Tolton
 Deputy Director

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

WAC 139-10-240 Basic juvenile (~~security workers~~) corrections officer academy curriculum. The basic juvenile (~~security workers~~) corrections officer academy curriculum of the Washington state criminal justice training commission shall be at least eighty instructional hours in length and shall include, but not be limited to, the following subject matter areas:

- (1) Core skills
 - (a) Observation skills
 - (b) Interpersonal skills
 - (c) Security management
 - (d) Supervision of youth
 - (e) Discipline of youth
 - (f) Proper use of physical force
 - (g) Writing skills
- (2) Key skills
 - (a) Legal issues
 - (b) Dealing with aggressive behavior
 - (c) Handling medical problems
 - (d) Handling mental illness problems

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- (e) Report writing
- (f) Skills training
- (g) Reception and classification
- (3) Related skills
- (a) Professionalism
- (b) Physical fitness
- (c) Stress management.

WSR 05-01-111
PERMANENT RULES
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed December 15, 2004, 11:13 a.m., effective January 15, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 139-10-245 Basic juvenile residential counselor academy curriculum, the Corrections Division has formulated and implemented a new academy to better serve the Juvenile Rehabilitation Administration's employees' training needs. This academy is presently known as the Juvenile Residential Counselors Academy and is cited in WAC 139-10-210. Adopting a WAC, defining the curricula in this academy, will clearly state the subject matter covered in this academy.

Statutory Authority for Adoption: RCW 43.101.080.

Adopted under notice filed as WSR 04-19-049 on September 14, 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 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 8, 2004.

Sharon M. Tolton
Deputy Director

NEW SECTION

WAC 139-10-245 Basic juvenile residential counselor academy curriculum. The basic juvenile residential counselor academy curriculum of the Washington state criminal justice training commission shall be at least eighty instructional hours in length and shall include, but not be limited to, the following subject matter areas:

- (1) Core skills
 - (a) Observation skills
 - (b) Interpersonal skills

- (c) Security management
- (d) Supervision of youth
- (e) Discipline of youth
- (f) Proper use of physical force
- (g) Applying research based treatment
- (h) Writing skills
- (2) Key skills
 - (a) Legal issues
 - (b) Dealing with aggressive behavior
 - (c) Handling medical problems
 - (d) Handling mental illness problems
 - (e) Skills training
- (3) Related skills
 - (a) Professionalism
 - (b) Stress management.

WSR 05-01-112
PERMANENT RULES
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed December 15, 2004, 11:15 a.m., effective January 15, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 139-05-300 Requirement for in-service training, to ensure that all certified peace officers engage in continuing, professional education to enhance or improve knowledge, skills, and abilities on an annual basis.

Statutory Authority for Adoption: RCW 43.101.080.

Adopted under notice filed as WSR 04-22-036 on October 27, 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 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: September [December] 8, 2004.

Sharon M. Tolton
Deputy Director

NEW SECTION

WAC 139-05-300 Requirement for in-service training. (1) The commission recognizes that continuing education and training is the cornerstone for a successful career as a peace officer in providing competent public safety services to the communities of Washington state.

(2) Every peace officer certified under RCW 43.101.095 shall complete a minimum of twenty-four hours of in-service training annually. The commission will establish an optional recordkeeping form along with published guidelines and/or criteria for approved in-service training and education. The training may be developed and provided by the employer or other training resources. The commission will maintain the records of successfully completed commission-sponsored and commission-recognized training. All remaining records for the training required under this rule must be maintained by the employing agency and be available for review upon request by an authorized commission representative.

(3) This requirement is effective January 1, 2006, for incumbent officers. The in-service training hours requirement for each newly hired officer will begin on the January 1 of the calendar year following their certification as a result of successful completion of the basic law enforcement academy, equivalency academy, or approved waiver as provided by WAC 139-05-200.

(a) The sheriff or chief of an agency may approve an extension of three months for certified officers in their employ by notification in writing to the commission, identifying those specific officers.

(b) A sheriff or chief may request a three-month personal extension of the requirement by doing so in writing to the commission.

(c) Written requests submitted under the provision of (a) and (b) of this subsection must be received by December 1 of the calendar year in question.

WSR 05-01-113
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-318—Filed December 15, 2004, 11:14 a.m., effective January 15, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amend aquaculture disease control rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-72-002, 220-72-070, 220-72-073, 220-72-079, 220-72-085, 220-72-087, 220-72-090 and 220-72-092; and amending WAC 220-72-011, 220-72-076, and 220-72-089.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 04-21-072 on October 19, 2004.

Changes Other than Editing from Proposed to Adopted Version: WAC 220-72-076: In subsection (1), insert first before "obtaining written permission"; after "director's authorized agent" insert except for market ready shellfish as provided for in this subsection and except for shellfish seed transferred under a shellfish health agreement as provided for in subsection (3) of this section; after "accompanying the conveyance" strike through the remainder of the sentence; after the struck through language ending with "restricted status" insert Where regular and reoccurring transfers take place, a permit may be issued on an annual basis. Shellfish which are market ready, intended for immediate human con-

sumption, and which will not be placed into or come in contact with state waters may be transferred without a department permit. Failure to obtain a permit or failure to affix the permit or to have the permit accompany the conveyance is punishable under RCW 77.15.350; insert (2) before "Permits will be approved."

In subsection (2), after "aquatic disease or pest" insert or upon determination of violation of the conditions of a permit; after "appeal process" insert It is unlawful to make any transfer requiring a permit under subsection (1) of this section if a permit has been revoked or suspended; strike the new sentence beginning with "Shellfish which are market ready..."

In subsection (3) after "When shellfish health agreements" insert have been made by memoranda of agreement; after "shellfish hatcheries" delete "have been made"; after "may be authorized" delete "issue shellfish authorization forms for" and insert to transfer; after "Shellfish health agreements will require" delete "sending reports of shellfish seed transfers from a hatchery and outplant sites to WDFW" and insert submission of a seed transfer report to the department.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 8.

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.

Date Adopted: December 4, 2004.

Susan Yeager
for Will Roehl, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 03-86, filed 4/30/03, effective 5/31/03)

WAC 220-72-011 Oyster drill restricted shellfish areas—Puget Sound. All waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands of Puget Sound within the following areas are designated as oyster drill restricted shellfish areas:

(1) Dungeness Bay—inside and bounded westerly of a line projected from the most easterly tip of Dungeness Spit true-south to the mainland.

(2) Drayton Harbor—inside and southerly of a line projected from the north most tip of Semiahmoo Spit to where the International Boundary line intersects the mainland.

(3) Lummi Bay—inside the Lummi Dike and inside and bounded by a line projected from:

((Point No. 1 at) 48°46'32" N. Lat.
122°40'00" W. Long.; thence to

((~~Point No. 2 at~~) 48°45'55" N. Lat.
122°40'00" W. Long.; thence to

((~~Point No. 3 at~~) 48°45'55" N. Lat.
122°39'12" W. Long.; then northerly along the
beach to the point of origin.

(4) Samish Bay—inside and easterly of a line starting at the most westerly tip of Governor's Point and projected in a southerly direction to the most westerly tip of William Point on Samish Island.

(5) Padilla Bay—easterly (including the Swinomish channel) of a line starting at the most westerly tip of William Point on Samish Island and projected southerly to the most northerly tip of March Point on Fidalgo Island.

(6) Similk and Skagit Bays—northerly of a line projected across Skagit Bay following latitude 48°20' N. and easterly of the Deception Pass bridge.

(7) Liberty Bay—inside and westerly of a line projected true south from the most southerly point at Tower Point.

(8) Dyes Inlet—inside and northerly of a line projected true east from the most northerly tip of Rocky Point to the mainland.

(9) Carr Inlet—

(a) Burley Lagoon—inside and northerly of the Purdy bridge.

(b) Minter Creek—inside and westerly of a line projected from the east shore at 122°41'00" W. Long. true south to 47°21'00" N. Lat., then true west to shore.

(10) Case Inlet—

(a) Rocky Bay and North Bay—northerly of a line projected across Case Inlet following latitude 47°20'44" N.

(b) Vaughn Bay—easterly of a line projected true north from the most northerly point of the southern spit at the mouth of Vaughn Bay to the mainland on the north shore.

(11) Hammersley Inlet and Oakland Bay—inside, westerly and northerly of a line starting at the most southeasterly point of Munson Point and projected in a southeasterly direction to Eagle Point.

(12) Totten Inlet, Oyster Bay and Little Skookum Inlet—inside and southerly of a line starting at the most southeasterly point on Windy Point and projected northeasterly to the most northerly tip of Sandy Point (i.e., the southern base of the Steamboat Island Bridge).

(13) Eld Inlet—

(a) Mud Bay—inside and westerly of a line projected from the most easterly point of Flapjack Point and projected true south to the mainland.

(b) Sanderson Harbor—lying inside and westerly of a line starting at the most northern point on Sanderson Spit and projected northeasterly to the mainland.

(14) Nisqually Flats—inside and southerly of a line starting ((~~at the end of~~) near the DuPont Dock on the east shore at 47°07'00" N. Lat. and projected true west to the mainland.

(15) Hood Canal—

(a) Quilcene Bay—inside, northerly and easterly of a line starting at the Port of Port Townsend boat ramp north of Coast Seafoods company shellfish hatchery projected easterly to a point at 48°48'10" N. Lat., 122°51'30" W. Long. and then projected southeasterly to the most westerly tip of Fisherman's Point.

(b) Tarboo Bay—inside, northerly and easterly of a line starting at the most northerly tip of Long Spit and then projected true west to the mainland.

(c) The Great Bend to Lynch Cove—inside and bounded easterly by a line((s)) projected from((:

~~Point No. 1 at 47°23'02.7" N. Lat.
123°06'42.8" W. Long. thence to~~

~~Point No. 2 at 47°23'02.7" N. Lat.
123°06'55" W. Long. thence to~~

~~Point No. 3 at 47°21'00" N. Lat.
123°06'55" W. Long., then projected true east)) the western most point at Musqueti Point true west to the mainland.~~

(d) Hamma Hamma Flats and Jorsted Creek—inside and westerly of a line((s)) projected from:

((~~Point No. 1 at~~) 47°33'15" N. Lat.
123°01'42" W. Long.; thence to

((~~Point No. 2 at~~) 47°32'54" N. Lat.
123°01'06" W. Long.; thence to

((~~Point No. 3 at~~) 47°32'54" N. Lat.
123°01'48" W. Long.; thence to

((~~Point No. 4 at~~) 47°31'00" N. Lat.
123°01'54" W. Long.; then true west to shore.

(e) Dosewallips Delta—inside and westerly of lines projected from:

((~~Point No. 1 at~~) 47°41'03" N. Lat.
122°53'45" W. Long.; thence to

((~~Point No. 2 at~~) 47°41'03" N. Lat.
122°52'24" W. Long.; thence to

((~~Point No. 3 at~~) 47°42'20.6" N. Lat.
122°52'24" W. Long.; thence to

((~~Point No. 4 at~~) 47°42'20.6" N. Lat.
122°52'39" W. Long.

(f) Point Whitney—inside and westerly of lines projected from:

((~~Point No. 1 at~~) 47°45'43.7" N. Lat.
122°51'02" W. Long.; thence to

((~~Point No. 2 at~~) 45°45'56" N. Lat.
122°51'02" W. Long.; thence to

((~~Point No. 3 at~~) 45°45'56" N. Lat.
122°51'12" W. Long.; thence to

((~~Point No. 4 at~~) 47°45'45" N. Lat.
122°51'12" W. Long.

(g) Duckabush River Mouth—inside and westerly of a line projected from:

((~~Point No. 1 at~~) 47°38'46" N. Lat.
122°54'08" W. Long.; thence to

((~~Point No. 2 at~~) 47°37'55" N. Lat.
122°56'25" W. Long.

(16) Henderson Inlet—South Bay—inside and southerly of a line commencing at a point on the west shore of Henderson Inlet where the south line of Section 17, Twp 19 N R 1 WWM intersects the shoreline, thence projected true east across Henderson Inlet to the east shoreline.

AMENDATORY SECTION (Amending Order 03-86, filed 4/30/03, effective 5/31/03)

WAC 220-72-076 Unlawful acts—Permit required.

(1) It shall be unlawful to transfer shellfish, shellfish aquaculture products (including oyster seed, cultch and shell), aquaculture equipment (including aquaculture vehicles and vessels) or any marine organisms adversely affecting shellfish ((from a oyster drill restricted area into an oyster drill unrestricted area)) without first obtaining written permission from the director of fish and wildlife or the director's authorized agent except for market ready shellfish as provided for in this subsection and except for shellfish seed transferred under a shellfish health agreement as provided for in subsection (3) of this section. Such written permit must be affixed to or otherwise accompany the conveyance ((affecting the physical transfer of such shellfish, shellfish aquaculture products (including oyster seed, cultch and shell), aquaculture equipment (including aquaculture vehicles and vessels) oyster drills, or drill infested or marine organisms harmful to shellfish. Areas found to have aquatic diseases or pests (including the oyster drill *Ceratosoma inornatum*) will be immediately considered restricted by the department of fish and wildlife. The department will immediately notify property owners of the restricted status)). Where regular and reoccurring transfers take place, a permit may be issued on an annual basis. Shellfish which are market ready, intended for immediate human consumption, and which will not be placed into or come in contact with state waters may be transferred without a department permit. Failure to obtain a permit or failure to affix the permit or to have the permit accompany the conveyance is punishable under RCW 77.15.350.

(2) Permits will be approved with conditions or denied based on the shellfish disease or pest transfer risk. Existing permits may be revoked, suspended or modified upon a finding of an aquatic disease or pest or upon determination of violation of the conditions of a permit. In the event of revocation, suspension or denial of a permit, the affected party may appeal through the Administrative Procedure Act. A suspended or revoked permit will remain suspended or revoked during the appeal process. It is unlawful to make any transfer requiring a permit under subsection (1) of this section if a permit has been revoked or suspended. Violation of this subsection is punishable under RCW 77.15.350.

((2) To control the spread of European green crabs, it is unlawful to transfer shellfish aquaculture products (including all oysters and clams, oyster seed, cultch, and shell), and aquaculture equipment (including aquaculture vehicles and vessels) from a European green crab restricted area into a European green crab unrestricted area without obtaining written permission from the director of fish and wildlife or the director's authorized agent. Transfers to the waters and tidelands of Willapa Bay inside and easterly of a line projected from the most northern tip of Leadbetter Point true north to Cape Shoalwater are exempted from this written permission requirement. Such written permit must be affixed to or otherwise accompany the conveyance affecting the physical transfer of such shellfish, shellfish aquaculture products (including oyster seed, cultch, and shell), or aquaculture equipment (including aquaculture vehicles and vessels).

(3) To control the spread of Denman Island Disease, it is unlawful to transfer shellfish aquaculture products (including all oysters and clams, oyster seed, cultch, and shell), and aquaculture equipment (including aquaculture vehicles and vessels) from or between a Denman Island Disease prohibited or surveillance area to a Denman Island Disease unrestricted area without obtaining written permission from the director of fish and wildlife or the director's authorized agent.

(3) When shellfish health agreements have been made by memoranda of agreement between WDFW and companies which operate shellfish hatcheries, the company may be authorized to transfer shellfish seed to seed buyers without a transfer permit. Shellfish health agreements may be revoked for cause. Shellfish health agreements will require submission of a seed transfer report to the department on a quarterly basis and when requested by authorized department personnel.

AMENDATORY SECTION (Amending Order 03-86, filed 4/30/03, effective 5/31/03)

WAC 220-72-089 Denman Island Disease prohibited area. An area where *Mikrocytos mackini*, the causative agent of Denman Island Disease, has been confirmed with department approved histological methods by a department approved shellfish pathologist or reported in peer-reviewed scientific journal and accepted by the department. All waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands within the following areas are designated as Denman Island Disease prohibited areas:

(1) Strait of Juan de Fuca, Dungeness Bay—inside and westerly of a line projected from the tip of Dungeness Spit due south to the mainland.

(2) Orcas Island—

(a) Deer Harbor—inside and northerly of a line projected between Pole Pass Point and Steep Point.

(b) West Sound—inside and northerly of a line projected between Caldwell Point and the most southerly point of land west of the community of Orcas.

(c) East Sound—inside and northerly of a line projected between Diamond Point and the most southwesterly point on Orcas Island at Obstruction Pass.

(3) Westcott Bay—inside and westerly of a line projected between the most southerly point of White Point and the most northerly point of Delacombe Point.

(4) Bellingham and Samish Bays—southerly and inside of a line projected between Lummi Point and Gooseberry Point and easterly and inside of a line projected between Carter Point and William Point.

(5) Minter Creek—inside and westerly of a line projected from:

The mainland at 122°41'00" W. Long. due south to 47°21'00" N. Lat.,

122°41'00" W. Long.; thence to

47°21'00" N. Lat. where it intersects the mainland.

(6) McMicken Island—inside and westerly of a line projected between the following two points on the east shore of Hartstene Island:

47°14.084' N. Lat., 122°51.316' W. Long. and 47°16.224' N. Lat., 122°51.746' W. Long.

(7) Oakland Bay—inside and northerly of a line projected across Oakland Bay at 47°14'30" N. Lat. and inside and southerly of a line projected from:

The mainland on the west side of Oakland Bay at 47°15'00" due east to

47°15'00" N. Lat.,

123°04'00" W. Long.; thence to

123°04'00" N. Lat. where it intersects the mainland.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 220-72-002 Promulgation.
- WAC 220-72-070 Oyster drill unrestricted shellfish areas.
- WAC 220-72-073 Unlawful acts—Shellfish transfer.
- WAC 220-72-079 Unlawful acts—Compliance.
- WAC 220-72-085 Imports—Written permission.
- WAC 220-72-087 European green crab unrestricted area.
- WAC 220-72-090 Denman Island Disease surveillance area.
- WAC 220-72-092 Denman Island Disease unrestricted area.

**WSR 05-01-114
PERMANENT RULES
CRIMINAL JUSTICE
TRAINING COMMISSION**

[Filed December 15, 2004, 11:15 a.m., effective January 15, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 139-05-915 Requirements of training for law enforcement and corrections dog handlers and certification of canine teams, the changes are being made to clarify the standards that must be met for a canine team to become certified.

Citation of Existing Rules Affected by this Order: Amending [WAC 139-05-915].

Statutory Authority for Adoption: RCW 43.101.080.

Adopted under notice filed as WSR 04-16-112 on August 4, 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 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 8, 2004.

Sharon M. Tolton
Deputy Director

AMENDATORY SECTION (Amending WSR 03-07-100, filed 3/19/03, effective 4/19/03)

WAC 139-05-915 Requirements of training for law enforcement and corrections dog handlers and certification of canine teams. (1) Title and scope: These rules are intended to set minimum standards of performance for the certification of canine teams that are used for law enforcement or corrections purposes. This process is not related to nor does it have any effect upon the requirements for peace officer certification. Nothing in these rules is intended to limit the use of canine teams employed by other state or federal agencies for law enforcement purposes, or the use of volunteer canine teams where the handler is not a Washington peace officer or corrections officer.

(2) For purposes of this section, the following definitions shall apply:

(a) "Dog handler" means any fully commissioned law enforcement officer or corrections officer of a state, county, city, municipality, or combination thereof, agency who is responsible for the routine care, control, and utilization of a police ((dog)) canine within a law enforcement or corrections assignment; and

(b) "Canine team" means a specific officer and a specific canine controlled by that officer in the capacity of handler, formally assigned by the employing agency to work together in the performance of law enforcement((;)) or corrections duties.

(c) "Training" means any structured classroom or practical learning exercise conducted, evaluated, and documented by an experienced dog handler or trainer, certified as an instructor with recognized expertise on canine subjects associated with the development of the trainee's competency in the care, control, and utilization of a police ((dog)) canine.

(d) "Evaluator" means a certified peace officer or corrections officer, who has a minimum of three years experience as a ((canine)) dog handler and is recognized as a trainer of canines by a professional organization of police and/or corrections ((canine)) dog handlers/trainers or by the handler's employing agency. The trainer must have trained a canine team in accordance with the training requirements of WAC 139-05-915, or be recognized by the commission as a certified instructor with expertise in canine training of a specific police canine subject for the purpose of testing and certifying

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~~((canine))~~ dog handlers and ~~((dogs))~~ canines to work as a canine team.

(3) A dog handler shall, as a precondition of such assignment, successfully complete the basic law enforcement academy ~~((program,))~~ or basic corrections officer academy, or otherwise comply with the basic training requirement prescribed by WAC 139-05-200 and 139-05-210 of the training commission.

(4) Prior to ~~((, or within the first six months of))~~ such assignment, a dog handler shall successfully complete training according to the nature and purpose of utilization of the police ~~((dog))~~ canine for which such handler is responsible.

(a) A dog handler who is responsible for the routine and regular utilization of a police ~~((dog))~~ canine within general patrol or investigative activities, shall successfully complete a minimum of four hundred hours of training, which shall include, but not be limited to:

- (i) Philosophies/theories of police canine;
- (ii) Legal and liability aspects, including applicable department policies;
- (iii) Public relations;
- (iv) Care and maintenance;
- (v) Obedience and control;
- (vi) Tracking;
- (vii) Trailing;
- (viii) Area ~~((searching))~~ search;
- (ix) Building ~~((searching))~~ search;
- (x) Evidence ~~((searching))~~ search;
- (xi) Pursuit ~~((f))~~ and holding; and
- (xii) Master protection.

(b) A dog handler who is responsible for the primary and specialized utilization of a police ~~((dog))~~ canine in the search for and detection of specific substances, excluding explosives, shall successfully complete a minimum of two hundred hours of training, which shall include, but not be limited to:

- (i) Philosophies/theories of police canine;
- (ii) Legal and liability aspects, including applicable department policies;
- (iii) Public relations;
- (iv) Care and maintenance;
- (v) Obedience and control;
- (vi) Area ~~((searching))~~ search;
- (vii) Building ~~((searching))~~ search;
- (viii) Evidence ~~((searching))~~ search; ~~((and))~~
- (ix) Vehicle search; and
- ~~((x))~~ Detection of specific substances.

(c) A dog handler who is responsible for the primary and specialized utilization of a police ~~((dog))~~ canine in the search for and detection of explosive substances and devices, shall successfully complete a minimum of ~~((two))~~ four hundred hours of training, which shall include, but not be limited to:

- (i) Philosophies/theories of police canine;
- (ii) Legal and liability aspects, including applicable department policies;
- (iii) Public relations;
- (iv) Care and maintenance;
- (v) Obedience and control;
- (vi) Area ~~((searching))~~ search;
- (vii) Private and commercial conveyance search;
- ~~((viii))~~ Building ~~((searching))~~ search;

~~((viii))~~ (ix) Evidence ~~((searching))~~ search; and ~~((iv))~~ (x) Detection of explosives.

(d) A dog handler who is responsible for the routine and regular utilization of a police ~~((dog))~~ canine solely for self-protection and assistance in hostile or potentially hostile situations, shall successfully complete at least ~~((one hundred eighty))~~ two hundred hours of training, which shall include, but not be limited to:

- (i) Philosophies/theories of police canine;
- (ii) Legal and liability aspects, including applicable department policies;
- (iii) Public relations;
- (iv) Care and maintenance;
- (v) Obedience and control;
- (vi) Pursuit ~~((f))~~ and holding; and
- (vii) Master protection.

(5) The commission shall develop and adopt a minimum performance standard for canine teams performing specific law enforcement or corrections functions. It shall be the handler's responsibility to keep their canines under control at all times. Each handler must be able to make ~~((his/her))~~ their canine perform to a level that is deemed acceptable by the commission in the category for the team's intended use as a condition of certification.

(6) Certification of canine teams:

(a) The handler and the canine will be considered as a team and it is the team who will be certified. If the canine ~~((changes))~~ or the handler ~~((s))~~ changes, a new team exists and the team ~~((will need to))~~ must be certified.

(b) A dog handler may not use a canine for police purposes unless the handler is certified to handle a specific canine for a specific purpose.

(c) In evaluating the proficiency of the canine team, the evaluators shall use the standards approved by the commission for that particular skill category. Performance shall be rated on a pass/fail basis. The evaluator shall have the discretion to discontinue the testing if excessive time has been spent without results, or if there is a concern about safety issues involving the canine, handler, or equipment.

(d) The commission shall certify a canine team who can successfully show proficiency, under scrutiny of a canine evaluator, in ~~((one or more))~~ all of the ~~((following))~~ areas ~~((of patrol and investigation/or detection.))~~ in which the canine will be used:

(i) Patrol and investigation:

- (A) Obedience;
- (B) Protection and control;
- (C) Area search;
- (D) Building search; and
- (E) Tracking.

(ii) Detection:

- (A) Building ~~((s))~~ search;
- (B) Vehicle ~~((s))~~ search;
- (C) Exterior search; and
- (D) Obedience ~~((, and~~
- ~~((E) Building search)).~~

(iii) ~~((Expiration of certification.))~~ Explosive detection:

- (A) Obedience;
- (B) Building search;
- (C) Private and commercial conveyance search;

(D) Exterior search.(iv) Master protection:(A) Obedience:(B) Protection and control.

(e) Each certification issued pursuant to these rules shall remain valid as long as the composition and responsibility of the canine team does not change. A canine team's certification shall ~~((hapse))~~ expire if the specific handler and canine, originally paired at the time of certification, cease to perform canine team functions together or if the function for which the team was certified changes. It is recommended that teams recertify on an annual basis.

~~((iv) Failure to pass certification:))~~ (f) If the canine team fails any phase of an evaluation, ~~((he/she))~~ the team must be reevaluated in that particular phase. Canine teams will be allowed three attempts to successfully pass the requirements of each phase during an evaluation. If the team does not pass by the third attempt, the team shall be reevaluated in all phases at a different time to be scheduled by the evaluator and approved by the commission.

~~((v) Appeal:))~~ (g) Any handler who believes there ~~((have))~~ has been improper procedures applied in the testing process, may file an appeal with the commission in writing. This appeal must be filed within thirty days of the last testing date pursuant to WAC 139-03-020.

(7) ~~((Agency required to keep records:))~~ Recordkeeping:

(a) Each agency shall be required to keep training ~~((and)),~~ performance, and identification records on canines. The records must stay with the agency responsible for the canine team. The records shall be made available for review in the event that the canine is sold or transferred to another agency. The records shall include ~~((, at a minimum)),~~ but not be limited to:

- (i) Microchip number (if applicable);
- (ii) Canine's name;
- (iii) Breed;
- (iv) Training ~~((received))~~ records;
- (v) Certification date;
- (vi) Date acquired or purchased;
- (vii) Source from which the canine was acquired;
- (viii) Purpose, use, or assignment of canine;
- (ix) Handler's name;
- (x) The date and reason the canine was released from service; and
- (xi) Copies of all incident reports in which use of the canine resulted in the use of force.

(b) These records shall be retained for a period of one year from the date the canine is removed from active service unless a longer retention is required by statute or local ordinance.

(c) It shall be the responsibility of the handler to advise ~~((his/her))~~ their employing agency of the fact that ~~((he/she has))~~ they have met the standards for canine certification. The proof of certification with the evaluator's signature along with a request for canine certification shall be submitted to the commission by the employing agency. This shall be considered as a request for certification. Upon verification that the minimum requirements have been met, the commission shall issue ~~((a certificate of))~~ certification to the canine team.

(8) ~~((Canine recommended to be microchipped:))~~

~~((a)))~~ It is recommended that a canine intended ~~((to be used))~~ for use by a law enforcement or corrections agency, be positively identified by having a microchip medically inserted in the canine. Any canine that is sold by a vendor to a Washington state governmental agency for use as a law enforcement or corrections canine should be able to be identified by microchip placed in the canine at the vendor's expense prior to the canine being sold to the law enforcement or corrections agency.

~~((b)))~~ Once the microchip has been inserted, it is recommended that it not be removed except for medical necessity. If it becomes necessary to remove the microchip, the reason for the removal must be documented and entered into the ~~((dog's))~~ canine's training records~~((:))~~ and a new microchip inserted, if medically appropriate.

WSR 05-01-115

PERMANENT RULES

TRANSPORTATION COMMISSION

[Filed December 15, 2004, 11:26 a.m., effective January 15, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Change the current commission meeting date from the third Thursday and preceding Wednesday of every month to the third Wednesday of every month and the Tuesday immediately preceding that day.

Citation of Existing Rules Affected by this Order: Amending WAC 468-500-001, regarding transportation commission meetings.

Statutory Authority for Adoption: RCW 47.01.071.

Adopted under notice filed as WSR 04-20-022 on September 28, 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 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 15, 2004

Dale Stedman
Chair

AMENDATORY SECTION (Amending WSR 99-11-007, filed 5/7/99, effective 6/7/99)

WAC 468-500-001 Commission meetings. Regular public meetings of the Washington state transportation commission are held monthly on the third ~~((Thursday))~~ Wednesday of every month and on the ~~((Wednesday))~~ Tuesday

immediately preceding that day commencing at 9:00 a.m. or such other time as determined by the commission chair. Each such regular meeting shall be held in the transportation commission meeting room (1D2) in the Transportation Building, 310 Maple Park ((Drive)) Avenue S.E., Olympia, Washington. Persons desiring to know the starting time for a specific meeting can call the commission office at ((360))-705-7070.

WSR 05-01-116
PERMANENT RULES
DEPARTMENT OF
NATURAL RESOURCES

[Filed December 15, 2004, 11:46 a.m., effective January 15, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Repeal of chapter 332-44 WAC. Chapter 332-44 WAC was adopted in 1965 in order to implement chapter 76.40 RCW. Chapter 76.40 RCW was repealed by the Washington state legislature in 1994, making chapter 334-44 WAC no longer enforceable. Prior to the repeal of chapter 76.40 RCW, chapter 332-44 WAC provided "licensed log patrolmen" in Washington state with a means of marking stray logs that had been recovered under the provisions of chapter 76.40 RCW, enabling their recovery in the event of theft or comingling with other recovered stray logs. Chapter 332-44 WAC has not been implemented since 1994.

Citation of Existing Rules Affected by this Order: Repealing chapter 332-44 WAC.

Statutory Authority for Adoption: Repealing chapter 76.40 RCW.

Adopted under notice filed as WSR 04-19-086 on September 20, 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 9.

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.

Date Adopted: December 14, 2004.

Francea McNair
 Aquatic Lands Steward

REPEALER

The following chapter of the Washington Administrative Code is repealed:

Chapter 332-44 WAC Stray logs

WSR 05-01-126
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)

[Filed December 15, 2004, 3:53 p.m., effective January 15, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The rule is amended to reflect a name change for one of the Medicare savings program (MSP) eligibility categories and to meet the department's clear and concise rule-writing requirement.

Citation of Existing Rules Affected by this Order: Amending WAC 388-416-0035.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.530.

Other Authority: 42 U.S.C. 1396a(a) (Section 1902 (n)(2) of the Social Security Act of 1924).

Adopted under notice filed as WSR 04-21-059 on October 18, 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 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.

Date Adopted: December 8, 2004.

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-416-0035 Medicare savings program certification periods ((for Medicare cost sharing programs)).
 (((1) The certification period for the qualified Medicare beneficiary (QMB) program:

(a) Is for twelve months; and

(b) Begins the first day of the month following the month of QMB eligibility determination; and

(2) The certification period for the qualified disabled working individual (QDWI) program:

(a) Is twelve months; and

(b) May begin up to three months prior to the month of application if on the first day of the first month of the certification period the person:

(i) Is or had been enrolled in Medicare Part A; and

(ii) Meets or has met the department's eligibility requirements for QDWI.

(3) The certification period for the:

(a) Special low income medicare beneficiary (SLMB) program is twelve months in duration;

(b) Expanded special low income medicare beneficiary (ESLMB) program extends to the end of the calendar year.

(4) The certification periods for SLMB and ESLMB may begin up to three months prior to the month of application if on the first day of the first month of the certification period the person:

(a) Is or has been enrolled in Medicare Part B; and

(b) Meets or has met the department's eligibility requirements for SLMB or ESLMB.

(5) The certification period for SLMB coverage is twelve months in duration.) Certification periods for the different kinds of Medicare savings programs are not all the same. The chart below explains the differences.

<u>Medicare Savings Program</u>	<u>Certification Period</u>	<u>Start Date</u>
<u>OMB (qualified Medicare beneficiary)</u> S03	<u>12 months</u>	<u>On the first day of the month following OMB eligibility determination</u>
<u>SLMB (Special low income Medicare beneficiary)</u> S05	<u>12 months</u>	<u>Up to three months prior to the certification period if on the first day of the first month of certification, the person:</u> • <u>Is or has been enrolled in Medicare Part B; and</u> • <u>Meets SLMB eligibility requirements.</u>
<u>QDWI (Qualified disabled working individual)</u> S04	<u>12 months</u>	<u>Up to three months prior to the certification period if on the first day of the first month of certification, the person:</u> • <u>Is or has been enrolled in Medicare Part A; and</u> • <u>Meets QDWI eligibility requirements.</u>

<u>Medicare Savings Program</u>	<u>Certification Period</u>	<u>Start Date</u>
<u>QI-1 (Qualified individual)</u> S06	<u>Thru the end of the calendar year following QI-1 eligibility determination</u>	<u>Up to three months prior to the certification period if on the first day of the first month of certification, the person:</u> • <u>Is or has been enrolled in Medicare Part B; and</u> • <u>Meets QI-1 eligibility requirements.</u>

PERMANENT

**WSR 05-01-132
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-320—Filed December 16, 2004, 9:40 a.m., effective January 16, 2005]

Effective Date of Rule: Thirty-one days after filing.
Purpose: Adopt rule on sale of unclassified marine invertebrates.

Statutory Authority for Adoption: RCW 77.12.047.
Adopted under notice filed as WSR 04-21-056 on October 18, 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 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.

Date Adopted: December 4, 2004.

Susan Yeager
for Will Roehl, Chair
Fish and Wildlife Commission

NEW SECTION

WAC 220-20-013 Unlawful possession and sale of unclassified marine invertebrates. (1) It is unlawful to deliver krill taken for commercial purposes from state or off-

shore waters into Washington state, and it is unlawful to possess krill taken for commercial purposes. Violation of this subsection is punishable under RCW 77.15.140.

(2) It is unlawful to traffic in krill. Violation of this subsection is punishable under RCW 77.15.260.

**WSR 05-01-135
PERMANENT RULES
BOARD OF ACCOUNTANCY**

[Filed December 16, 2004, 2:45 p.m., effective January 31, 2005]

Effective Date of Rule: January 31, 2005.

Purpose: General Note: The transition period implemented by the revisions to chapter 18.04 RCW (the Public Accountancy Act) passed through the 2001 legislative session (E2SSB 5593) ended June 30, 2004. Effective July 1, 2004, all certificateholders must use the CPA-Inactive title. The rules address the required 'CPA-Inactive' title.

Additionally, the board revised language to:

- Promote clarity.
- Ensure effective communication.
- Ensure fairness in interpretation and application of the rules.
- Promote efficiencies through minimizing gray areas.
- Incorporate current policy into rule.

WAC section	The revision:
WAC 4-25-756	Clarifies the language regarding the provision of attest services to note that out-of-state sole practicing CPAs holding valid practice privilege are not required to have a firm license.
WAC 4-25-782	Clarifies the language regarding the provision of attest services to note that out-of-state sole practicing CPAs holding valid practice privilege are not required to have a firm license.
WAC 4-25-820	<ul style="list-style-type: none"> • Revises language to align with the board's purpose as defined in RCW 18.04.015. • Moves the following from board policy to rule: (1) Notice of required participation in QAR is mailed in January, (2) participating firms must submit a quality assurance review status form and fees by April 30, and (3) late fees will be assessed. • Adds the reasons/justification that the board will consider when approving a late fee waiver request based on the board's history of approving waiver request.

	<ul style="list-style-type: none"> • Moves subsections (e) and (f) to a more logical placement. • Removes the reference to maintain certain information in confidence (may not be possible given the Public Disclosure Act). • Clarifies that the cost of preissuance review will be at the firm's expense. • Eliminates a vague limitation as to when the board may initiate an investigation and clarifies that the board may use investigators. • Multiple verbiage improvements. • Adds "or other comprehensive basis of accounting, if applicable" to subsection (2)(g)(i) Many compilations are not prepared on the basis of GAAP, but are tax basis, cash basis, or modified cash basis. Compliance with professional standards includes conformity with these less well defined bases of accounting.
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PERMANENT

Citation of Existing Rules Affected by this Order: Amending WAC 4-25-756, 4-25-782, and 4-25-820.

Statutory Authority for Adoption: For WAC 4-25-756 is RCW 18.04.350(6); for WAC 4-25-782 is RCW 18.04.183; and for WAC 4-25-820 is RCW 18.04.055(9).

Adopted under notice filed as WSR 04-17-087 on August 16, 2004, and WSR 04-22-098 on November 2, 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 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 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Date Adopted: December 10, 2004.

Dana M. McInturff
Executive Director

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-756 I am licensed in another state—How do I notify the board of my intent to enter the state in

order to obtain practice privileges in the state of Washington? If you hold a valid license to practice public accountancy in another state, you may practice public accountancy in Washington state under a grant of practice privileges if:

- (1) You are an individual;
- (2) Your qualifications are found to be substantially equivalent to a Washington licensee because:
 - (a) Your education, examination, and experience are deemed by the board to be substantially equivalent to Washington's requirements for initial licensure; or
 - (b) Your original license was issued by a state the board has deemed to be substantially equivalent to Washington's requirements;
- (3) Your principal place of business is not in Washington state; and
- (4) You comply with the act and all board rules applicable to Washington state licensees and subject yourself to discipline for violation of the act or board rules.
- (5) You notify the board of your intent to enter the state using the form(s) provided by the board.

You need to fully complete the form(s) and submit the form(s), all applicable fees, and all required documentation to the board's office.

Notification is not complete and cannot be processed until all fees, required documentation, required information, and other documentation deemed necessary by the board are received by the board. The board will mail its confirmation of the receipt of your notification to the last address you provided to the board.

Your notification will expire on June 30 of the third calendar year following the date you submit your notification.

Provided no sanctions or investigations by other jurisdictions are in process and you have met the requirements for practice privileges, upon filing your notification with the board, you may use the CPA title in Washington state.

You must notify the board within thirty days if your license or certificate issued by another jurisdiction has lapsed or otherwise becomes invalid.

~~((Unless you are a sole practitioner))~~ With the exception of out-of-state sole practicing CPAs holding valid practice privileges in Washington state under WAC 4-25-756, you may only offer to provide attest services in a ((Licensed)) CPA firm licensed by the board and meeting the requirements of WAC 4-25-750.

AMENDATORY SECTION (Amending WSR 01-22-036, filed 10/30/01, effective 12/1/01)

WAC 4-25-782 How do I apply for an initial Washington state license through foreign reciprocity? Pursuant to RCW 18.04.183 the board may issue a license through foreign reciprocity provided you meet the requirements for application through foreign reciprocity established by the act, WAC 4-25-781 and 4-25-830(7).

To apply for an initial Washington state CPA license, you must use the foreign reciprocity application form(s) provided by the board.

You need to fully complete the form(s), and submit the form(s), all applicable fees, required information, required

documentation, or other documentation deemed necessary by the board to the board's office.

An application is not complete and cannot be processed until all fees, required information, required documentation, or other documentation deemed necessary by the board are received by the board. When the processing of your application is complete, your license will be mailed to the last address you provided to the board.

Your Washington state CPA license will expire on June 30 of the third calendar year following initial licensure.

You may not use the title CPA until you have received notice from the board that your Washington state license has been approved. With the exception of out-of-state sole practicing CPAs holding valid practice privileges in Washington state under WAC 4-25-756, attest services may only be offered or performed in a CPA firm licensed by the ((Washington state)) board ((of accountancy)) and meeting the requirements of WAC 4-25-750.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-820 What are the requirements for participating in quality assurance review (QAR)? (1) **Purpose.** The Washington state board of accountancy is charged with protection of the public interest and ensuring the integrity of financial information as it relates to the licensure of ~~((certified public accountants-))~~ CPAs((?)) and CPA firms. The purpose of the QAR program is to monitor licensees' compliance with attest standards.

(2) **Structure and implementation.**

(a) The board will annually appoint a quality assurance review committee to perform the following functions:

(i) Review of financial statements and the reports of licensees thereon to assess their compliance with applicable professional standards;

(ii) Improvement of reporting practices of licensees through education and rehabilitative measures;

(iii) Referral of cases requiring further investigation to the board ~~((or its designee))~~; and

(iv) Such other functions as the board may assign to the committee.

(b) Once every three years the board ~~((may request from))~~ will require each licensed firm((, and such)) to participate in the board's quality assurance review program. Participating firms will be notified by the board in January of the reporting requirement, and participating firms will be required to submit a quality assurance review status form, along with the appropriate fee, by the following April 30th. Failure to submit a complete quality assurance review status form postmarked by the April 30th due date, will result in the assessment of late fees. The board may waive late fees based on individual hardship including, but not limited to, financial hardship, critical illness, or active military deployment.

(c) Each participating firm shall submit, for each of its offices, a compilation report, a review report, and an audit report. A firm shall select these reports from all reports prepared during the twelve months preceding the date of board request or, if no reports have been issued within the last

twelve months, from all reports during the preceding three years.

If reports issued by all offices of a firm are reviewed and issued in a controlled, centralized process, only one of each of the reports specified above need be submitted by the firm as a whole.

~~((e))~~ (d) The board may exempt from the requirement of ~~((b))~~ (c) of this subsection any firm which has participated in a board-approved peer review program within the three years immediately preceding the date of board request. Firms requesting exemption must submit a copy of an unmodified report, letter of comments, response to letter of comments, if applicable, and letter of acceptance from the reviewing organization. Firms that receive modified peer review reports may request exemption, but must submit copies of such reports and related correspondence, at the discretion of the board, for consideration on an individual basis.

~~((d))~~ (e) Any documents submitted in accordance with ~~((b))~~ (c) of this subsection may have the name of the client, the client's address, and other identifying factors omitted, provided that the omission does not render the type or nature of the ~~((enterprise))~~ entity undeterminable. Dates may not be omitted.

~~((e) The committee may solicit and review financial statements and related reports of licensees from clients, public agencies, banks, and other users of financial statements:))~~

~~((In gathering information about the attest work of licensees, the committee may make use of investigators, either paid or unpaid, who are not themselves members of the committee.~~

~~((g) The identities of the sources of financial statements and reports received by the board or the committee from other than the licensees who issued the reports shall be preserved in confidence:))~~ Reports submitted to the committee pursuant to ~~((b))~~ (c) of this subsection and comments of reviewers, the committee and the board on such reports or workpapers relating thereto, shall also be preserved in confidence except to the extent that they are communicated by the board to the licensees who issued the reports or disclosure is required under administrative procedure rules or by direction of a court of law.

~~((h))~~ (g) The committee's review of financial statements and reports of the licensees thereon shall be directed toward the following:

(i) Presentation of financial statements in conformity with generally accepted accounting principles or other comprehensive basis of accounting, if applicable;

(ii) Compliance by licensees with generally accepted auditing standards;

(iii) Compliance by licensees with other professional standards; and

(iv) Compliance by licensees with the rules of the board and other regulations relating to the practice of public accounting.

~~((i))~~ (h) If the board determines that a report referred to the board by the committee is substandard or seriously questionable with respect to applicable professional standards, the board may take one or more of the following actions:

(i) Send the licensee ~~((firm))~~ a letter of comment detailing the perceived deficiencies and require the licensee to

develop quality control procedures to ensure that similar occurrences will not occur in the future;

(ii) Require any ~~((individual))~~ licensee who had responsibility for issuance of a report, or who substantially participated in preparation of the report and/or related workpapers, to successfully complete specific courses or types of continuing education as specified by the board;

(iii) Require that the ~~((office))~~ licensee responsible for a substandard report submit all or specified categories of its reports to a preissuance review in a manner and for a duration prescribed by the board. The cost of the preissuance review will be at the firm's expense;

(iv) Require the ~~((office or the))~~ licensee ~~((firm))~~ responsible for a substandard report to submit to a peer review conducted in accordance with standards acceptable to the board. The cost of the peer review will be at the ~~((firm's))~~ licensee's expense;

(v) Require the licensee ~~((firm))~~ responsible for substandard work to submit to on-site field review or other investigative procedures of work product and practices by board representatives in order to assess the degree or pervasiveness of substandard work. The board may assess the costs of such field review or procedures to the ~~((firm))~~ licensee if the results of such investigative efforts substantiate the existence of substandard work product;

(vi) Initiate an investigation pursuant to RCW 18.04.295, 18.04.305, and/or 18.04.320 ~~((if it appears that the professional conduct reflected in a substandard report is so serious as to warrant consideration of possible disciplinary action)).~~

(i) The board may solicit and review financial statements and related reports of licensees from clients, public agencies, banks, and other users of financial statements. In gathering information about the attest work of licensees, the board may make use of investigators.

WSR 05-01-136

PERMANENT RULES

BOARD OF ACCOUNTANCY

[Filed December 16, 2004, 2:47 p.m., effective January 31, 2005]

Effective Date of Rule: January 31, 2005.

Purpose: Specifically RCW 18.04.065 directs the board to "set its fees at a level adequate to pay the costs of administering this chapter."

General Note: The transition period implemented by the revisions to chapter 18.04 RCW (the Public Accountancy Act) passed through the 2001 legislative session (E2SSB 5593) ended June 30, 2004. Effective July 1, 2004, all certificateholders must use the CPA-inactive title. The rule references the required CPA-inactive title.

Additionally, the board revised the rule's language to:

- Promote clarity.
- Ensure effective communication.
- Ensure fairness in interpretation and application of the rules.
- Promote efficiencies through minimizing gray areas.
- Incorporate current policy into rule.

The revisions to the rule:

- Address the new CPA-inactive title use requirement.
- Establish a fee for submission of a peer review report to obtain an exemption from participating in the board's quality assurance review (QAR) program. Because firms that submit a peer review have been historically exempted from the fee, the program is currently being funded by only those firms that participate in the board's quality review program and not all the firms that undergo board oversight. Firms that request a peer review exemption to QAR also require monitoring, correspondence, review of peer review records, filing, and QAR staff support to respond to inquiries. The fee reflects the estimated staff time and other costs associated with this activity and would, in effect, require all firms under the board's quality oversight to fund the program.
- Raise the fee for amending a firm license. As a result of the recent changes to the firm licensing requirements, the time associated with reviewing, processing, and responding to inquiries regarding firm amendments has significantly increased. The fee increase reflects that cost. It also removes the requirement for firms to submit an amendment form and fee for a change of address. Address changes are a relatively simple process for board staff to complete and, therefore, do not merit a fee or require the completion of a firm amendment form. (Firms will be able to use the change of address form currently used by individuals.)
- Eliminate 'computer diskette of CPA exam candidates' from the type of lists that can be purchased because this list no longer exists.
- Establish a fee for transferring grades to another state. The fee reflects the estimated board costs for processing requests for transferring grades to another state. There has been an increase in the number of grade transfer requests that the board receives. And, because the board's fees are very competitive (and Washington state does not require citizenship or residency which many other states do require) and applicants may take the exam as a Washington applicant at 300+ locations nationwide (including Guam, the Virgin Islands, and Puerto Rico), the board anticipates Washington may have multiple applicants who take the exam as a Washington applicant and then transfer their grades to the state in which they actually seek licensure.
- Establish an investigation fee for exam applicants who do not provide a Social Security number. The National Association of State Boards of Accountancy (NASBA) charges an investigation fee for applicants who do not submit a Social Security number. This is because NASBA uses the Social Security number to perform its comparison of an applicant against the national database to ensure the applicant has not applied for the same section of the exam, during the same exam window, in two jurisdictions at the same time. Without a Social Security

number NASBA must perform other investigative techniques. This fee covers the cost of the additional investigative work.

- Clarify the justification the board considers when it approves waivers to late fees. The suggested language is based on the board's history of approving waiver requests.

Citation of Existing Rules Affected by this Order: Amending WAC 4-25-530..

Statutory Authority for Adoption: RCW 18.04.065, 18.04.105(3), 18.04.205.

Adopted under notice filed as WSR 04-17-086 on August 16, 2004 and WSR 04-22-097 on November 2, 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 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.

Date Adopted: December 10, 2004.

Dana M. McInturff
Executive Director

AMENDATORY SECTION (Amending WSR 04-01-076, filed 12/15/03, effective 1/15/04)

WAC 4-25-530 Fees. The board shall charge the following fees:

- (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, CPA-Inactive 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 CPA-Inactive certificateholder to convert to a license \$0

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- (4) Application for reinstatement of license, practice privilege, CPA-Inactive certificate, or registration as a resident nonlicensee owner \$480
- (5) Quality assurance review (QAR) program fee (includes monitoring reviews for up to two years) ((..... \$400))
Firm submits reports for review \$400
Firm submits a peer review report for review \$60
Firm is exempted from the QAR program because the firm did not issue attest reports \$0
- (6) Late fee \$100
- (7) Amendment to firm license except for a change of firm address (there is no fee for filing a change of address) ((\$25))
 \$35
- (8) Copies of records, per page exceeding fifty pages \$0.15
- (9) ((Printed listing of CPA exam candidates \$75
- (+0)) Computer diskette listing of licenses, CPA-Inactive certificate-holders, grants of practice privilege, ((and)) registered resident nonlicensee firm owners((; computer diskette of CPA exam candidates;), or ((computer diskette of) firms \$75
- ((+1)) Replacement CPA wall document \$50
- (10) Process transfer of grades \$35
- (11) Dishonored check fee (including, but not limited to, insufficient funds or closed accounts) \$35
- (12) 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) Administrative fees: **1/1/04 - After 12/31/06 1/1/07**
- (i) First-time candidate - Four sections \$124.50 \$132.95
- (ii) First-time candidate - Three sections \$111.00 \$119.10
- (iii) First-time candidate - Two sections \$97.00 \$104.70
- (iv) First-time candidate - One section \$83.00 \$90.30
- (v) Reexam candidate - Four sections \$122.50 \$130.75
- (vi) Reexam candidate - Three sections \$104.00 \$111.40
- (vii) Reexam candidate - Two sections \$85.00 \$91.50
- (viii) Reexam candidate - One section \$66.00 \$71.60
- National Association of State Boards of Accountancy candidate data base investigation fee for exam applications submitted without the applicant's Social Security number \$70 \$70

Note: The board may waive late filing fees for ((good-cause)) individual hardship including, but not limited to, financial hardship, critical illness, or active military deployment.

**WSR 05-01-137
 PERMANENT RULES
 BOARD OF ACCOUNTANCY**

[Filed December 16, 2004, 2:55 p.m., effective January 31, 2005]

Effective Date of Rule: January 31, 2005.

Purpose: General Note: The transition period implemented by the revisions to chapter 18.04 RCW (the Public Accountancy Act) passed through the 2001 legislative session (E2SSB 5593) ended June 30, 2004. Effective July 1, 2004, all certificateholders must use the CPA-Inactive title. The rules address the required 'CPA-Inactive' title.

Additionally, the board revised language to:

- Promote clarity.
- Ensure effective communication.
- Ensure fairness in interpretation and application of the rules.
- Promote efficiencies through minimizing gray areas.
- Incorporate current policy into rule.

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WAC section:	The revision:
WAC 4-25-400	Addresses the required title usage: CPA-Inactive.
WAC 4-25-410	<ul style="list-style-type: none"> • Adds a definition of "Applicant" which was incorporated by way of SB 6123 into RCW 18.04.295: The board shall have the power to: Revoke, suspend, {+or +} refuse to {+ issue; +} renew, or reinstate a license or certificate; impose a fine in an amount not to exceed thirty thousand dollars plus the board's investigative and legal costs in bringing charges against a certified public accountant, a certificate holder, a licensee, a licensed firm, {+ an applicant, a non-CPA violating the provisions of RCW 18.04.345, +} or a nonlicensee holding an ownership interest in a licensed firm; may impose full restitution to injured parties; may impose conditions precedent to renewal of a certificate or a license; or may prohibit a nonlicensee from holding an ownership interest in a licensed firm, for any of the following causes: ... • Adds Public Company Accounting Oversight Board (PCAOB) auditing standards to the list of what "Attest Services" includes. • Revises the definition of "Certificateholder," "CPA," and "Rules of professional conduct" to address the new CPA-Inactive title use requirement. • Adds the definition of "CPA-Inactive" and clarifies what is meant by "Inactive." • Eliminates the definition of "Enterprise" because the term is no longer used in the rules. • Clarifies what is meant by "Interactive self-study program." • Clarifies that "Licensee" means both an individual CPA and a CPA firm (note - this definition is established in chapter 18.04 RCW). • Adds clarifying information to the definition of "Public practice," "Reciprocity," and "Reports on financial statements."

WAC section:	The revision:
WAC 4-25-510	Eliminates the December board meeting and establishes the October meeting as the board's annual meeting.
WAC 4-25-540	<ul style="list-style-type: none"> • Clarifies the language to address the new CPA-Inactive title. • Adds firm license amendments to those applications subject to brief adjudicative proceedings (BAP). • Adds clarifying language to note that both the executive director and the vice-chair may delegate the position of presiding officer for a BAP and BAP appeal, respectively. • Other verbiage improvements.
WAC 4-25-550	<ul style="list-style-type: none"> • Reflects the new CPA-Inactive title use requirement. • Adds the requirement that applicants must notify the board of a change in address. • Clarifies that firms must notify the board of changes in the main office or a branch office.
WAC 4-25-551	<ul style="list-style-type: none"> • Reflects the new CPA-Inactive title use requirement. • Adds the requirement that applicants must respond to board inquiries.
WAC 4-25-610	Adds clarifying language to reflect the new CPA-Inactive title use requirement plus other general language clarifications.
WAC 4-25-620	Adds clarifying language to reflect the new CPA-Inactive title use requirement.
WAC 4-25-626	Adds clarifying language to reflect the new CPA-Inactive title use requirement plus other general language clarifications.
WAC 4-25-630	Adds clarifying language to reflect the new CPA-Inactive title use requirement.
WAC 4-25-631	<ul style="list-style-type: none"> • Clarifies language to reflect the new CPA-Inactive title use requirement. • Adds the PCAOB as a regulatory body. • Corrects the language referring to Statements of Financial Accounting Standards. • Adds the new AICPA Statements on Standards for Litigation Services and the standards issued by the PCAOB as required standards.

WAC section:	The revision:
	<ul style="list-style-type: none"> For clarification, adds IRS Circular 230 (compliance with IRS standards is required by way of the first two paragraphs of the rule). Changes references to the United States General Accounting Office (GAO) to the current title "Governmental Accountability Office." Subsection (5), Statements of Financial Accounting Standards and Interpretations, and staff positions reflect the exact name of the standards issued by FASB.
WAC 4-25-640	Adds clarifying language to reflect the new CPA-Inactive title use requirement.
WAC 4-25-650	Adds clarifying language to reflect the new CPA-Inactive title use requirement.
WAC 4-25-660	<ul style="list-style-type: none"> Clarifies language to reflect the new CPA-Inactive title use requirement. Eliminates the subsection regarding when certificateholders must display the title "CPA-Inactive" because as of July 1, 2004, all certificateholders must use the title "CPA-Inactive."
WAC 4-25-661	Establishes the requirement that individuals may only use the CPA or CPA-Inactive title in association with the name that they have registered with the board. To use the title with a nonregistered name could be considered false and or misleading to the public.
WAC 4-25-670	Clarifies language to reflect the new CPA-Inactive title use requirement.
WAC 4-25-710	<ul style="list-style-type: none"> Clarifies the number of quarter hours that equates to semester hours. Changes the word upper "division" to upper "level" for consistency throughout the rule. Changes the definition of an upper level course to a course that frequently carries completion of a lower level course to provide greater flexibility to candidates in using community college accounting credits for meeting the accounting subject portion of the accounting concentration requirement.

WAC section:	The revision:
	<ul style="list-style-type: none"> Moves the current 1.5 credit multiplier for graduate level course credits from board policy to the rule for the accounting subject portion of the accounting concentration requirement. One hundred twenty day provision changes: Colleges and universities are offering courses that are up to five months in length where the course is set up to support preparing for the entire exam; however, the attendees study and prepare to sit for one section of the exam at a time. This change extends the current one hundred twenty day provision to one hundred eighty days to ensure applicants are able to take the sections in alignment with these college courses designed to support their study (and not have to delay taking a section of the exam until they are one hundred twenty days away from the end of the course). Also, the revision changes the requirement so that applicant's must submit documentation of meeting the one hundred eighty day requirement within two hundred ten days of first sitting for the exam. This will support administration of the examination files. Clarifies the "accreditation standards" do in fact allow community college credits earned after the individual was awarded a degree. Clarifies the name of the NW Commission on Colleges and Universities. Clarifies that the board does not provide education credential evaluation services. Includes other verbiage improvements.
WAC 4-25-720	<ul style="list-style-type: none"> Eliminates the pre-January 1, 2004, application requirements. Moves the following from board policy to the rule: (1) Requirement for completing an application within sixty days, (2) the current fee refund/forfeiture provision, and (3) current passing score of 75.

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WAC section:	The revision:
	<ul style="list-style-type: none"> Eliminates the provisions related to a pre-January 1, 2004, notice of denied application. Aligns the language in the rule to the national language re: Notice to Schedule (NTS).
WAC 4-25-721	Aligns the rule with the 2004 SB 6123 changes to RCW 18.04.295 which authorizes the board to fine and recover legal and investigative costs from individuals found guilty of cheating on the CPA exam.
WAC 4-25-730	<ul style="list-style-type: none"> Clarifies the verifying CPA requirements currently established in policy. Revises language based on the CPA-Inactive title requirements. Moves the applicant records retention requirements from board policy to rule and extends the applicant's required record retention period from one year to three years. Establishes a specific time period in which a board audit of experience must occur (within three years after licensure).
WAC 4-25-735	<ul style="list-style-type: none"> Revises language based on the CPA-Inactive title requirements and the fact that all certificateholders must now use the CPA-Inactive title. Adds references to the appropriate subsection in WAC 4-25-830 so individuals can easily find the CPE requirements. Eliminates the reference to a fee (there is no fee for a CPA-Inactive certificateholder to convert to a license). Clarifies the language regarding provision of attest services to note that out-of-state sole practicing CPAs holding valid practice privilege are not required to have a firm license.
WAC 4-25-745	<ul style="list-style-type: none"> Because of the high number of individuals who reference this particular rule, for clarity, includes the CPE requirements for licensure.

WAC section:	The revision:
	<ul style="list-style-type: none"> Currently individuals who allow four years (or more) to lapse between passing the exam and applying for a license must meet the CPE requirements that a CPA must complete in order to qualify for renewal (one hundred twenty hours, limited to twenty-four hours of nontechnical, and including four hours of ethics). The suggested revision changes the licensure requirement so that the four CPE hours in ethics must be completed within the six months of applying for a license. This will help ensure the applicant will be current on the ethics requirements for holding a CPA license in Washington state. Clarifies the language regarding provision of attest services to note that out-of-state sole practicing CPAs holding valid practice privilege are not required to have a firm license.
WAC 4-25-746	<ul style="list-style-type: none"> Adds the new interstate reciprocity statutory provision (from SB 6123) allowing for licensure via interstate reciprocity if the CPA has three years public practice experience out of the prior five years. Clarifies the language regarding provision of attest services to note that out-of-state sole practicing CPAs holding valid practice privilege are not required to have a firm license.
WAC 4-25-750	<ul style="list-style-type: none"> Clarifies the language regarding provision of attest services to note that out-of-state sole practicing CPAs holding valid practice privilege are not required to have a firm license. Eliminates the requirement to name the corporate directors, LLC managers and all officers based on the board's history of not collecting this information. Clarifies the reasons/justification that the board will consider when approving a late fee waiver request based on the board's history of approving waiver requests.

WAC section:	The revision:
	<ul style="list-style-type: none"> Eliminates the requirement to report as a firm amendment the opening, closing or relocating a main or a branch office (this requirement is governed by WAC 4-25-550 Do I need to notify the board if I change my address).
WAC 4-25-783	<ul style="list-style-type: none"> Revises language based on the CPA-Inactive title requirements. Adds a reference to the appropriate subsection in WAC 4-25-830 so individuals can easily find the CPE requirements. Clarifies the language regarding provision of attest services to note that out-of-state sole-practitioning CPAs holding valid practice privilege are not required to have a firm license. Includes other minor verbiage improvements.
WAC 4-25-790	<ul style="list-style-type: none"> Revises language based on the CPA-Inactive title requirements. Adds a reference to the appropriate subsection in WAC 4-25-830 so individuals can easily find the CPE requirements. Clarifies the reasons/justification that the board will consider when approving a late fee waiver request based on the board's history of approving waiver requests. Clarifies that if a CPA-Inactive certificateholder allows their certificate to lapse, they may not use the title.
WAC 4-25-791	<ul style="list-style-type: none"> Revises language based on the CPA-Inactive title requirements. Clarifies that the "CPA" title may not be used until notice of licensure has been received from the board. Adds a reference to the appropriate subsection in WAC 4-25-830 so individuals can easily find the CPE requirements. Clarifies the language regarding provision of attest services to note that out-of-state sole practicing CPAs holding valid practice privilege are not required to have a firm license.

WAC section:	The revision:
WAC 4-25-792	<ul style="list-style-type: none"> Revises language based on the CPA-Inactive title requirements. Adds a reference to the appropriate subsection in WAC 4-25-830 so individuals can easily find the CPE requirements. Moves the following three provisions from board policy to rule: (1) That the reinstatement is effective until June 30th of the 3rd calendar year following reinstatement (2) the CPE reporting period for the next renewal begins on January 1st of the calendar year in which the reinstatement occurs, and (3) CPE used for reinstatement purposes cannot be reused for renewal. Adds that title use is contingent upon receipt of notice from the board. Adds language regarding provision of attest services to note that out-of-state sole practicing CPAs holding valid practice privilege are not required to have a firm license.
WAC 4-25-793	<ul style="list-style-type: none"> Revises language based on the CPA-Inactive title requirements. Adds a reference to the appropriate subsection in WAC 4-25-830 so individuals can easily find the CPE requirements. Requires the applicant to certify, under the penalty of perjury, that they have not used the title when their license or certificate was retired. Moves the following provisions from board policy to rule: (1) That renewal is effective until June 30th of the 3rd calendar year following reinstatement, (2) the CPE reporting period for the next renewal begins on January 1st of the calendar year in which the renewal after retirement occurs, and (3) CPE used for renewal after retirement purposes cannot be reused for renewal.

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WAC section:	The revision:
	<ul style="list-style-type: none"> Clarifies the language regarding provision of attest services to note that out-of-state sole practicing CPAs holding valid practice privilege are not required to have a firm license. Includes other verbiage improvements.
WAC 4-25-795	<ul style="list-style-type: none"> Revises language based on the CPA-Inactive title requirements. Adds a reference to the appropriate subsection in WAC 4-25-830 so individuals can easily find the CPE requirements. Moves the following provisions from board policy to rule: (1) That renewal is effective until June 30th of the 3rd calendar year following reinstatement, (2) the CPE reporting period for the next renewal begins on January 1st of the calendar year in which the reinstatement occurs, and (3) CPE used for reinstatement purposes cannot be reused for renewal. Adds that the title use is contingent upon receipt of notice from the board. Adds language regarding provision of attest services to note that out-of-state sole practicing CPAs holding valid practice privilege are not required to have a firm license. Includes other verbiage improvements.
WAC 4-25-830	<ul style="list-style-type: none"> Eliminates the twenty hours a year minimum to allow CPAs to define the number of hours needed each year in order to comply with the one hundred twenty CPE hour requirement and ensure professional competency. Requires that beginning with CPE reporting periods starting January 1, 2006, or later that the required ethics CPE must be a course that has been approved by the board and the CPE must contain specific information (board rules, AICPA code, variances between the rules and the code).

WAC section:	The revision:
	<ul style="list-style-type: none"> Subsection (3), adds that a course instructor may submit documentation associated with an ethics CPE course to the board for approval. Revises language per the new CPA-Inactive title requirement. CPE requirement to renew a retired license or certificate: Moves the requirement for CPE to be completed within the thirty-six month period immediately preceding the submission of the application from board policy to rule and changes the requirement so that the required ethics CPE must be completed within the six months before the application is submitted (previously was within thirty-six months preceding application). CPE requirement for a certificateholder applying for a license: Eliminates the incremental requirement for CPE depending upon the length of time a certificateholder held a certificate because as of July 1, 2004, all certificateholders will have held their certificates for three years or more. New subsection (7), changes "three-year" period to "thirty-six month" period for verbiage consistency with other rules. CPE requirement for reinstatement: Changes the CPE ethics requirement so it must be completed within six months of applying for a license (previously was within thirty-six months preceding application). Clarifies the reasons/justification the board will consider when granting a CPE waiver request based on the board's history of approving waiver requests. Includes other verbiage improvements.
WAC 4-25-831	<ul style="list-style-type: none"> Clarifies the language regarding what is a qualifying program. Adds that volunteer board service qualifies for up to thirty-two hours of technical CPE.

WAC section:	The revision:
	<ul style="list-style-type: none"> Eliminates the (now) duplicate provision regarding ethics CPE applicable to the practice of public accounting in Washington state. Includes other verbiage improvements.
WAC 4-25-910	<ul style="list-style-type: none"> Revises language based on the CPA-Inactive title requirements As a result of SB 6123 that changed the provisions of chapter 18.04 RCW, adds 'applicants' to several examples of prohibited acts.

Citation of Existing Rules Affected by this Order:
 Amending WAC 4-25-400 What is the authority for and the purpose of the board's rules?, 4-25-410 Definitions, 4-25-510 What is the board's meeting schedule and how are officers elected?, 4-25-540 What rules govern the proceedings before the board?, 4-25-550 Do I need to notify the board if I change my address?, 4-25-551 Must I respond to inquiries from the board?, 4-25-610 Which rules govern the conduct of CPAs?, 4-25-620 What are the requirements concerning integrity and objectivity?, 4-25-626 What restrictions govern commissions, referral, and contingent fees?, 4-25-630 What are the requirements concerning competence?, 4-25-631 With which rules, regulations and professional standards must a CPA, CPA firm, and firm owner comply?, 4-25-640 What are the requirements concerning records and clients confidential information?, 4-25-650 What acts are considered discreditable?, 4-25-660 What are the limitations on advertising and other forms of solicitation?, 4-25-661 What are the limitations regarding firm names?, 4-25-670 What enforcement actions must be reported to the board?, 4-25-710 What are the education requirements to qualify to apply for the CPA examination?, 4-25-720 How do I apply to take the CPA examination?, 4-25-721 What does the board consider to be cheating on the CPA examination, what actions may the board take if cheating is suspected, and what sanctions may the board impose if cheating occurs?, 4-25-730 What are the experience requirements in order to obtain a CPA license?, 4-25-735 What rules must a certificateholder comply with and how does a certificateholder apply for licensure?, 4-25-745 How do I apply for an initial CPA license?, 4-25-746 How do I apply for a Washington state CPA license if I hold a valid CPA license in another state?, 4-25-750 What are the CPA firm licensing requirements?, 4-25-783 How do I renew a Washington CPA certificate and/or license granted through foreign reciprocity?, 4-25-790 How do I renew my individual license, certificate, or registration as a resident nonlicensee firm owner?, 4-25-791 I am a certificateholder. Prior to July 1, 2001, I held a license. How do I apply to return to my previous status as a licensee?, 4-25-792 How do I reinstate a lapsed individual license, certificate, or registration as a resident nonlicensee firm owner?, 4-25-793 If I am retired, how do I apply to return to my previous status as a licensee or a certificateholder?, 4-25-795 How do I reinstate a revoked or suspended license, certificate, or registration as a resident nonlicensee firm owner?, 4-25-830 What are the CPE

requirements?, 4-25-831 What are the program standards for CPE?, and 4-25-910 What are the bases for the board to impose discipline?

Statutory Authority for Adoption:

WAC section:	Statutory authority for adoption
WAC 4-25-400	RCW 18.04.055
WAC 4-25-410	RCW 18.04.055
WAC 4-25-510	RCW 18.04.055 and 42.30.070
WAC 4-25-540	RCW 18.04.055(1), 34.05.222, and 34.05.482
WAC 4-25-550	RCW 18.04.055(16)
WAC 4-25-551	RCW 18.04.055(16)
WAC 4-25-610	RCW 18.04.055(2)
WAC 4-25-620	RCW 18.04.055(2)
WAC 4-25-626	RCW 18.04.055(2)
WAC 4-25-630	RCW 18.04.055(2)
WAC 4-25-631	RCW 18.04.055(2)
WAC 4-25-640	RCW 18.04.055(2), 18.04.390(4)(b), 18.04.405(1)
WAC 4-25-650	RCW 18.04.055(2)
WAC 4-25-660	RCW 18.04.055(2)
WAC 4-25-661	RCW 18.04.055 (4), (8), 18.04.345(5)
WAC 4-25-670	RCW 18.04.195 (10)(b), 18.04.215 (9)(b)
WAC 4-25-710	RCW 18.04.055(5) and 18.04.105(1)
WAC 4-25-720	RCW 18.04.105(2)
WAC 4-25-721	RCW 18.04.105(2)
WAC 4-25-730	RCW 18.04.955(11), 18.04.105(1)(d)
WAC 4-25-735	RCW 18.04.055(12), 18.04.105(4)
WAC 4-25-745	RCW 18.04.055, 18.04.105(1), 18.04.215(1)
WAC 4-25-746	RCW 18.04.180, 18.04.215(6)
WAC 4-25-750	RCW 18.04.055(8), 18.04.195, 18.04.205
WAC 4-25-783	RCW 18.04.183, 18.04.215(2) [18.04.215(2)]
WAC 4-25-790	RCW 18.04.215 (2), (4)
WAC 4-25-791	RCW 18.04.215 (2), (4)
WAC 4-25-792	RCW 18.04.215 (2), (4)
WAC 4-25-793	RCW 18.04.215(7)
WAC 4-25-795	RCW 18.04.215(2), 18.04.335, 34.05.220
WAC 4-25-830	RCW 18.04.055(7), 18.04.215(5)
WAC 4-25-831	RCW 18.04.055(7), 18.04.215(5)
WAC 4-25-910	RCW 18.04.055(16), 18.04.295, 18.04.305

Adopted under notice filed as WSR 04-17-085 on August 16, 2004, and WSR 04-22-096 on November 2, 2004.

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Changes Other than Editing from Proposed to Adopted Version: WAC 4-25-410 Definitions, did not adopt the suggested changes to subsection (16); 4-25-631 General accountability office and general accounting office were changed to governmental accountability office in second paragraph and in subsection (12); 4-25-830(3), in the six places where the word "ethics" appears, the board inserted "and regulations" and eliminated the word "only" from the last line of the first paragraph of the 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 33, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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Date Adopted: December 10, 2004.

Dana M. McInturff
Executive Director

AMENDATORY SECTION (Amending WSR 01-22-036, filed 10/30/01, effective 12/1/01)

WAC 4-25-400 What is the authority for and the purpose of the board's rules? The Public Accountancy Act (act), chapter 18.04 RCW, establishes the board as the licensing and disciplinary agency for certified public accountants (CPA), CPA-Inactive certificateholders, CPA firms, and owners of CPA firms. The act authorizes the board to promulgate rules to carry out the purpose of the act, which include:

- Protecting the public interest;
- Enhancing the reliability of information used for guidance in financial transactions or for accounting for or assessing financial status or performance;
- Establishing one set of qualifications to be a licensee;
- Assuring that CPAs practicing in Washington have substantially equivalent qualifications to those practicing in other states;
- Regulating ownership of CPA firms;
- Publishing consumer alerts and public protection information regarding persons and firms who violate the act or board rules; and
- Providing general consumer protection information to the public.

The board's rules, contained in chapter 4-25 WAC, encompass these subjects:

- Definitions;
- Administration of the board;
- Ethics and prohibited practices;
- Entry and renewal requirements;

- Continuing competency; and
- Regulation and enforcement.

AMENDATORY SECTION (Amending WSR 03-24-033, filed 11/25/03, effective 12/31/03)

WAC 4-25-410 Definitions. For purposes of these rules the following terms have the meanings indicated unless a different meaning is otherwise clearly provided in these rules:

(1) "**Act**" means the Public Accountancy Act codified as chapter 18.04 RCW.

(2) "**Active individual participant**" means a natural person whose primary occupation is at the firm or affiliated entity's business. An individual whose primary source of income from the business entity is provided as a result of passive investment is not an active individual participant.

(3) "**Affiliated entity**" means any entity, entities or persons that directly or indirectly through one or more relationships influences or controls, is influenced or controlled by, or is under common influence or control with other entities or persons. This definition includes, but is not limited to, parents, subsidiaries, investors or investees, coinvestors, dual employment or management in joint ventures or brother-sister entities.

(4) "**Applicant**" means an individual who has applied:

(a) To take the CPA exam;

(b) For a CPA license, a CPA firm license, registration as a resident nonlicensee owner, or practice privileges;

(c) To renew a CPA license, a CPA-Inactive certificate, a CPA firm license, or registration as a resident nonlicensee firm owner;

(d) To reinstate a CPA license, a CPA-Inactive certificate, or registration as a resident nonlicensee firm owner.

(5) "**Attest services**" are services performed by a licensee in accordance with:

(a) Statements on Auditing Standards and related Auditing Interpretations issued by the American Institute of Certified Public Accountants (AICPA);

(b) Statements on Standards for Accounting and Review Services and related Accounting and Review Services Interpretations issued by the AICPA; ~~((and))~~

(c) Statements on Standards for Attestation Engagements and related Attestation Engagements Interpretations issued by the AICPA; or

(d) Auditing standards issued by the Public Company Accounting Oversight Board (PCAOB).

~~((5))~~ (6) "**Audit**," "**review**," and "**compilation**" are terms reserved for use by licensees and individuals granted practice privileges under the act.

~~((6))~~ (7) "**Board**" means the board of accountancy created by RCW 18.04.035.

~~((7))~~ (8) "**Certificate**" means a certificate as a CPA-Inactive issued in the state of Washington prior to July 1, 2001, as authorized by the act, unless otherwise defined in rule.

~~((8))~~ (9) "**Certificateholder**" means the holder of a valid CPA-Inactive certificate ~~((as a certified public accountant who has))~~ where the individual is not ~~((become))~~ a licensee ~~((, has maintained CPE requirements,))~~ and ~~((who does~~

~~not practice~~) is prohibited from practicing public accounting.

~~((9))~~ (10) "Client" means the person or entity that retains a CPA firm, a CPA, the CPA's firm, or a firm owner, an affiliated entity, or the owner of an affiliated entity through other than an employer/employee relationship.

~~((40))~~ (11) "Commissions and referral fees" are compensation arrangements where:

(a) The primary contractual relationship for the product or service is not between the client and the CPA firm, the CPA, the CPA's firm, or a firm owner;

(b) The CPA firm, the CPA, the CPA's firm, or a firm owner is not primarily responsible to the client for the performance or reliability of the product or service;

(c) The CPA firm, the CPA, the CPA's firm, or a firm owner adds no significant value to the product or service; or

(d) A third party instead of the client pays the CPA firm, the CPA, the CPA's firm, or a firm owner for the products or services.

~~((11))~~ (12) "Contingent fees" are fees established for the performance of any service pursuant to an arrangement in which no fee will be charged unless a specified finding or result is attained, or in which the amount of the fee is otherwise dependent upon the finding or result of such service.

~~((12))~~ (13) "CPA" or "certified public accountant" means a natural person holding a ~~((CPA certificate or a))~~ CPA license to practice public accounting recognized in the state of Washington, including a person granted practice privileges pursuant to RCW 18.04.350(2).

~~((13))~~ (14) "CPA-Inactive" means a natural person holding a CPA-Inactive certificate recognized in the state of Washington. An individual holding a CPA-Inactive certificate is prohibited from practicing public accounting and may only use the CPA-Inactive title if they are not offering accounting, tax, tax consulting, management advisory, or similar services to the public.

(15) "CPE" means continuing professional education ~~((see also "Interactive self-study program"))~~.

~~((14))~~ (16) "Entering the state" means an individual is practicing public accounting in the state of Washington and that individual spends more than ten percent of his or her total work hours on activities conducted within the state of Washington, maintains an office or workstation in the state of Washington or advertises to provide his or her services within the state of Washington.

~~((15) "Enterprise" means any person or entity, whether organized for profit or not, with respect to which a CPA firm, a CPA, a CPA's firm, or a firm owner performs professional services-~~

~~(16))~~ (17) "Firm" means a sole proprietorship, a corporation, or a partnership. "Firm" also means a limited liability company formed under chapter 25.15 RCW.

~~((17))~~ (18) "Generally accepted accounting principles" (GAAP) is an accounting term that encompasses the conventions, rules, and procedures necessary to define accepted accounting practice at a particular time. It includes not only broad guidelines of general application, but also detailed practices and procedures. Those conventions, rules, and procedures provide a standard by which to measure financial presentations.

~~((18))~~ (19) "Generally accepted auditing standards" (GAAS) are guidelines and procedures, promulgated by the AICPA, for conducting individual audits of historical financial statements.

~~((19))~~ (20) "Holding out" means any representation to the public by the use of restricted titles as set forth in RCW 18.04.345 by a person or firm that the person or firm holds a license or practice privileges under the act and that the person or firm offers to perform any professional services to the public as a licensee. "Holding out" shall not affect or limit a person or firm not required to hold a license under the act from engaging in practices identified in RCW 18.04.350.

~~((20))~~ (21) "Inactive" means the ~~((certificate is in an inactive status because a))~~ person ~~((, who))~~ held a valid certificate on June 30, 2001, has not met the current requirements of licensure and has been granted CPA-Inactive certificate-holder status through the renewal process established by the board. A CPA-Inactive may not practice public accounting nor may the individual use the CPA-Inactive title if they are offering accounting, tax, tax consulting, management advisory, or similar services to the public.

~~((21))~~ (22) "Independence" means an absence of relationships that impair a licensee's impartiality and objectivity in rendering attest services.

~~((22))~~ (23) "Interactive self-study program" means a CPE program ~~((designed to use learning methodologies that simulate a classroom learning process by employing software or administrative systems that provide significant ongoing interactive feedback to learners regarding their learning progress))~~ that provides feedback throughout the course.

~~((23))~~ (24) "IRS" means Internal Revenue Service.

~~((24))~~ (25) "License" means a license to practice public accountancy issued to an individual ~~((under the act))~~ or a ~~((license issued to a))~~ firm under the act.

~~((25))~~ (26) "Licensee" means ~~((the holder of))~~ an individual or firm holding a valid license to practice public accountancy issued under the act.

~~((26))~~ (27) "Manager" means a manager of a limited liability company licensed as a firm under the act.

~~((27))~~ (28) "NASBA" means the National Association of State Boards of Accountancy.

~~((28))~~ (29) "Natural person" means a living, human being.

~~((29))~~ (30) "Nonlicensee owner" means a CPA firm owner who is not licensed in any state to practice public accountancy.

~~((30))~~ (31) "PCAOB" means Public Company Accounting Oversight Board.

~~((31))~~ (32) "Peer review" means a study, appraisal, or review of one or more aspects of the attest work of a licensee or licensed firm in the practice of public accountancy, by a person or persons who hold licenses and who are not affiliated with the person or firm being reviewed, including a peer review, or any internal review or inspection intended to comply with quality control policies and procedures, but not including the "quality assurance review" under RCW 18.04.025(14).

~~((32))~~ (33) "Practice privileges" means an individual:

- Has a principal place of business outside of Washington state;

- Is licensed to practice public accounting in another state;
- Has notified the board of intent to enter the state;
- Meets the statutory criteria for a grant of privileges;
- Is subject to discipline in the state of Washington; and
- Must comply with the act and all board rules applicable to Washington state licensees to retain the privilege.

~~((33))~~ (34) "**Principal place of business**" means a single fixed location designated by the individual from which the individual directs, controls, and coordinates the majority of his or her business activities.

~~((34))~~ (35) "**Public practice**" or the "**practice of public accounting**" means performing or offering to perform by a person or firm holding itself out to the public as a licensee, or as an individual holding practice privileges, for a client or potential client, one or more kinds of services involving the use of accounting or auditing skills, including the issuance of "audit reports," "review reports," or "compilation reports" on financial statements, or one or more kinds of management advisory, or consulting services, or the preparation of tax returns, or the furnishing of advice on tax matters. The "practice of public accounting" shall not include practices that are permitted under the provisions of RCW 18.04.350(6) by persons or firms not required to be licensed under the act.

~~((35))~~ (36) "**Quality assurance review or QAR**" is the process, established by and conducted at the direction of the board, of study, appraisal, or review of one or more aspects of the attest work of a licensee or licensed firm in the practice of public accountancy, by a person or persons who hold licenses and who are not affiliated with the person or firm being reviewed.

~~((36))~~ (37) "**Reciprocity**" means board recognition of licenses, permits, certificates or other ~~((professional))~~ public accounting credentials of another jurisdiction that the board will rely upon in full or partial satisfaction of licensing requirements.

~~((37))~~ (38) "**Referral fees**" see definition of "commissions and referral fees" in subsection ~~((40))~~ (11) of this section.

~~((38))~~ (39) "**Reports on financial statements**" means any reports or opinions prepared by licensees, based on services performed in accordance with generally accepted auditing standards, standards for attestation engagements, or standards for accounting and review services, as to whether the presentation of information used for guidance in financial transactions or for accounting for or assessing the status or performance of ~~((commercial and noncommercial enterprises))~~ an entity, whether public, private, or governmental, conforms with generally accepted accounting principles or other comprehensive bases of accounting. "Reports on financial statements" does not include services referenced in RCW 18.04.350(6) provided by persons not holding a license under the act.

~~((39))~~ (40) "**Representing oneself**" for the purposes of RCW 18.04.295(2) and WAC 4-25-910(3), means having a license, practice privilege, certificate or registration that entitles the holder to use the title "CPA," "CPA-Inactive," or be a nonlicensee firm owner.

~~((40))~~ (41) "**Rules of professional conduct**" means rules adopted by the board to govern the conduct of CPAs

and CPA firms while representing themselves to others as CPAs. These rules also govern the conduct of CPA-Inactive certificateholders, nonlicensee firm owners, and ~~((all persons using the title CPA or CPA-Inactive))~~ persons granted practice privileges pursuant to RCW 18.04.350(2).

~~((41))~~ (42) "**SEC**" means the Securities and Exchange Commission.

~~((42))~~ (43) "**State**" includes the states and territories of the United States, including the District of Columbia, Puerto Rico, Guam, and the United States Virgin Islands.

~~((43))~~ (44) "**Statements on auditing standards (SAS)**" are interpretations of the generally accepted auditing standards and are issued by the Auditing Standards Board of the AICPA. Licensees are required to adhere to these standards in the performance of audits of financial statements.

~~((44))~~ (45) "**Statements on standards for accounting and review services (SSARS)**" are standards, promulgated by the AICPA, to give guidance to licensees who are associated with the financial statements of nonpublic companies and issue compilation or review reports.

~~((45))~~ (46) "**Statements on standards for attestation engagements (SSAE)**" are guidelines, promulgated by the AICPA, for use by licensees in attesting to assertions involving matters other than historical financial statements and for which no other standards exist.

AMENDATORY SECTION (Amending WSR 01-22-036, filed 10/30/01, effective 12/1/01)

WAC 4-25-510 What is the board's meeting schedule and how are officers elected? Regular board meetings begin at 9:00 a.m. on the last Friday of the month in the months of January, April(,) and July ~~((and October))~~. The board holds an annual meeting beginning at 9:00 a.m. on the ~~((second))~~ last Friday of ((December)) October.

The board consists of nine members. At the annual meeting the board elects the chair, vice-chair, and secretary from its members. The newly elected officers assume the duties of their offices ~~((at the conclusion of the meeting and))~~ on January 1 following the annual board meeting. Officers serve a term of one year~~((Officers))~~ and can be reelected for one additional term.

Either the chair or a quorum of the board has the authority to call meetings of the board. The chair presides at all meetings. In the event of the chair's absence or inability to act, the vice-chair presides. The board determines other duties of the officers.

The board's meetings are open public meetings conducted pursuant to chapter 42.30 RCW. WAC 4-25-521 provides information on how to contact the board's office for meeting times and locations or additional information regarding the board's activities.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-540 What rules govern the proceedings before the board? Except where they are inconsistent with the rules in this chapter and subject to additional rules that the board may adopt from time to time, practice and procedure in and before the board are governed by the uniform procedural

rules codified in the Washington Administrative Code, chapter 10-08 WAC.

For certain types of decisions, the board has adopted an appeal process authorized by RCW 34.05.482 through 34.05.494 which is called a brief adjudicative proceeding. Decisions to which this appeal process will be applied are:

- (1) Denials of initial individual license applications, renewals, or applications for reinstatement;
- (2) Denials of CPA-Inactive certificate renewals or applications for reinstatement;
- (3) Denials of practice privilege;
- (4) Denials of initial resident nonlicensee firm owner registration applications, renewals, or applications for reinstatement;

(5) Denials of initial firm license applications (~~and~~), renewals, and amendments;

(6) Denials of exam applications; and

(7) A determination whether a licensee (~~or~~), CPA-Inactive certificateholder, or registered nonlicensee firm owner has been certified by a lending agency and reported for non-payment or default on a federally or state-guaranteed student loan or service conditional scholarship. To appeal a decision you must submit your request for a brief adjudicative proceeding, **in writing**, to the board **within thirty days** after the decision by board staff is posted in the U.S. mail. The presiding officer for the brief adjudicative proceedings is the executive director, or designee. After consulting with a board member, the executive director, or designee, renders a decision either upholding or overturning the decision by board staff. This decision, called an order, is mailed to you.

If you are dissatisfied with the order in the brief adjudicative proceeding, you may appeal to the board's vice-chair, or designee. This appeal process is called an administrative review. Your appeal must be received by the board, **orally or in writing, within twenty-one days** after the brief adjudicative proceedings order is posted in the U.S. mail. The vice-chair, or designee, considers your appeal and either upholds or overturns the brief adjudicative proceeding order. The vice-chair's, or designee's, decision, also called an order, is mailed to you.

AMENDATORY SECTION (Amending WSR 01-22-036, filed 10/30/01, effective 12/1/01)

WAC 4-25-550 Do I need to notify the board if I change my address? Yes. All CPAs, CPA-Inactive certificateholders, CPA firms licensed with the board, (~~and~~) individuals registered with the board as resident nonlicensee firm owners, and applicants must notify the board **in writing** within thirty days of any change of address. Firms must notify the board of any opening, closing, or relocation of the main office or a branch office.

AMENDATORY SECTION (Amending WSR 01-22-036, filed 10/30/01, effective 12/1/01)

WAC 4-25-551 Must I respond to inquiries from the board? Yes. All CPAs, CPA-Inactive certificateholders, CPA firms licensed with the board, (~~and~~) individuals registered with the board as resident nonlicensee firm owners, and applicants must respond, **in writing**, to board communica-

tions requesting a response. Your response must be made within **twenty days of the date** the board's communication is posted in the U.S. mail. Communications from the board to you are directed to the last address you furnished the board.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-610 Which rules govern the conduct of CPAs, CPA-Inactive certificateholders, CPA firms, and firm owners? The rules that govern the conduct of CPAs, CPA-Inactive certificateholders, CPA firms, and firm owners are as follows:

(1) **Professional judgment** - In carrying out their responsibilities, a person representing oneself as a CPA, CPA-Inactive certificateholder, or using the CPA or CPA-Inactive title, CPA firms, and firm owners must exercise professional judgment in all their activities.

(2) **The public interest** - A person representing oneself as a CPA, CPA-Inactive certificateholder, or using the CPA or CPA-Inactive title, CPA firms, and firm owners must accept the obligation to act in a way that will serve the public interest, honor the public trust, and demonstrate commitment to professionalism.

(3) **Integrity** - To maintain and broaden public confidence a person representing oneself as a CPA, CPA-Inactive certificateholder, or using the CPA or CPA-Inactive title, CPA firms, and firm owners must perform all professional responsibilities with the highest sense of honesty.

(4) **Objectivity** - Objectivity is to be maintained by a person representing oneself as a CPA, CPA-Inactive certificateholder, or using the CPA or CPA-Inactive title, CPA firms, and firm owners. Specifically, a person representing oneself as a CPA, CPA-Inactive, or using the CPA or CPA-Inactive title, CPA firms, and firm owners must:

((1)) (a) Avoid rendering professional services where actual or perceived conflicts of interest exist;

((2)) (b) Be independent in fact and appearance when providing attestation services.

(5) **Due care** - A person representing oneself as a CPA, CPA-Inactive certificateholder, or using the CPA or CPA-Inactive title, CPA firms, and firm owners must comply with federal and state laws and the profession's technical and ethical standards, maintain competence and strive to improve the quality of services, and discharge professional responsibility to the best of the person's or the firm's ability.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-620 What are the requirements concerning integrity and objectivity? When offering or performing services, CPAs, CPA-Inactive certificateholders, CPA firms, and firm owners must:

- Remain honest and objective;

- Not misrepresent facts;

- Not subordinate their judgment to others; and

- Remain free of conflicts of interest unless such conflicts are specifically permitted by board rule or professional standards listed in WAC 4-25-631.

If the language of the professional standards listed in WAC 4-25-631 differ from or conflict with specific board rules, board rules prevail.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-626 What restrictions govern commissions, referral, and contingent fees? For the purposes of this section, the term "licensed firm" includes any affiliated ((entities)) entity(ies) and the term "firm owner" includes the owner(s) of any affiliated ((entities)) entity(ies).

(1) A CPA, CPA-Inactive certificateholder, a firm owner, or a licensed firm must not for a commission recommend or refer to a client any product or service, or for a commission recommend or refer any product or service to be supplied by a client, or receive a commission, when the CPA, CPA-Inactive certificateholder, the CPA's or CPA-Inactive certificateholder's firm, the owner's firm, or the firm performs attest services for that client. This prohibition applies during the period in which the CPA, CPA-Inactive certificateholder, the CPA's or CPA-Inactive certificateholder's firm, the owner's firm, or the firm is engaged to perform the attest services and the period covered by any historical financial statements involved in the attest services.

(2) A CPA, ((a)) CPA-Inactive certificateholder, licensed firm, or ((a)) firm owner who is not prohibited by this section from performing services for or receiving a commission and who is paid or expects to be paid a commission must disclose, consistent with the requirements set forth in subsection (7) of this section, that fact to any person or entity to whom the CPA, CPA-Inactive certificateholder, the CPA's or CPA-Inactive certificateholder's firm, the firm owner, the owner's firm, or the licensed firm recommends or refers a product or service to which the commission relates.

(3) A CPA, ((a)) CPA-Inactive certificateholder, firm owner, or ((a)) licensed firm accepting a referral fee for recommending or referring any services to any person or entity or who pays a referral fee to obtain a client must disclose, consistent with the requirements set forth in subsection (7) of this section, such acceptance or payment to the client.

(4) A CPA, ((a)) CPA-Inactive certificateholder, firm owner, or ((a)) licensed firm must not:

(a) Perform for a contingent fee any professional services for, or receive such a fee from a client for whom the CPA, CPA-Inactive certificateholder, the CPA's or CPA-Inactive certificateholder's firm, the firm owner, the owner's firm, or the licensed firm performs attest services; or

(b) Prepare an original or amended tax return or claim for a tax refund for a contingent fee for any client.

(5) The prohibition in subsection (4)(a) of this section applies during the period in which the CPA, CPA-Inactive certificateholder, the CPA's or CPA-Inactive certificateholder's firm, the owner's firm, or the licensed firm is engaged to perform the attest services and the period covered by any historical financial statements involved in the attest services.

(6) Fees are not considered contingent if fixed by courts or other public authorities, or, in tax matters, if determined based on the results of judicial proceedings or the findings of

governmental agencies. Fees may vary depending, for example, on the complexity of services rendered.

(7) All CPAs, CPA-Inactive certificateholders, firm owners, and licensed firms who accept commission, referral and contingent fee arrangements must:

(a) Disclose the arrangement in writing and in advance of client acceptance;

(b) Disclose the method of calculating the fee or amount of fee;

(c) Specify the CPA's, CPA-Inactive certificateholder's, or firm owner's role as the client's advisor; and

(d) Obtain the client's consent to the fee arrangement in writing.

(8) Nothing in this rule shall be interpreted to preclude a CPA, CPA-Inactive certificateholder, firm owner, or licensed firm from purchasing, selling, or merging all or a portion of a CPA practice or to require disclosure to clients of terms or payments made or received pursuant to the purchase, sale, or merger.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-630 What are the requirements concerning competence? CPAs, CPA-Inactive certificateholders, CPA firms, and firm owners must not undertake to perform any service as a CPA, CPA-Inactive certificateholder, CPA firm, or as a firm owner unless they can reasonably expect to complete the service with professional competence.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-631 With which rules, regulations and professional standards must a CPA, CPA-Inactive certificateholder, CPA firm, and firm owner comply? CPAs, CPA-Inactive certificateholders, CPA firms, and firm owners must comply with rules, regulations, and professional standards promulgated by the appropriate bodies for each service undertaken. However, if the requirements found in the professional standards listed in this section differs from the requirements found in specific board rules, board rules prevail.

Such appropriate bodies include, but are not limited to, the Securities and Exchange Commission (SEC); the Public Company Accounting Oversight Board (PCAOB); the Financial Accounting Standards Board (FASB); the Governmental Accounting Standards Board (GASB); the Cost Accounting Standards Board (CASB); the Federal Accounting Standards Advisory Board (FASAB); the U.S. ((General Accounting)) Governmental Accountability Office (GAO); the Federal Office of Management and Budget (OMB); the Internal Revenue Service (IRS); the American Institute of Certified Public Accountants (AICPA), and federal, state, and local audit, regulatory and tax agencies.

Such standards include:

(1) Statements on Auditing Standards and related Auditing Interpretations issued by the AICPA;

(2) Statements on Standards for Accounting and Review Services and related Accounting and Review Services Interpretations issued by the AICPA;

(3) Statements on Governmental Accounting and Financial Reporting (~~(Services)~~) Standards issued by GASB;

(4) Statements on Standards for Attestation Engagements and related Attestation Engagements Interpretations issued by AICPA;

(5) Statements of Financial Accounting Standards~~(,)~~ and Interpretations, and Staff Positions issued by FASB, together with those Accounting Research Bulletins and Accounting Principles Board Opinions which are not superseded by action of the FASB;

(6) Statement on Standards for Consulting Services issued by the AICPA;

(7) Statements on Quality Control Standards issued by the AICPA;

(8) Statements on Standards for Tax Services and Interpretation of Statements on Standards for Tax Services issued by the AICPA;

(9) Statements on Responsibilities in Personal Financial Planning Practice issued by the AICPA;

(10) Statements on Standards for Litigation Services issued by the AICPA;

(11) Professional Code of Conduct issued by the AICPA including interpretations and ethics rulings;

~~((11))~~ (12) Governmental Auditing Standards issued by the U.S. ~~((General Accounting))~~ Governmental Accountability Office;

~~((12))~~ (13) AICPA Industry Audit and Accounting Guides; ~~and~~

~~(13))~~ (14) SEC Rules, Concept Releases, Interpretative Releases, and Policy Statements;

(15) Standards issued by the PCAOB; and

(16) IRS Circular 230.

If the professional services are governed by standards not included in subsections (1) through ~~((13))~~ (16) of this section, you must:

- Justify the departure from the standards listed in subsections (1) through ~~((13))~~ (16) of this section;
- Determine what standards are applicable; and
- Comply with the applicable standards.

Copies of the above standards may be inspected at the board's office.

AMENDATORY SECTION (Amending WSR 03-24-033, filed 11/25/03, effective 12/31/03)

WAC 4-25-640 What are the requirements concerning records and clients confidential information? (1) **Client:** The term "client" as used throughout this section includes former and current clients. For purposes of this section, a client relationship has been formed when confidential information has been disclosed by a prospective client in an initial interview to obtain or provide professional services.

(2) **Property of the licensee:** In the absence of an express agreement between the licensee and the client to the contrary, all statements, records, schedules, working papers, and memoranda made by a licensee incident to or in the course of professional service to clients, except reports submitted by a licensee, are the property of the licensee.

(3) **Sale or transfer of client records:** No statement, record, schedule, working paper, or memorandum, including

electronic records, may be sold, transferred, or bequeathed without the consent of the client or his or her personal representative or assignee, to anyone other than one or more surviving partners, shareholders, or new partners or new shareholders of the licensee, partnership, limited liability company, or corporation, or any combined or merged partnership, limited liability company, or corporation, or successor in interest.

(4) **Confidential client communication or information:** A licensee, CPA-Inactive certificateholder, firm owner, or employee of a licensee must not without the consent of the client or the heirs, successors or personal representatives of the client disclose any confidential communication or information pertaining to the client obtained in the course of performing professional services.

This rule does not:

(a) Affect in any way a licensee's, CPA-Inactive certificateholder's, firm owner's, or employee of a licensee's obligation to comply with a lawfully issued subpoena or summons;

(b) Prohibit disclosures in the course of a quality review of a licensee's attest services;

(c) Preclude a licensee, CPA-Inactive certificateholder, firm owner, or employee of a licensee from responding to any inquiry made by the board or any investigative or disciplinary body established by law or formally recognized by the board. However, a licensee, CPA-Inactive certificateholder, firm owner, or employee of a licensee must not disclose or use to their own advantage any confidential client information that comes to their attention in carrying out their official responsibilities; or

(d) Preclude a review of client information in conjunction with a prospective purchase, sale, or merger of all or part of a CPA's practice.

(5) **Client records:** Licensees, CPA-Inactive certificateholders, and firm owners must furnish to their client or heirs, successors or personal representatives, upon request and reasonable notice:

(a) A copy of the licensee's, CPA-Inactive certificateholder's or firm owner's records, schedules, and electronic documents, to the extent that such records and schedules would ordinarily constitute part of the client's records and are not otherwise available to the client; and

(b) Any accounting or other records belonging to, or obtained from or on behalf of, the client, that the licensee, CPA-Inactive certificateholder, or firm owner removed from the client's premises or received for the client's account, including electronic documents; but the licensee, CPA-Inactive certificateholder, or firm owner may make and retain copies of such documents of the client when they form the basis for work done by the licensee, CPA-Inactive certificateholder, or firm owner.

Licensees, CPA-Inactive certificateholders, and firm owners must not refuse to return client records, including electronic documents, pending client payment of outstanding fees.

(6) **Audit and review record retention requirements:** For a period of seven years after a licensee concludes an audit or review the licensee must retain the following records and documents, including electronic records unless hard copies of such exist:

- (a) Records forming the basis of the audit or review;
- (b) Records documenting audit or review procedures applied;
- (c) Records documenting evidence obtained including financial data, analyses, conclusions, and opinions related to the audit or review engagement; and
- (d) Records documenting conclusions reached by the licensee in the audit or review engagement.

AMENDATORY SECTION (Amending WSR 01-22-036, filed 10/30/01, effective 12/1/01)

WAC 4-25-650 What acts are considered discreditable? CPAs, CPA-Inactive certificateholders, CPA firms, and firm owners must not:

- Commit, or allow others to commit in their name, any act that reflects adversely on their fitness to represent themselves as a CPA, CPA-Inactive certificateholder, CPA firm, or a firm owner;
- Seek to obtain clients by the use of coercion, intimidation or harassing conduct; or
- Permit others to carry out on their behalf, either with or without compensation, acts which violate the rules of conduct.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-660 What are the limitations on advertising and other forms of solicitation? (1) CPAs, CPA-Inactive certificateholders, CPA firms, and firm owners must not make false, fraudulent, misleading, deceptive or unfair statements or claims regarding their services. Examples of such statements or claims include, but are not limited to, statements or claims which:

- (a) Contain a misrepresentation of fact;
- (b) Fail to make full disclosure of relevant facts;
- (c) Imply your professional services are of an exceptional quality, which is not supported by verifiable facts;
- (d) Create false expectations of favorable results;
- (e) Imply educational or professional attainments, specialty designations, or licensing recognition not supported in fact; or
- (f) Represent that professional services will be performed for a stated fee when this is not the case, or do not disclose variables that may reasonably be expected to affect the fees that will be charged.

(2) If you are a licensee using the CPA title to perform or solicit services via a website, you must either include a statement on the website that you hold a current Washington state license or provide a name and contact information for an individual in your organization who will respond to inquiries regarding individual license information within seven business days. The required information must be clearly visible and prominently displayed.

(3) If you are a CPA-Inactive certificateholder using the ~~((CPA or))~~ CPA-Inactive title to perform or solicit services via a website you must clearly, visibly, and prominently display the following on the website:

(a) That you hold a current Washington state CPA-Inactive certificate((-));

(b) That you do not hold a license to practice public accounting((-)); and

(c) That Washington state law does not allow a ~~((certificateholder or a))~~ CPA-Inactive certificateholder to offer or provide accounting, auditing, attest, reports on financial statements, tax preparation or advisory, management advisory, consulting or similar services to the public in association with the use of the title "CPA," "Certified Public Accountant," "CPA-Inactive," or "Certified Public Accountant-Inactive."

~~((d) After your first renewal cycle, you must display the information that you are a "CPA-Inactive."))~~

(4) If you are a resident nonlicensee owner of a firm licensed by the board and you perform or solicit services in association with the firm via a website, you must clearly, visibly, and prominently display a statement that you are a nonlicensee owner registered with the Washington state board of accountancy or provide a name and contact information for an individual in your organization who will respond to inquiries regarding registration information within seven business days.

AMENDATORY SECTION (Amending WSR 01-22-036, filed 10/30/01, effective 12/1/01)

WAC 4-25-661 What are the limitations regarding individual and firm names? A firm name that does not consist of the name(s) of one or more present or former owners must be approved in advance by the board as not being deceptive or misleading.

Misleading or deceptive firm names are prohibited. The following are examples of misleading firm names. The board does not intend this listing to be all inclusive. The firm name:

- (1) Implies it is a legal entity when it is not such an entity (as by the use of the designations "P.C.," "P.S.," "Inc. P.S.," or "L.L.C.");
- (2) Implies the existence of a partnership when one does not exist;
- (3) Includes the name of a person who is neither a present nor a past owner of the firm; or
- (4) Implies educational or professional attainments, specialty designations, or licensing recognition not supported in fact.

A licensee may not operate under an alias, a firm name, title, or "DBA" that differs from the firm name that is registered with the board. A CPA or a CPA-Inactive certificateholder may not use the title in association with a name that is not registered with the board.

AMENDATORY SECTION (Amending WSR 03-24-033, filed 11/25/03, effective 12/31/03)

WAC 4-25-670 What enforcement actions must be reported to the board? (1) A licensee, CPA-Inactive certificateholder, or nonlicensee firm owner must notify the board, on a form and in the manner prescribed by board policy, within **thirty days** of the issuance of:

(a) A sanction, order, suspension, revocation, or modification of a license, certificate, permit or practice rights by the SEC, PCAOB, IRS, or another state board of accountancy for any cause other than failure to pay a professional license fee

by the due date or failure to meet the continuing professional education requirements of another state board of accountancy; or

(b) Charges filed by the SEC, IRS, PCAOB, another state board of accountancy, or a federal or state taxing, insurance or securities regulatory body that the licensee, CPA-Inactive certificateholder, or nonlicensee firm owner committed a prohibited act that would be a violation of board ethical or technical standards.

(2) Sole practitioners are to report action pursuant to subsection (1) of this section taken against the sole practitioner, the sole practitioner's individual CPA license, the CPA firm, or the CPA firm license.

(3) Licensed CPA firms are not required to report on action taken against owners, principals, partners, or employees.

(4) If you hold a license or CPA-Inactive certificate issued through the foreign reciprocity provisions of the act, you must notify the board of any investigations undertaken, or sanctions imposed, by a foreign credentialing body against your foreign credential within thirty days of your receiving notice that an investigation has begun or a sanction was imposed.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-710 What are the education requirements to qualify to apply for the CPA examination? (1) **Education requirements:** Effective July 1, 2000, to apply for the CPA examination you must have completed:

(a) At least one hundred fifty semester hours (two hundred twenty-five quarter hours) of college education, including

(b) A baccalaureate or higher degree; and

(c) An accounting concentration as defined as at least:

(i) Twenty-four semester hours (thirty-six quarter hours) or the equivalent in accounting subjects of which at least fifteen semester hours must be at the upper (~~(division)~~) level or graduate level (an upper (~~(division)~~) level course is defined as a course (~~(only available to students who have standing as a junior, senior, or graduate);~~) that frequently carries completion of (~~(an elementary)~~) a lower level course(s) as a prerequisite (~~(for admission; and is usually designated as "upper division" by the school offering the course); and~~)). For the purposes of meeting this subsection, individuals will be given 1.5 credits for each 1.0 graduate level credit of accounting courses taken; and

(ii) Twenty-four semester hours (thirty-six quarter hours) or the equivalent in business administration subjects at the undergraduate or graduate level.

(d) The board will not recognize accounting concentration credits awarded for "life experience" or similar activities retroactively evaluated and recognized by colleges or universities. This restriction is not intended to apply to internships prospectively approved by colleges or universities.

(2) **One hundred eighty-day provision:** If you expect to meet the education requirements of this section within one hundred (~~(twenty)~~) eighty days following the examination, you (~~(are)~~) will be eligible to take the CPA examination pro-

vided you submit, on a form provided by the board's designee, signed confirmation from the university that you are enrolled in stating that you will meet the board's education requirements within one hundred (~~(twenty)~~) eighty days following the day you first sit for any one section of the examination. (~~(If you are admitted to the examination on the expectation that you will complete the educational requirement within one hundred twenty days.)~~) If you apply for the exam using the one hundred eighty-day provision, then within two hundred ten days of first sitting for any section of the exam, you must provide the board complete documentation demonstrating that you met the board's education requirements within one hundred eighty days of first sitting for any one section of the exam. If you do not provide such documentation within the required two hundred ten-day time period, your exam score(s) will not be released and you will not be given credit for ((the examination or)) any section(s) of the examination ((unless you demonstrate you meet the education requirements within one hundred twenty days of that sitting)). Applicants failing to provide such documentation must reapply as a first-time applicant.

~~((2))~~ (3) **Education obtained outside the United States:** If you obtained all or a portion of your education outside the United States you must have your education evaluated by a board approved foreign education credential evaluation service. The board will establish the criteria for board approval of foreign education credential evaluation services. The board will not provide education credential evaluation services.

~~((3))~~ (4) **Semester versus quarter hours:** As used in these rules, a "semester hour" means the conventional college semester hour. Your quarter hours will be converted to semester hours by multiplying them by two-thirds.

~~((4))~~ (5) **Accreditation standards:** For purposes of this rule, the board will recognize colleges and universities which are accredited in accordance with (a) through (c) of this subsection.

(a) (~~(An)~~) The accredited college or university (~~(is a four-year degree-granting college or university))~~ must be accredited at the time your (~~(degree))~~ education was (~~(received))~~ earned by virtue of membership in one of the following accrediting agencies:

(i) Middle States Association of College and Secondary Schools;

(ii) New England Association of Schools and Colleges;

(iii) North Central Association of Colleges and Secondary Schools;

(iv) Northwest Commission on Colleges and Universities (~~formerly the Northwest Association of Schools and Colleges~~);

(v) Southern Association of Colleges and Schools;

(vi) Western Association of Schools and Colleges; and

(vii) Accrediting Commission for Independent Colleges and Schools, or its predecessor, the Accrediting Commission of the Association of Independent Colleges and Schools.

(b) If an institution was not accredited at the time your (~~(degree))~~ education was (~~(received))~~ earned but is so accredited at the time your application is filed with the board, the institution will be deemed to be accredited for the purpose of (a) of this subsection provided that it:

(i) Certifies that your total educational program would qualify the applicant for graduation with a baccalaureate degree during the time the institution has been accredited; and

(ii) Furnishes the board satisfactory proof, including college catalogue course numbers and descriptions, that the pre-accrediting courses used to qualify you for a concentration in accounting are substantially equivalent to postaccrediting courses.

(c) If your degree was received at an accredited college or university as defined by (a) or (b) of this subsection, but the educational program which was used to qualify you for a concentration in accounting included courses taken at nonaccredited institutions, either before or after graduation, such courses will be deemed to have been taken at the accredited institution from which your degree was received, provided the accredited institution either:

(i) Has accepted such courses by including them in its official transcript; or

(ii) Certifies to the board that it will accept such courses for credit toward graduation.

~~((5))~~ **(6) Alternative to accreditation:** If you graduated from a four-year degree-granting institution that was not accredited at the time your degree was received or at the time your application was filed, you will be deemed to be a graduate of a four-year accredited college or university if a credentials evaluation service approved by the board certifies that your degree is equivalent to a degree from an accredited college or university as defined in subsection ~~((4))~~ **(5)** of this section. The board does not provide education credential evaluation services.

AMENDATORY SECTION (Amending WSR 03-17-041, filed 8/15/03, effective 9/30/03)

WAC 4-25-720 How do I apply to take the CPA examination? (1) Application form and due dates:

~~((a))~~ **For examinations held prior to January 1, 2004:**

~~(i) Your application to take the CPA examination must be made on a form provided by the board's designee and filed with the board's designee on or before March 1 for the May examination and September 1 for the November examination. Applications, including all required documentation, for the May examination must be postmarked by March 1 (and received by March 10). Applications, including all required documentation, for the November examination must be postmarked by September 1 (and received by September 10). An application is not considered filed until the board's designee has received the examination fee.~~

~~(ii) Proctoring CPA exam candidates: The board may agree to request the assistance of another accountancy board in proctoring Washington's applicants at out-of-state exam sites and may agree to proctor another accountancy board's applicants at a Washington exam site, both subject to space and staffing constraints. The board will not arrange for out-of-state proctoring for applicants domiciled out-of-state who wish to take the uniform CPA exam as Washington candidates. Such applicants must take the CPA exam in Washington on a space available basis.~~

~~(b) For examinations held after December 31, 2003:))~~

Your application to take the CPA examination must be made on a form provided by the board's designee and filed with the board's designee by the due date specified by the board on the application form. Applicants must submit all required documents to complete their application within sixty days of the date their application is received by the board's designee. Applicants are responsible for submitting all required documentation, application forms, and fees. Your application is not considered ~~((filed))~~ complete until all of the following are received by the board's designee:

- A fully completed application form;
- Fee(s);
- Proof that you have met the education requirements;
- Your proof of identity as determined by the board and specified on the application form;
- Other required supporting documents; and
- Proof from NASBA's National Candidate Data Base that you have not previously taken, or applied to take, the same section(s) of the exam during the current examination ~~((period))~~ window.

~~(2) ((Failure to attend the exam:))~~ **Fee refund and forfeiture:** Upon submission of your application to the board's designee, no portion of the administrative fee is refundable. Upon the board's submission of your authorization to test to the National Association of State Boards of Accountancy, no portion of the total exam fee (both administrative fee and section fee(s)) is refundable. If you fail to ((appear for examination)) meet the board's scheduling or admission requirements, you forfeit ((the fees charged for examination)) all of the exam fee(s) and you must reapply to take the section(s) of the exam.

(3) Notice of admittance to the examination or denial of your application:

~~((a))~~ **For examinations held prior to January 1, 2004:** Notice of the denial of your application, or notice of your admittance to the examination along with the time and place of the examination, will be mailed to you at least ten days prior to the date set for the examination.

~~(b) For examinations held after December 31, 2003:))~~ Notice of the denial of your application, or notice of your eligibility to take the examination will be ~~((mailed))~~ sent to you by the board's designee. You will contact the ~~((board's designee or the))~~ approved test site to schedule the time and location for your examination. ~~((Your))~~ The notice of eligibility to take the examination is called a Notice to Schedule (NTS). The NTS will be valid for one taking of the examination within the six months following the date of ((your notice of eligibility to take the examination)) the NTS.

(4) Examination content: The CPA examination shall test the knowledge and skills required for performance as an entry-level certified public accountant. The examination shall include the subject areas of accounting and auditing and related knowledge and skills as the board may require. The examination will consist of the following four sections: Auditing and attestation; financial, accounting and reporting; regulation; and business environment and concepts.

(5) Examination, grading and conditioning:

(a) For examinations held prior to January 1, 2004: The board uses all parts of the uniform CPA examination and

the advisory grading services of the American Institute of Certified Public Accountants. Seventy-five or better is a passing grade for each section of the examination. Each time you sit for the examination you must take all sections you have not previously passed. You are required to pass all sections of the examination in order to qualify for a license. If at a given sitting of the examination you pass two or more, but not all sections of the examination, then you will receive credit for those sections that you pass and you will not be required to take those sections again provided:

- (i) You took all unpassed sections of the examination at that sitting;
- (ii) You attained a minimum grade of fifty on each section of the examination not passed at that sitting;
- (iii) You pass the remaining sections of the examination within six consecutive examinations given after the one at which the first sections were passed;
- (iv) At each subsequent sitting you take all sections not yet passed and you attain a minimum grade of fifty on those sections taken but not passed at that sitting; and
- (v) In order to receive credit for passing additional sections in a subsequent sitting you attain a minimum grade of fifty on sections taken but not passed at that sitting.

(b) **For examinations held after December 31, 2003:** The board uses all parts of the uniform CPA examination and the advisory grading services of the American Institute of Certified Public Accountants.

(i) To qualify to apply for a license you must attain ~~(the national uniform passing grade, approved by the board by policy,)~~ a score of seventy-five on all four sections of the examination.

(ii) You may take the required four sections individually and in any order. Credit for any section(s) taken and passed after December 31, 2003, will be valid for eighteen months from the actual date you took the passed section, without having to attain a minimum score on any failed section(s) and without regard to whether you have taken other sections.

(iii) You must pass all four sections of the examination within a rolling eighteen-month period, which begins on the date that the first section(s) is passed. When determining the date that a section is passed the date that is used is the date that you took the exam section and not the date that your grade(s) is released.

(iv) You may not retake a failed section(s) in the same examination window. An examination window refers to a three-month period in which candidates have an opportunity to take the examination (comprised of two months in which the examination is available to be taken and one month in which the examination will not be offered while routine maintenance is performed and the item bank is refreshed).

(v) In the event you do not pass all four sections of the examination within the rolling eighteen-month period, credit for any section(s) passed prior to the eighteen-month period will expire and you must retake that section(s).

(c) **Transitioning for candidates obtaining conditional credits under the provisions of (a) of this subsection:**

(i) If you earned conditional credit(s) under the provisions of (a) of this subsection and as of February 15, 2004, those conditional credits remained valid under the provisions

of (a) of this subsection, you will retain conditional credit for the corresponding sections of the examination as follows:

Examination section taken prior to January 1, 2004	Examination section taken after December 31, 2003
Auditing	Auditing and Attestation
Financial Accounting and Reporting (FARE)	Financial Accounting and Reporting
Accounting and Reporting (ARE)	Regulation
Business Law and Professional Responsibilities (LPR)	Business Environment and Concepts

(ii) If you qualify for conditional credit(s) for a section of the examination under (c)(i) of this subsection, you will lose the conditional credit(s) for the section unless you complete all remaining section(s) of the examination within the transition period which is the lesser of:

- The maximum number of testing opportunities that you had remaining to complete all sections of the examination under the provisions of (a) of this subsection; or
- The number of remaining testing opportunities you had remaining to complete all sections of the examination under the provisions of (a) of this subsection multiplied by six months.

(iii) If you do not pass all remaining sections during the transition period, the conditional credit for the section(s) you passed under the provision of (a) of this subsection will become invalid. Any section you pass after December 31, 2003, will be subject to the provisions of (b) of this subsection with the following exception:

- You will not lose conditional credit for any section passed during the transition period, even though more than eighteen months may have elapsed from the date the section is passed, until the end of your transition period.
- (iv) You will retain credit for any and all sections of an examination passed in another state if credit would have been given under the Washington state requirements in effect on the date you took the examination.

(v) If you pass a section of the examination, the date you took the section of the examination is the date you receive credit for passing the section.

(6) **Ethics exam:** Upon passing the CPA examination, applicants for licensure are required to attain and demonstrate a passing grade of ninety percent or better on the AICPA professional code of conduct examination.

AMENDATORY SECTION (Amending WSR 03-17-042, filed 8/15/03, effective 9/30/03)

WAC 4-25-721 What does the board consider to be cheating on the CPA examination, what actions may the board take if cheating is suspected, and what sanctions may the board impose if cheating occurs? (1) Cheating includes, but is not limited to:

(a) Unauthorized communication with others inside or outside of the examination room while the examination is in progress;

PERMANENT

(b) Substitution by a candidate of another person to sit in the test site and take the examination on behalf of the candidate;

(c) Referencing crib sheets, text books, or other unauthorized material or electronic media inside or outside the examination room while the examination is in progress;

(d) Copying or attempting to copy another candidate's answers;

(e) Disclosing or attempting to disclose examination questions and/or answers to others;

(f) Bringing unauthorized prohibited items into the examination site or possessing unauthorized prohibited items in the examination site;

(g) Retaking or attempting to retake a section by an individual who holds a license or who has unexpired credit for passing the section, unless the individual has been expressly authorized by the board to participate in a "secret shopper" program.

(2) Cheating on the CPA examination is dishonesty directly related to the professional responsibilities of a CPA and demonstrates a lack of good character. When determining appropriate sanctions for cheating, the board may impose one or more of the following penalties:

(a) Enter a failing grade for any or all parts of the candidate's examination;

(b) Bar a candidate from taking future examinations;

(c) Notify other jurisdictions of the board's conclusions and order;

(d) Fine up to thirty thousand dollars;

(e) Recovery of investigative and legal costs; or

(f) Referral to the appropriate law enforcement agency(ies) for prosecution.

(3) If a candidate is suspected of cheating, the board or its representative(s) may expel the candidate from the examination or move the candidate suspected of cheating to a position in the test center that is away from other examinees or where the candidate may be more closely observed. The board or its representatives may require a candidate suspected of cheating, or a candidate who may have observed cheating, to respond to board inquiry. The board may schedule a hearing to determine the validity of the charge of cheating.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-730 What are the experience requirements in order to obtain a CPA license? Qualifying experience may be obtained through the practice of public accounting and/or employment in industry, academia, or government. Your experience may be obtained through one or more employers, with or without compensation, and may consist of a combination of full-time and part-time employment.

(1) Your experience must support the attainment of the competencies defined by subsection (2) of this section and:

(a) Cover a minimum twelve-month period (this time period does not need to be consecutive);

(b) Consist of a minimum of two thousand hours;

(c) Be obtained through the use of accounting, attest, management advisory, financial advisory, tax, tax advisory or consulting skills;

(d) Be verified by a licensed CPA as meeting the requirements identified in subsection (3) of this section; and

(e) Unless you meet the requirements of subsection (4) of this section, be obtained no more than eight years prior to the date the board receives your complete license application.

(2) **Competencies:** The experience must support the attainment of the following competencies:

(a) Understand the rules of professional conduct contained in chapter 4-25 WAC;

(b) Assess the achievement of an entity's objectives;

(c) Develop documentation and sufficient data to support analysis and conclusions;

(d) Understand transaction streams and information systems;

(e) Assess risk and design appropriate procedures;

(f) Make decisions, solve problems, and think critically in the context of analysis; and

(g) Communicate scope of work, findings and conclusions effectively.

(3) **Verifying CPA:** To verify ~~((that the))~~ a candidate's ~~((has had))~~ experience ~~((supporting the attainment of the competencies,))~~ you must have held a valid CPA license to practice public accounting in Washington or another jurisdiction on the date that you verified the candidate's experience and also for a minimum of five years prior to verifying the candidate's experience ~~((€)).~~ The five years do not need to be consecutive ~~((?)).~~

(4) **CPA-Inactive certificateholders applying for a license:** If you held a Washington state certificate on June 30, 2001, and you submit your application for a license by June 30, ~~((2004))~~ 2006, you may include experience obtained at any time during your lifetime.

(5) **Experience affidavit:** ~~((Both you and the CPA))~~ The applicant must verify that ((you)) they have met the experience requirements of this section on the appropriate form(s) provided by the board. The verifying CPA must certify that the applicant's experience meets subsection (2) of this section.

(6) **Records retention:** Candidates must maintain documentation supporting the representations made on their experience affidavit for a minimum of three years after the date the candidate's initial license is issued by the board.

(7) **Audit:** The board may audit compliance with these experience requirements at any time during the three-year period following the date the candidate's initial license is issued.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-735 ~~((What rules must a certificateholder comply with and))~~ How does a CPA-Inactive certificateholder apply for licensure? CPA-Inactive certificateholders are natural persons who held a valid certificate on June 30, 2001, but did not hold a valid Washington state license to practice public accounting on that date. ((Licenses and)) Individuals who did not hold a valid certificate on June 30,

2001(;) and licensees are not eligible for CPA-Inactive certificateholder status.

(1) If you are a CPA-Inactive certificateholder you:

(a) May not "practice public accounting" as that term is defined in WAC 4-25-410(~~(31)~~);

(b) Must meet the CPE requirements of WAC 4-25-830(1) and supporting documentation requirements of WAC 4-25-833;

(c) Must comply with the act and board rules;

(d) Must meet the renewal requirements of WAC 4-25-790; and

(e) (~~May~~) Must use the title (~~CPA within the limitations of WAC 4-25-410(31) except, beginning with the first day of your first renewal period beginning after July 1, 2001, you must~~) CPA-Inactive and print or display the word "Inactive" immediately following the initials CPA (~~(title)~~) or certified public accountant whenever the initials CPA (~~(title)~~) or certified public accountant is printed on a business card, letterhead, or other document including documents published or transmitted through electronic media, in exactly the same font and font size as the initials CPA (~~(title)~~) or certified public accountant.

(2) If you are a CPA-Inactive certificateholder, to qualify for licensure you must:

(a) Meet the experience requirements of WAC 4-25-730 or have had an approved experience affidavit on file with the board on or before June 30, 2001; and

(b) Meet the CPE requirements of WAC 4-25-830(5).

(3) To apply for a license you must use the form(s) provided by the board. An application is not complete and cannot be processed until all fees, required documentation, required information, and other documentation deemed necessary by the board are received by the board. To apply for a license, you must submit to the board:

(a) A complete application form(s) including your certification, under the penalty of perjury, that you have:

(i) Not held out in public practice during the time in which you were a CPA-Inactive certificateholder; and

(ii) Met the CPE requirements in WAC 4-25-830(5); and

(b) (~~All applicable fees; and~~

(e)) Other required documentation, required information, and other documentation deemed necessary by the board.

(4) Upon approval of your application, your license will be mailed to the last address you provided to the board. Your CPE reporting period and your renewal cycle will remain the same. You may not (~~practice public accounting in association with~~) use the title "CPA" or "Certified Public Accountant" until you receive notice from the board that your (~~Washington state CPA~~) license has been granted. With the exception of out-of-state sole practicing CPAs holding valid practice privileges in Washington state under WAC 4-25-756, attest services may only be offered or provided in a (~~licensed~~) CPA firm licensed by the board and meeting the requirements of WAC 4-25-750.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-745 How do I apply for an initial CPA license? To qualify to apply for an initial license you must meet the:

(1) Good character requirements of RCW 18.04.105 (1)(a);

(2) Education requirements of WAC 4-25-710;

(3) Examination requirements of WAC 4-25-720;

(4) Experience requirements of WAC 4-25-730; and

(5) If more than four years have lapsed since you passed the examination, you must meet the CPE requirements of WAC 4-25-830 (1)(a) within the thirty-six month period immediately preceding submission of your license application and must include four CPE hours in ethics meeting the requirements of WAC 4-25-830(3) which must be completed within the six month period immediately preceding submission of your license application.

To apply for an initial license you must use the application form(s) provided by the board. You must fully complete the form(s) and submit the form(s), all applicable fees, and all required documentation to the board's office.

An initial application is not complete and cannot be processed until all fees, required information, required documentation or other documentation or information the board may deem necessary is received by the board. When the processing of your application is complete, your license will be mailed to the last address you provided to the board.

Your initial license will expire on June 30 of the third calendar year following initial licensure.

You may not use the title CPA until you receive notice from the board that your Washington state CPA license has been approved. With the exception of out-of-state sole practicing CPAs holding valid practice privileges in Washington state under WAC 4-25-756, attest services may only be offered or provided in a (~~licensed~~) CPA firm licensed by the board and meeting the requirements of WAC 4-25-750.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-746 How do I apply for a Washington state CPA license if I hold a valid CPA license in another state? Pursuant to RCW 18.04.180 and 18.04.215(6) the board may issue a license through interstate reciprocity if you hold a CPA license to practice public accounting issued by another state provided your state of licensure makes similar provisions for granting reciprocity to holders of a valid certificate or license in this state.

To qualify to apply for a Washington state CPA license under the interstate reciprocity provisions you must:

(1) Meet the good character requirements of RCW 18.04.105 (1)(a);

(2) Meet the CPE requirements in WAC 4-25-830; and

(3) You must have:

(a) Passed the examination required for issuance of your certificate or license in the other state with grades that would have been passing grades at that time in this state and:

(i) Met all current requirements for licensure at the time you apply; or

(ii) Met, at the time of the issuance of your license in the other state, all the requirements applicable at that time to obtain a license in this state; or

(iii) Had five years of experience in the practice of public accountancy within the ten years immediately preceding your filing an application for licensure in this state; or

(iv) Had three years of experience in the practice of public accountancy within the five years immediately preceding your filing an application for licensure in this state; or

(b) The board may accept NASBA's designation of the applicant as substantially equivalent to national standards as meeting the requirements of (a) of this subsection.

To apply for a Washington state CPA license under the interstate reciprocity provisions you must use the application form(s) provided by the board. You must fully complete the form(s) and submit the form(s), all applicable fees, and all required documentation to the board's office.

An application is not complete and cannot be processed until all fees, required information, required documentation, or other documentation or information the board may deem necessary is received by the board. When the processing of your application is complete, notification will be mailed to the last address you provided to the board.

Your Washington state CPA license will expire on June 30 of the third calendar year following initial licensure.

Provided no sanctions or investigations by other jurisdictions are in process and you have met the requirements for applying for licensure through interstate reciprocity, upon filing a completed application with the board, you may use the CPA title in Washington state.

With the exception of out-of-state sole practicing CPAs holding valid practice privileges in Washington state under WAC 4-25-756, attest services may only be offered or provided in a ((licensed)) CPA firm licensed by the board and meeting the requirements of WAC 4-25-750.

If you are granted a license under these reciprocity provisions, you must notify the board within thirty days if your license or certificate issued by the other jurisdiction has lapsed or otherwise become invalid.

AMENDATORY SECTION (Amending WSR 03-24-033, filed 11/25/03, effective 12/31/03)

WAC 4-25-750 What are the CPA firm licensing requirements? With the exception of out-of-state sole practicing CPAs holding valid practice privileges in Washington state under WAC 4-25-756, attest services may only be offered or performed in a CPA firm licensed ((in Washington)) by the board and meeting the requirements of this section. An entity wishing to use "CPA(s)" or "certified public accountant(s)" in the firm name must first obtain a license from the board.

(1) **How may a CPA firm be organized?** A CPA firm may be organized as:

- (a) A proprietorship;
- (b) A partnership;
- (c) A professional corporation (PC) or professional service corporation (PS);
- (d) A limited liability company (LLC);
- (e) A limited liability partnership (LLP); or

(f) Any other form of legal entity authorized by statute for use by a CPA firm.

(2) **What happens when a CPA firm alters its legal form?** A change in the legal form of a firm constitutes a new firm. Accordingly, the new entity must first obtain a CPA firm license from the board.

(3) **What are the ownership requirements for a CPA firm?**

(a) All owners of a licensed CPA firm are required to:

(i) Be natural persons;

(ii) Fully comply with the provisions of chapter 18.04 RCW; and

(iii) Subject to discipline by the board for violations of chapter 18.04 RCW or 4-25 WAC;

(b) A simple majority of the ownership of the licensed firm in terms of financial interests and voting rights of all partners, owners, or shareholders must be:

(i) Licensees in this state or holders of a valid license to practice public accountancy issued by another state;

(ii) Entitled to practice public accounting in ((this)) Washington state; and

(iii) Principally employed by the corporation or actively engaged in its business.

(c) At least one general partner of a partnership, one shareholder of a corporation, and one manager of a limited liability company must be a licensee.

(d) Each CPA proprietor, partner, shareholder or manager who is either a resident or is entering the state and practicing public accountancy in this state must hold a valid Washington state license or practice privileges.

(e) The principal partner of the partnership and any partner having authority over issuing reports on financial statements must be a licensee under the act or holder of a valid license to practice public accountancy issued by another state and must be entitled to practice public accounting in this state.

(f) The principal officer of the corporation and any officer or director having authority over issuing reports on financial statements must be a licensee under the act or holder of a valid license to practice public accountancy issued by another state and must be entitled to practice public accountancy in this state.

(g) The principal manager or member of a limited liability company and any member having authority over issuing reports on financial statements must be a licensee under the act or holder of a valid license to practice public accountancy issued by another state and must be entitled to practice public accountancy in this state.

(h) A nonresident CPA owner must be licensed to practice public accountancy in at least one state.

(i) A nonlicensee owner must:

(i) Be a natural person;

(ii) Meet the good character requirements of RCW 18.04.105 (1)(a);

(iii) Comply with the act and board rules; and

(iv) Be an active individual participant in the licensed firm or affiliated entities as these terms are defined in WAC 4-25-410; and

(j) A resident nonlicensee firm owner must meet the requirements of WAC 4-25-752 and register with the board

concurrent with submission of the firm license, or submission of an amendment to the firm license, to the board.

(4) **What are the requirements for the firm's main office and a branch office?** The firm's main office must be under the direct supervision of a resident licensee.

A branch office is an office of a licensed CPA firm which is physically separated from the main office. A branch office operates under the CPA firm license of the main office.

(5) **How do I apply for an initial CPA firm license?** To apply for an initial CPA firm license you must use the application form(s) provided by the board and submit the completed form(s), all applicable fees, all required documentation including the following to the board's office:

- (a) The firm name;
- (b) Address and telephone number of the main office and any branch offices of the firm;
- (c) Name of the managing licensee of the main office;
- (d) Licensee owners' names and the states in which they hold CPA licenses;
- (e) Name(s) of all nonlicensee owners;
- (f) Complete registration form(s), including the appropriate fee, for each resident nonlicensee owner; and
- (g) ~~(Names of corporate directors, limited liability company managers, and all officers; and~~
- (h) Type of legal organization under which the firm operates.

An application is not complete and cannot be processed until all fees, required information, and required documentation is received by the board. Upon completion of processing, a CPA firm license will be mailed to the main office at the last address provided to the board.

The initial CPA firm license will expire on June 30 of the third calendar year following initial licensure.

(6) **How do I renew a CPA firm license?** To renew a CPA firm license you must use the form(s) provided by the board. In January of the year of expiration, a renewal form(s) will be mailed to the main office at the last address provided to the board. You must submit a properly completed renewal form(s), all applicable fees and all required documentation to the board by April 30th of the year of expiration. Failure to file a complete renewal form for a firm license by April 30 of the year of expiration will result in late fees. The board may waive, reduce, or extend the due date of renewal and/or late fees based on individual hardship including, but not limited to, financial hardship, critical illness, or active military deployment. A renewal application is not complete and cannot be processed until all fees, required information, and required documentation is received by the board. Upon completion of processing, the CPA firm license will be mailed to the main office at the last address provided to the board.

The CPA firm license will expire on June 30 of the third calendar year following the date of renewal.

(7) **When must I notify the board of changes in the CPA firm?** A CPA firm must provide the board written notification of the following within ninety days of its occurrence:

- (a) Dissolution of a CPA firm;
- (b) The occurrence of any event that would cause the firm to be in violation of RCW 18.04.195 or this rule; or
- (c) An event that requires an amendment to a firm license.

(8) **What events require a firm amendment?** A CPA firm must provide written notification to the board, by submitting a firm amendment form and the appropriate amendment fee, within ninety days of the following events' occurrence:

- (a) Admission or departure of an owner;
- (b) Any change in the name of the firm; or
- (c) Change in the managing licensee of the main office(~~;~~ and
- (d) ~~Opening, closing, or relocating of the main office or of any branch office~~)).

(9) **How long do I have to correct noncompliance with licensure requirements due to a change in ownership or an owner's credentials?** A CPA firm must notify the board within ninety days of any change in ownership or lapse of an owner's license, certificate, registration or practice privilege that has caused the firm's license to be out of compliance with licensure requirements and must correct the noncompliance within ninety days of the lapse, unless the board grants a longer time period due to individual hardship including, but not limited to, financial hardship, critical illness, or active military deployment.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-783 How do I renew a Washington CPA: Inactive certificate and/or license granted through foreign reciprocity? In January of the year of expiration, a renewal form will be mailed to the last address you provided to the board.

To renew your individual license or CPA-Inactive certificate originally granted through foreign reciprocity, you must submit to the board by April 30th of the year of expiration:

- (1) A completed renewal application form including:
 - (a) Your certification that you have complied with the CPE requirements of WAC 4-25-830(1) and the supporting documentation requirements of WAC 4-25-833; and
 - (b) Documentation from the foreign issuing body certifying:
 - (i) Your foreign credential is in good standing and valid for the practice of public accountancy in the foreign jurisdiction; and
 - (ii) You are not currently under disciplinary investigation or action; or
 - (iii) If you are currently under disciplinary investigation or action, a statement as to the nature of the allegations; and
 - (c) If you no longer hold the foreign credential used to qualify for a Washington state CPA license and/or certificate, you must submit documentation from the foreign issuing body certifying that you were not the subject of any investigations or disciplinary proceedings at the time the foreign credential lapsed.

- (2) All applicable fees; and
- (3) All required documentation.

A renewal application is not complete and cannot be processed until all fees, required information, required documentation, or other documentation deemed necessary by the board is received by the board. Upon completion of processing, your individual license or confirmation of your CPA-

PERMANENT

Inactive certificate renewal will be mailed to the last address you provided to the board.

An individual license or CPA-Inactive certificate renewal expires on June 30 of the third calendar year following the renewal.

Failure to file a complete application for an individual license or CPA-Inactive certificate renewal by April 30 of the year of expiration will result in late fees. The board may waive, reduce, or extend the due date of renewal and/or late fees based on individual hardship.

If you fail to file a complete application for individual license or CPA-Inactive certificate renewal by June 30 of the year of expiration, your individual license or CPA-Inactive certificate will lapse.

If you are a CPA-Inactive certificateholder and are renewing your CPA-Inactive certificate, ~~((beginning with the first day of your first renewal period beginning after July 1, 2001;))~~ as a CPA-Inactive you are prohibited from using the title CPA or certified public accountant. You are prohibited from practicing public accountancy. You must use the title CPA-Inactive and print or display the word "Inactive" immediately following the title CPA ~~((title))~~ or certified public accountant whenever the initials CPA ~~((title))~~ or certified public accountant is printed on a business card, letterhead, or other document including documents published or transmitted through electronic media, in exactly the same font and font size as the title CPA ~~((title))~~ or certified public accountant.

If your individual license or CPA-Inactive certificate has lapsed, you may not use the title CPA or CPA-Inactive.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-790 How do I renew my individual license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner? To renew your individual license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner, you must use the form(s) provided by the board and satisfy CPE requirements in WAC 4-25-830(1). In January of the year of expiration, a renewal form will be mailed to the last address you provided to the board.

To renew your individual license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner, you must submit to the board by April 30th of the year of expiration:

(1) A complete renewal form including:

(a) Your certification that you have complied with the CPE requirements of WAC 4-25-830(1) and the supporting documentation requirements of WAC 4-25-833; and

(b) A listing of all states and foreign jurisdictions in which you hold or have applied for a license, certificate, or permit to practice;

(2) All applicable fees; and

(3) All required documentation, required information, and other documentation deemed necessary by the board.

A licensee may not renew as a CPA-Inactive certificateholder.

A renewal form is not complete and cannot be processed until all fees, required information, required documentation,

and other documentation deemed necessary by the board are received by the board. Upon completion of processing, confirmation of your individual license, CPA-Inactive certificate renewal, or registration as a resident nonlicensee firm owner will be mailed to the last address you provided to the board.

An individual license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner renewal expires on June 30 of the third calendar year following the renewal.

Failure to file a complete renewal form for an individual license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner by April 30 of the year of expiration will result in late fees. The board may waive, reduce, or extend the due date of renewal and/or late fees based on individual hardship including, but not limited to, financial hardship, critical illness, or active military deployment.

If you fail to file a complete renewal form for an individual license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner by June 30 of the year of expiration your individual license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner will lapse.

If your individual license ~~((or certificate))~~ has lapsed, you may not use the title CPA ~~((or CPA-Inactive;))~~ or exercise other privileges that are dependent upon the renewal ~~((; including privileges pertaining to ownership of a CPA firm))~~ of the license.

If your CPA-Inactive certificate has lapsed, you may not use the title CPA-Inactive or exercise other privileges that are dependent upon the renewal of the certificate.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-791 I am a CPA-Inactive certificateholder. Prior to July 1, 2001, I held a license. How do I apply to return to my previous status as a licensee? CPA-Inactive certificateholders who held a license at any time prior to July 1, 2001, may apply to return to their previous status as a licensee. If you are a CPA-Inactive certificateholder, you may not ~~((practice public accounting in association with))~~ use the title "CPA" or "Certified Public Accountant" until you return to your previous status as a licensee.

If you hold a valid CPA-Inactive certificate, to apply to return to your previously held status as a licensee, you must use the form provided by the board and satisfy CPE requirements in WAC 4-25-830(5). An application is not complete and cannot be processed until all required information, required documentation, and other documentation deemed necessary by the board are received by the board.

To apply to return to your previous status as a licensee you must submit to the board:

(1) A complete application form including your certification, under the penalty of perjury, that you have:

(a) Not held out in public practice during the time in which you were a CPA-Inactive certificateholder; and

(b) Met the CPE requirements of WAC 4-25-830(5);

(2) Other required documentation, required information, and other documentation deemed necessary by the board.

Upon approval of your application, your license will be mailed to the last address you provided to the board.

You may not (~~hold out in public practice~~) use the title CPA until you receive notice from the board that your (~~Washington state~~) CPA license has been approved. With the exception of out-of-state sole practicing CPAs holding valid practice privileges in Washington state under WAC 4-25-756, a licensee may only offer to provide attest services in a licensed CPA firm meeting the requirements of WAC 4-25-750.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-792 How do I reinstate a lapsed individual license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner? If your individual license or CPA-Inactive certificate has lapsed, you may not use the title CPA or CPA-Inactive until your individual license or CPA-Inactive certificate is reinstated by the board.

Individuals who held a valid license on June 30, 2001, and individuals obtaining a license after June 30, 2001, are not eligible to reinstate as CPA-Inactive certificateholders.

If your registration as a resident nonlicensee firm owner has lapsed, you may not be an owner of a CPA firm until your registration is reinstated by the board.

To reinstate a lapsed individual license, CPA-Inactive certificate, or registration as a nonlicensee firm owner you must use the form provided by the board and satisfy CPE requirements in WAC 4-25-830(6). An application is not complete and cannot be processed until all fees, required information, required documentation, and other documentation deemed necessary by the board are received by the board.

To reinstate, you must submit to the board:

(1) A complete reinstatement form including your certification, under the penalty of perjury, that you have:

(a) *For those who wish to reinstate a license or CPA-Inactive certificate:* Not used the title CPA or CPA-Inactive during the time in which your individual license or CPA-Inactive certificate was lapsed; or

(b) *For those who wish to reinstate a registration as a resident nonlicensee firm owner:* Not participated as an owner in a CPA firm during the time in which your registration as a resident nonlicensee firm owner was suspended or revoked; and

(c) Met the CPE requirements for reinstatement in WAC 4-25-830(6); and

(d) Met the CPE supporting documentation requirements in WAC 4-25-833;

(2) Source documents as evidence of eligibility for CPE credit for all courses claimed in order to meet CPE requirements as defined by WAC 4-25-833;

(3) A listing of all states and foreign jurisdictions in which you hold or have applied for a license, certificate, or practice privileges;

(4) All applicable fees; and

(5) Other required documents, required information, and other documentation deemed necessary by the board.

Upon approval of your reinstatement, ((a)) notice that your license, registration as a resident nonlicensee firm owner, or CPA-Inactive certification has been reinstated will

be mailed to the last address you provided to the board. Your license, CPA-Inactive certificate, or registration as a nonlicensee firm owner will expire on June 30th of the third calendar year following approval of the reinstatement. The CPE reporting period for your next renewal begins on January 1 of the calendar year in which the reinstatement of your license, CPA-Inactive certificate, or registration as a nonlicensee firm owner was approved by the board and ends on December 31 of the second calendar year following approval of the reinstatement. CPE credit hours utilized to qualify for reinstatement cannot be utilized for this CPE reporting period.

You may not use the title CPA or CPA-Inactive until your reinstatement application has been approved.

With the exception of out-of-state sole practicing CPAs holding valid practice privileges in Washington state under WAC 4-25-756, attest services may only be performed in a CPA firm licensed by the board and meeting the requirements of WAC 4-25-750.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-793 If I ((am-retired)) retire my license or CPA-Inactive certificate, how do I apply to return to my previous status as a licensee or a CPA-Inactive certificateholder? If you notified the board that you ((are-retired)) wish to retire your license or CPA-Inactive certificate prior to the end of your renewal cycle, pursuant to RCW 18.04.215(7), you may renew your license or CPA-Inactive certificate at a later date and are not subject to the requirements of reinstatement; however, you may not use the title CPA or CPA-Inactive or exercise the privileges related to those titles until you return to your previous status.

To apply to return to your previously held status as either a licensee or a CPA-Inactive certificateholder you must use the form(s) provided by the board and satisfy CPE requirements in WAC 4-25-830(4). An application is not complete and cannot be processed until all fees, required information, required documentation, or other documentation deemed necessary by the board are received by the board.

If you previously held a license, you are not eligible to apply for CPA-Inactive certificateholder status.

To apply to return to your previous status, you must submit to the board:

(1) A complete application form including your certification, under the penalty of perjury, that you have:

(a) Not used the title CPA or CPA-Inactive during the time in which ((you-were-in-retiree-status)) your license or CPA-Inactive certificate was retired; and

(b) Met the CPE requirements to return to your previous status in WAC 4-25-830(4);

(2) All applicable fees; and

(3) Other required documentation, required information, or other documentation deemed necessary by the board.

Upon approval of your application, your license or notification of your status as a CPA-Inactive certificateholder will be mailed to the last address you provided to the board. Your license or CPA-Inactive certificate will expire on June 30th of the third calendar year following approval of the renewal. The CPE reporting period for your next renewal

begins on January 1 of the calendar year in which the renewal of your retired license or CPA-Inactive certificate was approved by the board and ends on December 31 of the second calendar year following approval of the renewal. CPE credit hours utilized to qualify for renewal of a retired license or CPA-Inactive certificate cannot be utilized for this CPE reporting period.

You may not use the title CPA or CPA-Inactive until your renewal application has been approved.

With the exception of out-of-state sole practicing CPAs holding valid practice privileges in Washington state under WAC 4-25-756, attest services may only be performed in a ((licensed)) CPA firm licensed by the board and meeting the requirements of WAC 4-25-750.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-795 How do I reinstate a revoked or suspended license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner? If your license or CPA-Inactive certificate was revoked or suspended by the board pursuant to the act, you may not use the title CPA or CPA-Inactive until your license or CPA-Inactive certificate is reinstated by the board.

If your registration as a resident nonlicensee firm owner was revoked or suspended by the board pursuant to the act, you may not be a firm owner until your registration is reinstated by the board.

You may request that the board modify the suspension or revocation after three years have elapsed from the effective date of the board's order revoking or suspending your license or CPA-Inactive certificate unless the board sets some other period by order. However, if you made a previous request with respect to the same order, no additional request will be considered before the lapse of an additional three years following the board's decision on the last such previous application.

To request reinstatement of a revoked or suspended license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner you must use the form provided by the board and satisfy CPE requirements in WAC 4-25-830(6). A request is not complete and cannot be processed until all fees, required information, required documentation, and other documentation deemed necessary by the board are received by the board.

To request reinstatement, you must submit to the board:

(1) A complete reinstatement form including your certification under the penalty of perjury, that you have:

(a) *For those who wish to reinstate a license or CPA-Inactive certificate:* Not used the title CPA during the time in which your license or CPA-Inactive certificate was suspended or revoked; or

(b) *For those who wish to reinstate a registration as a resident nonlicensee firm owner:* Not participated as an owner in a CPA firm during the time in which your registration as a resident nonlicensee firm owner was suspended or revoked; and

(c) Met the CPE requirements for reinstatement in WAC 4-25-830(6); and

(d) Met the CPE supporting documentation requirements in WAC 4-25-833;

(2) A listing of all states and foreign jurisdictions in which you hold or have applied for a license, CPA-Inactive certificate, permit, or practice privilege under substantial equivalence;

(3) All applicable fees;

(4) Source documents as evidence of eligibility for CPE credit for all courses claimed in order to meet CPE requirements as defined by WAC 4-25-833;

(5) Written substantiation of the reasons constituting good cause for the reinstatement;

(6) Two supporting recommendations, under penalty of perjury, from licensees who have personal knowledge of your activities since the suspension or revocation was imposed; and

(7) Other required documentation, required information, and other documentation deemed necessary by the board.

In considering the reinstatement application, the board may consider all relevant factors, including but not limited to:

(a) The offense for which you were disciplined;

(b) Your activities since the disciplinary penalty was imposed;

(c) Your activities during the time the license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner was in good standing;

(d) Your rehabilitative efforts;

(e) Restitution to damaged parties in the matter for which the penalty was imposed; and

(f) Your general reputation for truth and professional ((probity)) ethics.

If the board decides to consider the merits of your application for reinstatement, in the board's discretion, a hearing may be held following such procedures as the board deems suitable for the particular case. If the board decides that it will not consider the merits of your application for reinstatement, then this constitutes final agency action and there is no further administrative review available to you. As a condition of reinstatement, the board may impose such terms and conditions as it deems suitable.

The board will not consider a request for reinstatement while you are under sentence for any criminal offense, including any period during which you are on court-imposed probation or parole.

Upon approval of your application, your license, notification of your status as a CPA-Inactive certificateholder, or registration as a resident nonlicensee firm owner will be mailed to the last address you provided to the board. Your license, CPA-Inactive certificate, or registration will expire on June 30th of the third calendar year following approval of the reinstatement. The CPE reporting period for your next renewal begins on January 1 of the calendar year in which the reinstatement of your license, CPA-Inactive certificate, or registration was approved by the board and ends on December 31 of the second calendar year following approval of the reinstatement. CPE credit hours utilized to qualify for reinstatement of a license, CPA-Inactive certificate, or registration cannot be utilized for this CPE reporting period.

You may not use the title CPA or CPA-Inactive until your reinstatement application has been approved.

With the exception of out-of-state sole practicing CPAs holding valid practice privileges in Washington state under WAC 4-25-756, attest services may only be performed in a CPA firm licensed by the board and meeting the requirements of WAC 4-25-750.

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-830 What are the CPE requirements? (1)

The following CPE is required during the three calendar year period prior to renewal:

(a) ~~((A- licensee))~~ CPAs must complete 120 CPE credit hours which is limited to 24 CPE credit hours in nontechnical subject areas and must include 4 CPE credit hours in ethics ((applicable to the practice of public accounting in Washington state)) meeting the requirements of subsection (3) of this section;

(b) A CPA-Inactive certificateholder or a resident non-licensee firm owner must complete 4 CPE credit hours in ethics ((applicable to the practice of public accounting in Washington state)) meeting the requirements of subsection (3) of this section; and

(c) Individuals holding practice privileges are exempt from the CPE requirements of this section.

(2) **CPE requirements for renewal of a license that was issued less than three years before the end of a CPA-Inactive certificate renewal cycle:** When you convert your status from a CPA-Inactive certificateholder to a licensee, your CPE reporting period (the three calendar year period prior to renewal) and renewal cycle will remain the same. The CPE requirements for renewal are as follows:

(a) If your license was issued during the first calendar year of your CPE reporting period, you must have completed 80 CPE credit hours which is limited to 16 CPE credit hours in nontechnical subject areas and must include 4 CPE credit hours in ethics ((applicable to the practice of public accounting in Washington state)) meeting the requirements of subsection (3) of this section.

(b) If your license was issued during the second calendar year of your CPE reporting period, you must have completed 40 CPE credit hours which is limited to 8 CPE credit hours in nontechnical subject areas and must include 4 CPE credit hours in ethics ((applicable to the practice of public accounting in Washington state)) meeting the requirements of subsection (3) of this section.

(c) If your license was issued during the third calendar year of your CPE reporting period, you must have completed 4 CPE credit hours in ethics ((applicable to the practice of public accounting in Washington state)) meeting the requirements of subsection (3) of this section.

(3) **Ethics and regulations applicable to practice in Washington state:** During each CPE reporting period all ~~((licensees))~~ CPAs, CPA-Inactive certificateholders, and resident nonlicensee firm owners are required to complete ((a) four((-hour course on)) CPE credit hours in professional ethics and regulations with specific application to the practice of public accounting in Washington state; however, for CPE reporting periods beginning January 1, 2006, and later, during each CPE reporting period all CPAs, CPA-Inactive certifi-

cateholders, and resident nonlicensee firm owners are required to complete four hours in board approved ethics and regulations CPE. In order to be approved by the board, the CPE sponsor or instructor must submit documentation associated with the ethics and regulations CPE to the board for approval and the sponsor or instructor must obtain written approval from the board. The ethics and regulations CPE must cover all of the following topics, and the ethics and regulations CPE must substantially address these topics:

(a) Chapter 18.04 RCW and chapter 4-25 WAC. The CPE must include general level information on the Public Accountancy Act, the board's rules, policies, and the rule-making process.

(b) WAC 4-25-521 How can I contact the board?

(c) WAC 4-25-550 Do I need to notify the board if I change my address?

(d) WAC 4-25-551 Must I respond to inquiries from the board?

(e) WAC 4-25-600 Series—Ethics and prohibited practices. The CPE must include detailed information on each rule and all related board policies.

(f) WAC 4-25-800 Series—Continuing competency. The CPE must include detailed information on each rule and all related board policies.

(g) WAC 4-25-910 What are the bases for the board to impose discipline?

(h) AICPA Code of Conduct: The CPE must include general level information on the AICPA Code of Conduct.

(i) Variances or key differences between Washington state law (chapter 18.04 RCW and chapter 4-25 WAC) and the AICPA Code of Conduct.

(j) Other topics or information as defined by board policy.

~~((20 hours a year minimum: Licensees must complete a minimum of 20 hours of CPE each calendar year. This requirement is waived for the first calendar year of a licensee's initial CPE reporting cycle.~~

~~((5)))~~ **CPE requirements ((for renewal following retirement)) to renew a retired license or CPA-Inactive certificate:**

(a) In order to renew ((as a licensee)) your retired license you must meet the CPE requirements of subsection (1)(a) of this section within the thirty-six month period immediately preceding the date the renewal application is received by the board; however, the four CPE hours in ethics meeting the requirements of subsection (3) of this section must be completed within the six-month period immediately preceding the date your renewal application was received by the board.

(b) In order to renew ((as a certificateholder)) your retired CPA-Inactive certificate, you must meet the CPE requirements of subsection (1)(b) of this section within the six-month period immediately preceding the date your renewal application was received by the board.

~~((6)))~~ **(5) CPE requirements for a CPA-Inactive certificateholder to either qualify to apply for a license or return to their previously held status as a licensee:** If you hold a valid CPA-Inactive certificate and you wish to apply for a license or you want to return to your previously held status as a licensee, you must meet the ~~((following))~~ CPE requirements~~((~~

~~(a) If your certificate was issued less than a year prior to the date you apply for a license, there is no CPE requirement for licensure.~~

~~(b) If your certificate was issued more than a year but less than two years from the date you apply for a license, you must have completed 40 CPE credit hours within the twelve months immediately preceding the date you file your application. If more than four years has lapsed since you passed the CPA examination, you are limited to 8 CPE credit hours in nontechnical subject areas.~~

~~(c) If your certificate was issued more than two years but less than three years from the date you filed your renewal, you must have completed 80 CPE credit hours within the twenty-four months immediately preceding the date you file your application. If more than four years has lapsed since you passed the CPA examination, you are limited to 16 CPE credit hours in nontechnical subject areas.~~

~~(d) If your certificate was issued more than three years from the date you apply for a license, you must have completed 120 CPE credit hours within the thirty-six months immediately preceding the date you file your application. If more than four years has lapsed since you passed the CPA examination, you are limited to 24 CPE credit hours in nontechnical subject areas)) of subsection (1)(a) of this section within the thirty-six month period immediately preceding the date your application is received by the board.~~

~~((7)) (6) Reinstatement of a lapsed, suspended, or revoked license, certificate, or registration as resident nonlicensee firm owner:~~

~~(a) If you seek to reinstate a lapsed, suspended, or revoked license, you must satisfy the requirements of subsection (1)(a) of this section within the ((three-year)) thirty-six month period immediately preceding the date the application for reinstatement was received by the board; however, the four CPE hours in ethics meeting the requirements of subsection (3) of this section must be completed within the six-month period immediately preceding the date your application for reinstatement was received by the board.~~

~~(b) If you seek to reinstate a lapsed, suspended, or revoked CPA-Inactive certificate, or registration as a resident nonlicensee firm owner, you must satisfy the requirements of subsection (1)(b) of this section within the six-month period immediately preceding the date ((the)) your application for reinstatement was received by the board.~~

~~((8)) (7) Reciprocity: If you are applying for an initial Washington state CPA license under the reciprocity provisions of the act, you must satisfy the requirements in subsection (1)(a) of this section within the ((three-year)) thirty-six month period immediately preceding the date ((the)) your application was received by the board. For purposes of initial licensure, you do not need to satisfy the ethics requirements of subsection (1)(a) of this section. Thereafter, in order to renew your Washington state license, you must comply with all the renewal requirements in subsection (1)(a) of this section.~~

~~((9)) (8) CPE waiver request: In order to renew your license, CPA-Inactive certificate, or registration as a nonlicensee firm owner you must complete the required CPE by the end of the CPE reporting period preceding your renewal unless you can demonstrate your failure to meet the CPE~~

requirements was due to reasonable cause. The board may provide limited extensions to the CPE requirements for reasons of individual hardship including, but not limited to, financial hardship ((including health, military service, foreign residence, or other reasonable cause)), critical illness, or active military deployment. You must request such an extension in writing on the form(s) provided by the board. The request must include justification for the request and ((your)) identify the specific CPE you plan to obtain to correct your CPE deficiency.

AMENDATORY SECTION (Amending WSR 01-22-036, filed 10/30/01, effective 12/1/01)

WAC 4-25-831 What are the program standards for CPE? (1) **Qualifying program:** A program qualifies as acceptable CPE for purposes of RCW 18.04.215(5) if it is a formal program of learning which contributes to the ((growth in the)) CPA's professional knowledge and ((professional)) competence ((of an individual in the practice of the profession)). A formal program means:

- The program is at least fifty minutes in length;
- Attendance is recorded;
- Participants sign in to confirm attendance and, if the program is greater than four credit hours, participants sign out during the last hour of the program; and
- Attendees are provided a certificate of completion.

(2) **Undergraduate and graduate courses:** A graduate or undergraduate course qualifies for CPE credit if it meets the standards in subsections (1) and (5) of this section. For both undergraduate and graduate courses one quarter credit equals 10 CPE credit hours and one semester credit equals 15 CPE credit hours.

(3) **Committee meetings:** Generally, CPE credit is not allowed for attending committee meetings. A meeting qualifies for CPE credit only if it meets the standards in subsections (1) and (5) of this section.

~~(4) ((Quality assurance review: Service on the board's QAR committee, participating as a QAR team captain or reviewer, and participating on other board approved quality or peer review committees may be considered for CPE credit as defined by board policy.)) CPE credit hours for volunteer service on the board and its committees and volunteer service on board approved peer review committees: You may receive up to thirty-two hours of technical CPE credit each calendar year for actual time spent on board, board committee, or board approved peer review committee activities.~~

(5) **Subject areas:** Programs dealing with the following general subject areas are acceptable so long as they meet the standards in subsection (1) of this section:

- (a) **Technical subjects include:**
- (i) Auditing standards or procedures;
 - (ii) Compilation and review of financial statements;
 - (iii) Financial statement preparation and disclosures;
 - (iv) Attestation standards and procedures;
 - (v) Projection and forecast standards or procedures;
 - (vi) Accounting and auditing;
 - (vii) Management advisory services;
 - (viii) Personal financial planning;

- (ix) Taxation;
 - (x) Management information services;
 - (xi) Budgeting and cost analysis;
 - (xii) Asset management;
 - (xiii) Professional ethics (other than those programs used to satisfy the requirements of WAC 4-25-830(3));
 - (xiv) Specialized areas of industry;
 - (xv) Human resource management;
 - (xvi) Economics;
 - (xvii) Business law;
 - (xviii) Mathematics, statistics, and quantitative applications in business;
 - (xix) Business management and organization;
 - (xx) General computer skills, computer software training, information technology planning and management; and
 - (xxi) Negotiation or dispute resolution courses;
- (b) Nontechnical subjects include:**
- (i) Communication skills;
 - (ii) Interpersonal management skills;
 - (iii) Leadership and personal development skills;
 - (iv) Client and public relations;
 - (v) Practice development;
 - (vi) Motivational and behavioral courses; and
 - (vii) Speed reading and memory building(;

~~(e) Professional ethics with specific application to the practice of public accounting in Washington state covers the following subjects: Revised Code of Washington chapter 18.04, Washington Administrative Code chapter 4-25, and the code of professional conduct promulgated by the American Institute of CPAs).~~

Subjects other than those listed above may be acceptable provided you can demonstrate they contribute to your professional competence. You are solely responsible for demonstrating that a particular program is acceptable.

(6) Group programs: You may claim CPE credit for group programs such as the following so long as the program meets the standards in subsections (1) and (5) of this section:

- (a) Professional education and development programs of national, state, and local accounting organizations;
- (b) Technical sessions at meetings of national, state, and local accounting organizations and their chapters;
- (c) Formal in-firm education programs;
- (d) Programs of other organizations (accounting, industrial, professional, etc.);
- (e) Dinner, luncheon, and breakfast meetings which are structured as formal educational programs;

(f) Firm meetings for staff and/or management groups structured as formal education programs. Portions of such meetings devoted to communication and application of general professional policy or procedure may qualify, but portions devoted to firm administrative, financial and operating matters generally will not qualify.

(7) CPE credit: CPE credit is allowable only for those programs taken after the issuance of the CPA ((~~certificate~~)) license. Credit is not allowed for programs taken to prepare an applicant for the ethics examination as a requirement for initial ((~~certification~~)) licensure. CPE credit is given in half-hour increments only after the first full CPE credit hour has been earned. A minimum of fifty minutes ((~~constituting~~)) constitutes one CPE credit hour and, after the first fifty-

minute segment has been earned, twenty-five minutes constitutes one-half CPE credit hour. For example:

- Twenty-five minutes of continuous instruction counts as zero CPE credit hour;
- Fifty minutes of continuous instruction counts as one CPE credit hour; and
- Seventy-five minutes of continuous instruction counts as one and one-half CPE credit hours.

Attendees obtain CPE credit only for time spent in instruction; no credit is allowed for preparation time.

(8) Self-study programs: Credit for self-study programs is allowed in the renewal period in which you completed the program as established by the evidence of completion provided by the program sponsor.

(a) Interactive self-study programs: The amount of credit allowed for interactive self-study is that which is recommended by the program sponsor on the basis of the average completion time under appropriate "field tests." In order to claim CPE credit for interactive self-study programs, you must obtain evidence of satisfactory completion of the course from the program sponsor.

(b) Noninteractive self-study programs: The amount of credit allowed for noninteractive self-study is one-half the average completion time as determined by the program sponsor on the basis of appropriate "field tests." To claim CPE credit for noninteractive self-study programs, you must obtain evidence of satisfactory completion of the course from the program sponsor.

(9) Instructor, discussion leader, or speaker: If you serve as an instructor, discussion leader or speaker at a program which meets the standards in subsections (1) and (5) of this section, the first time you present the program you may claim CPE credit for both preparation and presentation time. One hour of credit is allowed for each fifty minutes of instruction. Additionally, you may claim credit for actual preparation time up to two times the presentation hours. No credit is allowed for subsequent presentations. A maximum of seventy-two CPE credit hours are allowed for preparation and presentation during each CPE reporting period.

(10) Published articles, books: You may claim CPE credit for published articles and books, provided they contribute to your professional competence. Credit for preparation of such publications may be claimed on a self-declaration basis for up to thirty hours in a CPE reporting period. In exceptional circumstances, you may request additional credit by submitting the article(s) or book(s) to the board with an explanation of the circumstances that justify a greater credit. The amount of credit awarded for a given publication will be determined by the board.

(11) Carry-forward: CPE credit hours you complete during one period cannot be carried forward to the next period.

(12) Carry-back: As specified in WAC 4-25-830(9), CPE credit hours you complete during one period can be carried back to the previous reporting period only after the board has approved your request to carry back CPE credit hours.

(13) Credential examination: You may not claim CPE credit for preparing for or taking a credential examination unless you complete a formal review course and receive a certificate of completion meeting the requirements of WAC

4-25-833. CPE credit may not be claimed for CPA examination review courses.

AMENDATORY SECTION (Amending WSR 03-24-033, filed 11/25/03, effective 12/31/03)

WAC 4-25-910 What are the bases for the board to impose discipline? RCW 18.04.055, 18.04.295, and 18.04.305 authorize the board to revoke, suspend, refuse to issue, renew, or reinstate an individual or firm license, CPA-Inactive certificate, practice privilege, or registration as a resident nonlicensee firm owner; impose a fine not to exceed thirty thousand dollars; recover investigative and legal costs; impose full restitution to injured parties; impose remedial sanctions; impose conditions precedent to renew; or prohibit a nonlicensee from holding an ownership interest in a licensed firm for the specific acts listed below.

The following are specific examples of prohibited acts that constitute grounds for discipline under RCW 18.04.295 and 18.04.305. The board does not intend this listing to be all inclusive.

(1) Fraud or deceit in applying for the CPA examination, obtaining a license, registering as a nonlicensee firm owner, submitting notification of practice privileges, or in any filings with the board.

(2) Fraud or deceit in renewing a license, CPA-Inactive certificate, registration as a nonlicensee firm owner, or practices privileges.

(3) Cheating on the CPA exam.

(4) Making a false or misleading statement in support of another's application to take the CPA examination, application for a license ((and/or certificate)), registration as a nonlicensee firm owner, submission of notification of practice privileges, renewal, or reinstatement.

((3)) (5) Dishonesty, fraud, or negligence while representing oneself as a CPA, CPA-Inactive certificateholder, CPA firm, or a nonlicensee firm owner including but not limited to:

(a) Practicing public accounting in Washington state prior to obtaining a license;

(b) Making misleading, deceptive, or untrue representations;

(c) Engaging in acts of fiscal dishonesty;

(d) Purposefully, knowingly, or negligently failing to file a report or record, or filing a false report or record, required by local, state, or federal law;

(e) Unlawfully selling unregistered securities;

(f) Unlawfully acting as an unregistered securities salesperson or broker-dealer;

(g) Discharging a trustee's duties in a negligent manner or breaching one's fiduciary duties; or

(h) Withdrawing or liquidating, as fees earned, funds received by a CPA, CPA firm, or a nonlicensee firm owner from a client as a deposit or retainer when the client contests the amount of fees earned, until such time as the dispute is resolved.

((4)) (6) The following shall be prima facie evidence that a CPA, CPA-Inactive certificateholder, CPA firm, or a nonlicensee firm owner has engaged in dishonesty, fraud, or

negligence while representing oneself as a CPA, CPA-Inactive certificateholder, CPA firm, or a nonlicensee firm owner:

(a) An order of a court of competent jurisdiction finding the CPA, CPA-Inactive certificateholder, CPA firm, or the nonlicensee firm owner to have committed an act of negligence, fraud, or dishonesty or other act reflecting adversely on a CPA's, CPA-Inactive certificateholder's, CPA firm's, or nonlicensee firm owner's fitness to represent himself or herself as a CPA, CPA-Inactive certificateholder's, CPA firm, or a nonlicensee firm owner;

(b) An order of a federal, state, local or foreign jurisdiction regulatory body, or the PCAOB, finding the CPA, CPA-Inactive certificateholder, CPA firm, or nonlicensee firm owner to have committed an act of negligence, fraud, or dishonesty or other act reflecting adversely on a CPA's, CPA-Inactive certificateholder's, the nonlicensee firm owner's, or CPA firm's fitness to represent itself as a CPA, a CPA-Inactive certificateholder, a nonlicensee firm owner, or a CPA firm;

(c) Cancellation, revocation, suspension, or refusal to renew the right to practice as a CPA, CPA-Inactive certificateholder, or a nonlicensee firm owner by any other state for any cause other than failure to pay a fee or to meet the requirements of continuing education in the other state; or

(d) Suspension or revocation of the right to practice before any state ((or) agency, federal agency, or the PCAOB.

((5)) (7) Any state or federal criminal conviction or commission of any act constituting a crime under the laws of this state, or of another state, or of the United States.

((6)) (8) A conflict of interest such as:

(a) Self dealing as a trustee, including, but not limited to:

(i) Investing trust funds in entities controlled by or related to the trustee;

(ii) Borrowing from trust funds, with or without disclosure; and

(iii) Employing persons related to the trustee or entities in which the trust has a beneficial interest to provide services to the trust (unless specifically authorized by the trust creation document).

(b) Borrowing funds from a client unless the client is in the business of making loans of the type obtained by the CPA, CPA-Inactive certificateholder, CPA firm, or nonlicensee firm owner and the loan terms are not more favorable than loans extended to other persons of similar credit worthiness.

((7)) (9) A violation of the Public Accountancy Act or failure to comply with a board rule contained in chapter 4-25 WAC.

((8)) (10) Violation of one or more of the rules of professional conduct included in chapter 4-25 WAC or concealing another's violation of the Public Accountancy Act or board rules.

((9)) (11) Failure to cooperate with the board by failing to:

(a) Furnish any papers or documents requested or ordered to produce by the board;

(b) Furnish in writing a full and complete explanation related to a complaint as requested by the board;

(c) Respond to an inquiry of the board;

(d) Respond to subpoenas issued by the board, whether or not the recipient of the subpoena is the accused in the proceeding.

~~((10))~~ (12) Failure to comply with an order of the board.

~~((11))~~ (13) A CPA's, CPA-Inactive certificateholder's, or nonlicensee firm owner's adjudication as mentally incompetent is prima facie evidence that the CPA, CPA-Inactive certificateholder, or nonlicensee firm owner lacks the professional competence required by the rules of professional conduct.

~~((12))~~ (14) Failure of a licensee, CPA-Inactive certificateholder, or nonlicensee firm owner to notify the board, on a form and in the manner prescribed by board policy, within thirty days of the issuance of:

(a) A sanction, order, suspension, revocation, or modification of a license, certificate, permit or practice rights by the SEC, PCAOB, IRS, or another state board of accountancy for any cause other than failure to pay a professional license fee by the due date or failure to meet the continuing professional education requirements of another state board of accountancy; or

(b) Charges filed by the SEC, IRS, PCAOB, another state board of accountancy, or a federal or state taxing, insurance or securities regulatory body that the licensee, CPA-Inactive certificateholder, or nonlicensee firm owner committed a prohibited act that would be a violation of board ethical or technical standards.

WSR 05-01-141
PERMANENT RULES
PUGET SOUND
CLEAN AIR AGENCY

[Filed December 17, 2004, 9:44 a.m., effective February 1, 2005]

Effective Date of Rule: February 1, 2005.

Purpose: To ensure the program costs are covered and the agency does not collect more fees than required to operate the program.

Citation of Existing Rules Affected by this Order: Amending Regulation III, Section 4.03.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 04-22-099 on November 2, 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 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.

Date Adopted: December 16, 2004.

Jim Nolan

Director - Compliance

AMENDATORY SECTION

REGULATION III SECTION 4.03 ASBESTOS NOTIFICATION REQUIREMENTS

(a) General Requirements

It shall be unlawful for any person to cause or allow any work on an asbestos project or demolition unless a complete notification, including the required fee and any additional information requested by the Control Officer, has been submitted to the Agency on approved forms, in accordance with the advance notification period requirements contained in Section 4.03(d) of this Regulation.

(1) The duration of an asbestos project shall be commensurate with the amount of work involved.

(2) Notification is not required for asbestos projects involving less than 10 linear feet of friable, asbestos-containing material on pipes or 48 square feet of friable, asbestos-containing material on other components (per structure, building, or vessel, per calendar year).

(3) Notification is not required for removal and disposal of nonfriable, asbestos-containing material.

(4) Notification is required for all demolitions involving structures with a projected roof area greater than 120 square feet, even if no asbestos-containing material is present.

(5) The written notification shall be accompanied by the appropriate nonrefundable fee as set forth in Section 4.03(d) of this Regulation unless prior arrangements for payment have been made with the Agency.

(6) A copy of the notification, all amendments to the notification, and the asbestos survey shall be available for inspection at all times at the asbestos project or demolition site.

(7) A property owner may file notification for multiple asbestos projects or demolitions on one form if all the following criteria are met:

(A) The work will be performed continuously by the same contractor; and

(B) A work plan is submitted that includes: a map of the structures involved in the project including the site address for each structure; the amount and type of friable, asbestos-containing material in each structure; and the schedule for performing asbestos project and demolition work. For projects where a detailed work schedule cannot be provided, the asbestos contractor and/or the demolition contractor shall participate in the Agency's work schedule fax program and will continue to participate in the program throughout the duration of the project.

(8) Annual Notification

A property owner may file one annual notification for asbestos projects to be conducted on one or more structures, vessels, or buildings during each calendar year if all of the following conditions are met:

PERMANENT

(A) The annual notification shall be filed with the Agency before commencing work on any asbestos project included in an annual notification;

(B) The total amount of asbestos-containing material for all asbestos projects from each structure, vessel, or building in a calendar year under this section is less than 260 linear feet on pipes or less than 160 square feet on other components; and

(C) The property owner submits quarterly written reports to the Control Officer on Agency-approved forms within 15 days after the end of each calendar quarter.

(b) Amendments

(1) Mandatory Amendments

An amendment shall be submitted to the Control Officer for the following changes in a notification and shall be accompanied by the appropriate nonrefundable fee as set forth in Section 4.03(d) of this Regulation unless prior arrangements for payment have been made with the Agency:

(A) Increases in the project type or job size category that increase the fee;

(B) Changes in the type of friable, asbestos-containing material that will be removed; or

(C) Changes in the start date, completion date, or work schedule, including hours of work. Asbestos contractors or property owners participating in the Agency work schedule fax program are not required to submit amendments for work schedule changes occurring between the start and completion dates.

(2) Optional Amendments

(A) An amendment may be submitted to the Control Officer for any other change in a notification and shall be accompanied by the appropriate nonrefundable fee as set forth in Section 4.03(d) of this Regulation unless prior arrangements for payment have been made with the Agency.

(B) Contractors and property owners participating in the Agency work schedule fax program may, within 45 days after the last completion date on record, submit an amendment to the Control Officer for the removal of additional, friable, asbestos-containing material not identified during the asbestos survey. If more than 45 days have lapsed since the last completion date on record, the requirements of Section 4.03(a), including notification periods and fees, shall apply.

(c) Emergencies

The Control Officer may waive the advance notification period, if the property owner submits a written request that demonstrates to the Control Officer that an asbestos project or demolition must be conducted immediately because of any of the following:

(1) There was a sudden, unexpected event that resulted in a public health or safety hazard;

(2) The project must proceed immediately to protect equipment, ensure continuous vital utilities, or minimize property damage;

(3) Asbestos-containing materials were encountered that were not identified during the asbestos survey; or

(4) The project must proceed to avoid imposing an unreasonable burden.

(d) Notification Period and Fees

PERMANENT

Project	Notification Period	Non-Refundable Fee	Demolition Surcharge**
Single-Family Residence			
Asbestos Project*	prior notice	\$25	
Demolition (with or without asbestos project)	10 days	\$50	
All Other Demolitions			
(without asbestos project)	10 days	(\$200) \$100	
All Other Asbestos Projects			
10 - 259 linear ft* and/or 48 - 159 square ft	prior notice (asbestos only) 10 days (demolition)	\$100	\$100
260 - 999 linear ft and/or 160 - 4,999 square ft	10 days	\$200	\$100
1,000+ linear ft and/or 5,000+ square ft	10 days	(\$750) \$600	(\$250) \$100
Emergency - 4.03(c)***	prior notice	((twice the)) applicable fees + \$50	
Amendment - 4.03(b)	prior notice	\$25	
Annual Notice - 4.03(a)(8)	prior notice	\$1,500	

*Contractors participating in the Agency work schedule fax program are not required to file a Notice of Intent for asbestos removals in this project category and no fee will be assessed.

**Additional fee for demolitions. All demolitions require a Notice of Intent and a 10-day notification period unless waived per Section 4.03(c).

***The 10-day notification period may be waived per Section 4.03(c) and with payment of ((twice)) the applicable fees + \$50. Single-family residences are exempt from the emergency fee; however, property owners must still provide a written request per Section 4.03(c).

The Control Officer may waive the asbestos project fee and notification period, by written authorization, for disposal of unused and intact or abandoned (without the knowledge or consent of the property owner) friable, asbestos-containing material.

WSR 05-01-158

PERMANENT RULES

HOME CARE

QUALITY AUTHORITY

[Filed December 20, 2004, 11:49 a.m., effective January 20, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The agency is now providing worker's compensation coverage, which necessitates safety training to minimize risk of provider injury and/or illness.

Citation of Existing Rules Affected by this Order: New sections WAC 257-05-020, 257-05-040, 257-05-060, 257-05-080, 257-05-100, 257-05-120, 257-05-130, 257-05-132, 257-05-134, 257-05-140, 257-05-160, 257-05-180, 257-05-200, 257-05-220, and 257-05-240.

Statutory Authority for Adoption: RCW 74.39A.280(3).

Adopted under notice filed as WSR 04-17-138 on August 18, 2004.

Changes Other than Editing from Proposed to Adopted Version: 1. Extending the amount of time an individual provider has to complete the training (WAS fourteen days; now is one hundred twenty days).

2. Using people-first terminology (changing FROM "functionally disabled persons" to "persons who are functionally disabled").

A final cost-benefit analysis is available by contacting Jackie Myers, Operations Manager, Home Care Quality Authority, 640 Woodland Square Loop S.E., Lacey, WA 98504, phone (360) 725-2618, fax (360) 407-0304, e-mail jmyers@hcqa.wa.gov.

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 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 15, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 15, 2004.

Mindy L. Schaffner
Executive Director

Chapter 257-05 WAC

SAFETY TRAINING REQUIREMENTS

NEW SECTION

WAC 257-05-020 What is the purpose of WAC 257-05-020 through 257-05-240? The intent of WAC 257-05-020 through 257-05-240 is to describe the safety training requirements for an individual provider.

NEW SECTION

WAC 257-05-040 What definitions apply to WAC 257-05-020 through 257-05-240? "Challenge testing" is evaluating an individual's prior learning experiences to determine if they can demonstrate the required level of skill, knowledge, and/or behavior with respect to the identified learning outcomes of a particular course. Challenge testing demonstrates adequate knowledge in lieu of actually participating in a required course.

"**Competency testing**" is evaluating a trainee to determine if they can demonstrate the required level of skill, knowledge, and/or behavior with respect to the identified learning outcomes of a particular course.

"**Consumer**" means a person to whom an individual provider provides any personal care or respite care services under Medicaid personal care, community options program entry system, chore services program, medically needy in-home waiver, respite care program, or, respite care, personal care, chore and attendant care to persons with developmental disabilities under chapter 71A.12 RCW, or to provide respite care to children receiving Medicaid personal care.

"**Individual provider**" means a person, regardless of relationship, including a personal aide working for a consumer under self-directed care, who has contracted with the department of social and health services to provide personal care or respite care services to persons who are functionally disabled under the Medicaid personal care, community options program entry system, chore services program, medically needy in-home waiver, or respite care program, or to provide respite care, personal care, chore and attendant care to persons with developmental disabilities under chapter 71A.12 RCW, or to provide respite care to children receiving Medicaid personal care.

"**HCQA**" refers to the home care quality authority.

"**DSHS**" refers to the department of social and health services.

"**AAA**" refers to the local area agency on aging office.

NEW SECTION

WAC 257-05-060 What is safety training? Safety training provides basic injury, illness and accident prevention information appropriate to the in-home setting and individuals served. HCQA-developed safety materials must be used for safety training of individual providers. No competency test is required.

NEW SECTION

WAC 257-05-080 What content must be included in safety training? Safety training may include the use of video tapes, audio tapes and other print or electronic media. Safety training consists of introductory information in the following areas:

- (1) Overview of HCQA accident prevention program.
- (2) General home care safety.
- (3) Back injury protection in the home care environment.
- (4) Slips, trips and fall prevention in the home care environment.

NEW SECTION

WAC 257-05-100 Is competency testing required for safety training? There is no competency testing required for Safety training.

NEW SECTION

WAC 257-05-120 Is there a challenge test for safety training? There is no challenge test for safety training.

NEW SECTION

WAC 257-05-130 When does a safety training attestation form need to be completed? All individual providers must sign an attestation form upon completion of safety training. The attestation form will serve as a confirmation of completion and understanding of the safety training content.

NEW SECTION

WAC 257-05-132 What does an individual provider do with the attestation form? After the individual provider signs the attestation form, the individual provider must mail the attestation form to the address identified on the form. The form must be postmarked within one hundred twenty calendar days after an individual provider has begun to work with their first DSHS consumer. Individual providers who are already working for a DSHS consumer have until December 31, 2006, to obtain the training; however, upon completion of safety training, the individual provider must sign the attestation form.

NEW SECTION

WAC 257-05-134 Who maintains the attestation form? HCQA will maintain completed safety training attestation forms.

NEW SECTION

WAC 257-05-140 What documentation is required for classroom-based safety training? The individual provider must maintain a signed and dated certificate of completion of safety training, issued by HCQA or any of its training contractors that provides the safety training that includes:

- (1) The trainee's name;
- (2) Title(s) of the specific information taught;
- (3) Signature of the person overseeing classroom-based safety training indicating completion of the required information;
- (4) The location or method of the safety training; and
- (5) The date(s) of the safety training.

NEW SECTION

WAC 257-05-160 Who is required to complete safety training and when must it be completed? (1) Individual providers must complete safety training no later than one hundred twenty calendar days after beginning to work with their first DSHS consumer. Safety training must be provided by appropriate HCQA staff or contracted entities, or by approved trainers who meet DSHS requirements outlined in WAC 388-71-05875.

(2) Individual providers who are already working for a consumer as of December 1, 2004, have two calendar years to complete safety training.

(3) Individual providers who are not required to complete basic core training, such as revised fundamentals of caregiving, identified in WAC 388-71-0500 through 388-71-05952 may complete safety training via distance learning. Alternate methods to complete safety training will be provided that could include innovative learning strategies such as:

- (a) CD, video, DVD, or other electronic method.
- (b) Internet-based or other computerized method.
- (c) Workbook of printed subject matter.

NEW SECTION

WAC 257-05-180 How often must safety training be completed? All individual providers must complete safety training. There is no requirement for periodic refresher safety training.

NEW SECTION

WAC 257-05-200 Is there an alternative to safety training for some providers? There is no alternative experience or education for safety training sponsored by HCQA. There is no waiver process for previous safety training conducted through DSHS, AAAs, or other public or private entity.

NEW SECTION

WAC 257-05-220 Does successful completion of safety training meet DSHS continuing education requirements for individual providers? Safety training sponsored by HCQA meets DSHS' continuing education requirements

for individual providers who are eligible to accrue continuing education credit. Individual providers who successfully complete safety training and are eligible to accrue continuing education credit may present their completion certificate to their local AAA office or their DDD or children's administration case manager for continuing education documentation.

NEW SECTION

WAC 257-05-240 Will DSHS deny payment of an individual provider who does not complete safety training? HCQA will notify DSHS of an individual provider's noncompliance. DSHS will deny payment of an individual provider who does not return the attestation form and complete safety training within one hundred twenty calendar days after beginning to work with their first DSHS consumer.

DSHS will deny payment of an individual provider who is already caring for a consumer as of December 1, 2004, and who does not complete the safety training by December 31, 2006.

WSR 05-01-166
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed December 21, 2004, 9:33 a.m., effective April 2, 2005]

Effective Date of Rule: April 2, 2005.

Purpose: The Department of Labor and Industries (L&I) is continuing a long-term effort to provide one book for all the safety and health requirements for agriculture. This one-book requirement results from a 1995 legislative requirement that directed the department to publish all agriculture safety rules in one volume and a 2001 agreement between L&I and agricultural industry stakeholders to add applicable occupational health requirements to one book. The occupational health requirements in chapter 296-62 WAC are the focus of the current effort. Several rules from chapter 296-62 WAC were recently rewritten for clarity as part of the agency's plain language initiative. This rule making adopts these rewritten rules into the agriculture safety standard chapter 296-307 WAC.

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 05-03 issue of the Register.

Citation of Existing Rules Affected by this Order:

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 05-03 issue of the Register.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Adopted under notice filed as WSR 04-15-107 on August 4, 2004, and WSR 04-21-066 on October 19, 2004.

Changes Other than Editing from Proposed to Adopted Version:

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 05-03 issue of the Register.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 122, Amended 24, Repealed 271.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 122, Amended 24, Repealed 271.

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 122, Amended 24, Repealed 271.

Date Adopted: December 21, 2004.

Paul Trause
Director

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 05-03 issue of the Register.

WSR 05-01-172
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed December 21, 2004, 9:41 a.m., effective March 1, 2005]

Effective Date of Rule: March 1, 2005.

Purpose: The department has rewritten and clarified requirements relating to benzene. The department has amended the rule in chapter 296-62 WAC to only apply to agriculture and adopted benzene as a new chapter for all other industries, chapter 296-849 WAC. This rule making was part of our goal to rewrite all of WISHA's general occupational safety and health rules for clarity. The department has eliminated unnecessary requirements and outdated terminology.

Citation of Existing Rules Affected by this Order: Amending WAC 296-62-07523 Benzene.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Adopted under notice filed as WSR 04-15-106 on July 20, 2004.

Changes Other than Editing from Proposed to Adopted Version: As a result of written and oral comments received, the following sections are being changed as indicated below:

CHANGES TO THE RULES (Proposed rule versus rule actually adopted):

Chapter 296-849 WAC, Benzene:

WAC 296-849-11070 Notification.

- Removed language in the first bullet that read, "...including notification about whether exposures exceed a permissible exposure limit (PEL)..."
- Changed the note to include four bullets that read, "You can notify employees either individually or post the notifications in areas readily accessible to affected employees. Posted notification may need specific information that allows affected employees to determine which monitoring results apply to them. Notifica-

tion may be in any written form, such as hand-written or e-mail. Notification may be limited to the required information, such as exposure monitoring results. When notifying employees about corrective actions, your notification may refer them to a separate, document that's available and provides the required information."

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 20, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 20, 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 20, Amended 1, Repealed 0.

Date Adopted: December 21, 2004.

Paul Trause
Director

Chapter 296-849 WAC

BENZENE

NEW SECTION

WAC 296-849-100 Scope. This chapter applies to all occupational exposure to benzene.

Definition:

Exposure is the contact an employee has with benzene, whether or not protection is provided by respirators or other personal protective equipment (PPE). Exposure can occur through various routes of entry such as inhalation, ingestion, skin contact, or skin absorption.

Exemptions: This chapter does not apply to any of the following:

- Liquids, vapors, mixtures in containers or pipelines, and gas in natural gas processing plants when benzene content is 0.1% or less.
- Gasoline and other fuels containing benzene once they leave the final bulk wholesale facility and are being:
 - Transported;
 - Sold;
 - Distributed;
 - Stored;
 - Dispensed either:
 - Outdoors;
 - OR
 - Indoors four hours or less a day.
 - Used as a fuel.
- Laboratories subject to the requirements in hazardous chemicals in laboratories, WAC 296-62-400, the General occupational health standards, chapter 296-62 WAC.
- Oil and gas drilling, production, and servicing operations.

- Solid materials that contain only trace amounts of benzene.
- Coke ovens.

All requirements in this chapter will not apply to every workplace with an occupational exposure. The following will show you which requirements apply to your workplace.

Step 1: If any of your work tasks are listed in Table 1, follow Table 1.

• Go to Step 2a if you have additional work tasks or other exposures that are not covered in Table 1.

**Table 1
Requirements that Apply to Specific Tasks**

If employees do any of the following:	Then the only requirements in this chapter that apply to those tasks are:
Load and unload benzene at bulk storage facilities that use vapor control systems for all loading and unloading operations.	<ul style="list-style-type: none"> • The labeling requirement found in Preventive practices, WAC 296-849-11010.
Perform tasks around sealed transport pipelines carrying gasoline, crude oil, or other liquids containing more than 0.1% benzene.	<ul style="list-style-type: none"> • This requirement found in Training, WAC 296-849-11050: <ul style="list-style-type: none"> – Make sure training and information includes specific information on benzene for each hazard communication training topic. For the list of hazard communication training topics, go to the Safety and health core rules, chapter 296-800 WAC, and find Inform and train your employees about hazardous chemicals in your workplace, WAC 296-800-17030.
Work with, or around, sealed containers of liquids containing more than 0.1% benzene.	<ul style="list-style-type: none"> • Emergency requirements found in Medical evaluations, WAC 296-849-12030. • Requirements found in Medical records, WAC 296-849-12080.
	<ul style="list-style-type: none"> • Respirator requirements found in Respirators, WAC 296-849-13045.

Step 2a: Follow requirements in the basic rules sections, WAC 296-849-11010 through 296-849-11090, for tasks **not** listed in Table 1.

• This includes completing an exposure evaluation, as specified in Exposure evaluations, WAC 296-849-11060, to:

- Obtain employee fifteen-minute and eight-hour exposure monitoring results of airborne benzene;

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AND

– Determine if employee exposure monitoring results are above, at, or below these values:

- Eight-hour time-weighted average (TWA₈) 1 parts per million (ppm).
- Fifteen-minute short-term exposure limit (STEL) 5 ppm.
- Eight-hour action level (AL) 0.5 ppm.

Step 2b: Use employee exposure monitoring results from Step 2a and follow Table 2 to find out which additional sections of this chapter to your workplace.

Table 2
Section Application

If employee exposure monitoring results are:	Then continue to follow the basic rules, and these additional requirements:
<ul style="list-style-type: none"> • Above the TWA₈ or STEL 	<ul style="list-style-type: none"> • Exposure and medical monitoring, WAC 296-849-12005 through 296-849-12080; AND • Exposure control areas, WAC 296-849-13005 through 296-849-13045.
<ul style="list-style-type: none"> • At or below the TWA₈ or STEL; AND • At or above AL 	<ul style="list-style-type: none"> • Exposure and medical monitoring, WAC 296-849-12005 through 296-849-12080.
<ul style="list-style-type: none"> • Below the AL and STEL 	<ul style="list-style-type: none"> • No additional requirements apply.

NEW SECTION

WAC 296-849-110 Basic rules.

Summary:

Your responsibility:

To measure and minimize employee exposure to benzene.

IMPORTANT:

To determine which requirements to follow for your work tasks, go to Table 1 in the scope of this chapter, WAC 296-849-100.

Contents:

- Preventive practices
WAC 296-849-11010.
- Exposure control areas
WAC 296-849-11020.
- Exposure evaluations
WAC 296-849-11030.
- Personal protective equipment (PPE)
WAC 296-849-11040.
- Training
WAC 296-849-11050.
- Exposure monitoring observation
WAC 296-849-11065.
- Notification

WAC 296-849-11070.

Exposure records

WAC 296-849-11090.

NEW SECTION

WAC 296-849-11010 Preventive practices.

You must:

- Make sure containers of benzene in the workplace are labeled, tagged, or marked with this warning:

DANGER

CONTAINS BENZENE

CANCER HAZARD

Note: You should keep containers tightly covered when not in use to prevent unnecessary exposure and accidental spills.

References: Additional requirements are found in other chapters as follows:

- For spills, leaks, or other releases of benzene, go to Emergency response, chapter 296-824 WAC.
- For labeling go to:
 - The Safety and health core rules, chapter 296-800 WAC, and find the section Label containers holding hazardous chemicals, WAC 296-800-17025;
- AND
- Material safety data sheet and label preparation, chapter 296-839 WAC.

NEW SECTION

WAC 296-849-11020 Exposure control areas.

You must:

- Establish temporary or permanent exposure control areas where airborne concentrations of benzene are above, or can be reasonably expected to be above, the permissible exposure limits (PELs) for benzene by doing all the following:
 - Post signs at access points to exposure control areas that include this warning:

DANGER

Benzene

Cancer Hazard

Flammable - No Smoking

Authorized Personnel Only

Respirator Required

– Distinguish the boundaries of exposure control areas from the rest of the workplace in any way that minimizes employee access.

– Allow only authorized personnel to enter exposure control areas.

Note: • You may use permanent or temporary enclosures, caution tape, ropes, painted lines on surfaces, or other materials to visibly distinguish exposure control areas or separate them from the rest of the workplace.

• When distinguishing exposure control areas you should consider factors such as:

- The level and duration of airborne exposure.
- Whether the area is permanent or temporary.
- The number of employees in adjacent areas.

Reference: If exposure control areas are established, go to Respirators, WAC 296-849-13045.

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NEW SECTION**WAC 296-849-11030 Exposure evaluations.****IMPORTANT:**

• When you conduct an exposure evaluation in a workplace where an employee uses a respirator, the protection provided by the respirator is not considered.

• Following this section will fulfill the requirements to identify and evaluate respiratory hazards found in another chapter, Respiratory hazards, chapter 296-841 WAC.

You must:

• Conduct an employee exposure evaluation to accurately determine airborne concentrations of benzene by completing Steps 1 through 7 of the exposure evaluation process, each time any of the following apply:

– No evaluation has been conducted.

■ You have up to thirty days to complete an evaluation once benzene is introduced into your workplace.

– Changes have occurred in any of the following areas that may result in new or increased exposures:

■ Production.

■ Processes.

■ Exposure controls such as ventilation systems or work practices.

■ Personnel.

– You have any reason to suspect new or increased exposure may occur.

– Spills, leaks, or other releases have been cleaned up.

Note: As part of your exposure evaluation after cleanup, you will make sure exposure monitoring results have returned to prerelease levels.

Exposure evaluation process.**IMPORTANT:**

• If you are evaluating employee exposures during cleaning and repair of barges and tankers that contained benzene:

– Collect samples that effectively measure benzene concentrations that employees may be exposed to;

AND

– Skip to Step 7.

• Following the exposure evaluation process is not necessary when you have documentation conclusively demonstrating benzene exposures for a particular operation and material cannot exceed the action level (AL) during any conditions reasonably anticipated.

– Documentation can be based on data or qualitative information, such as information about:

■ The material.

■ How the material is handled.

■ The work conditions.

– Retain this documentation for as long as you rely on it.

Step 1: Identify all employees who have potential airborne exposure to benzene in your workplace.

Step 2: Identify operations where fifteen-minute exposures could exceed benzene's short-term exposure limit (STEL) of 5 parts per million (ppm).

• Include operations where it is reasonable to expect high, fifteen-minute exposures, such as operations where:

– Tanks are opened, filled, unloaded, or gauged.

– Containers or process equipment are opened.

– Benzene is used as a solvent for cleaning.

Note: You may use monitoring devices such as colorimetric indicator tubes or real-time monitors to screen for activities where employee exposure monitoring results could be high.

Step 3: Select employees from those working in the operations you identified in Step 2 who will have their fifteen-minute exposures measured.

Step 4: Select employees from those identified in Step 1 who will have their eight-hour exposures monitored.

• Make sure the exposures of the employees selected represent eight-hour exposures for all employees identified at Step 1, including each job classification, work area, and shift.

Note: A written description of the procedure used for obtaining representative employee exposure monitoring results needs to be kept as part of your exposure records required by this chapter in Exposure records, WAC 296-849-11090. This description can be created while completing Steps 3 through 6 of this exposure evaluation process.

Step 5: Determine how you will obtain employee monitoring results.

• Select and use a method that is accurate to $\pm 25\%$, with a confidence level of 95%.

Note: Here are examples of methods that meet this accuracy requirement:

– OSHA Method 12 for air samples, found by going to <http://www.osha.gov/dts/sltc/methods/toc.html>.

– NIOSH Method 1500, found by going to <http://www.cdc.gov/niosh/homepage.html> and link to the *NIOSH Manual of Analytical Methods*.

Step 6: Obtain employee exposure monitoring results by collecting air samples representing employees identified at Step 1.

– Collect fifteen-minute samples from employees selected at Step 3.

– Sample at least one shift representative of the eight-hour exposure for each employee selected at Step 4.

• Make sure samples are collected from each selected employee's breathing zone.

• Collecting area samples is permitted after emergency releases.

Note: You may use any sampling method that meets the accuracy specified in Step 5. Examples of these methods include:

– Real-time monitors that provide immediate exposure monitoring results.

– Equipment that collects samples that are sent to a laboratory for analysis.

• The following are examples of methods of monitoring representative of eight-hour exposures:

– Collect one or more continuous samples, for example, a single eight-hour sample or four two-hour samples.

– Take a minimum of five brief samples, such as fifteen-minute samples, during the work shift and at times selected randomly.

• For work shifts longer than eight hours, monitor the continuous eight-hour portion of the shift expected to have the highest average exposure concentration.

Step 7: Have the samples you collected analyzed to obtain monitoring results representing eight-hour and fifteen-minute exposures.

• Go to the scope of this chapter, WAC 296-849-100, and compare employee exposure monitoring results to the values found in Step 2a and follow Step 2b to determine if additional sections of this chapter apply.

Note: You may contact your local WISHA consultant for help:
– Interpreting data or other information.

- Obtaining eight-hour or fifteen-minute employee exposure monitoring results.
- To contact a WISHA consultant:
 - Go to another chapter, the Safety and health core rules, chapter 296-800 WAC, and find the resources section, and under "other resources," find service location for labor and industries.

- Safety and health core rules, chapter 296-800 WAC, and find the section titled, Inform and train your employees about hazardous chemicals in your workplace, WAC 296-800-17030.

NEW SECTION**WAC 296-849-11040 Personal protective equipment (PPE).****You must:**

- Make sure employees use appropriate PPE as protection from skin or eye contact with liquid benzene.

Note: Harmful amounts of benzene can enter the body through skin and eye contact.

Reference: To see additional personal protective equipment requirements, go to the Safety and health core rules, chapter 296-800 WAC.

NEW SECTION**WAC 296-849-11050 Training.****You must:**

- Provide training and information to employees:
 - At the time of initial assignment to a work area where benzene is present;

AND

– At least every twelve months after initial training for employees exposed to airborne concentrations at or above the action level (AL) of 0.5 parts per million (ppm).

- Make sure training and information includes all of the following:

– Specific information on benzene for each hazard communication training topic. For the list of hazard communication training topics, go to the Safety and health core rules, chapter 296-800 WAC, and find Inform and train your employees about hazardous chemicals in your workplace, WAC 296-800-17030;

AND

– An explanation of the contents of each of the following and guidance about where to find a copy:

- This chapter.
- The following found in another chapter, the General occupational health standards, chapter 296-62 WAC:
 - ◆ The substance safety data sheet—benzene, found in WAC 296-62-07525, Appendix A.
 - ◆ The substance technical guidelines—benzene, found in WAC 296-62-07527, Appendix B.
 - ◆ The medical surveillance guidelines for benzene, found in WAC 296-62-07529, Appendix C;

AND

– A description of the medical evaluation requirements of this chapter found in:

- Medical evaluations, WAC 296-849-12030;

AND

- Medical removal, WAC 296-849-12050.

Reference: To see additional training and information requirements in other chapters, go to the:

- Respirators rule, chapter 296-842 WAC, and find the Training section, WAC 296-842-16005.

NEW SECTION**WAC 296-849-11065 Exposure monitoring observation.****You must:**

(1) Provide affected employees and their designated representatives an opportunity to observe exposure monitoring during Step 6 of the exposure evaluation process found in Exposure evaluations, WAC 296-849-11030.

(2) Make sure observers who enter areas with benzene exposure:

- Are provided with and use the same protective clothing, respirators, and other personal protective equipment (PPE) that employees working in the area are required to use;

AND

- Follow safety and health requirements that apply.

NEW SECTION**WAC 296-849-11070 Notification.****You must:**

• Provide written notification of exposure monitoring results to the employees represented by your exposure evaluation within five business days after the monitoring results become known to you.

– In addition, when employee exposure monitoring results are above a permissible exposure limit (PEL), provide written notification of all of the following within fifteen business days after these exposure monitoring results become known to you:

- Corrective actions being taken and a schedule for completion;

AND

- Any reason why exposures cannot be lowered to below the PELs for benzene.

Note:

- You can notify employees either individually or post the notifications in areas readily accessible to affected employees.
- Posted notification may need specific information that allows affected employees to determine which monitoring results apply to them.
- Notification may be in any written form, such as handwritten or e-mail.
- Notification may be limited to the required information, such as exposure monitoring results.
- When notifying employees about corrective actions, your notification may refer them to a separate document that's available and provides the required information.

NEW SECTION**WAC 296-849-11090 Exposure records.****You must:**

• Establish and keep complete and accurate records for all exposure monitoring conducted under this chapter. Make sure the record includes at least:

- The name, Social Security number, or other unique identifier, and job classification of the employee sampled and all other employees represented by the sampled employee.

- The type of respirator worn, if any.
- A description of the methods used to obtain exposure monitoring results.
- A description of the procedure used to obtain representative employee exposure monitoring results.
- The date, number, duration, and the result of each sample taken.

Note: It is useful to record any personal protective equipment worn by the employee, in addition to the type of respirator worn.

You must:

- Keep exposure monitoring records for at least thirty years.

Reference:

- To see additional requirements for employee exposure records including access, and transfer requirements, go to another chapter, Employee medical and exposure records, chapter 296-802 WAC.
- Exposure monitoring records need to be kept longer than thirty years for employees participating in medical monitoring, go to Medical records, WAC 296-849-30080, found within this chapter.

NEW SECTION

WAC 296-849-120 Exposure and medical monitoring.

Summary:

Your responsibility:

To detect any significant changes in employee health and exposure monitoring results.

IMPORTANT:

These sections apply when employee exposure monitoring results are either:

- At or above the action level (AL) of 0.5 parts per million (ppm) for benzene;

OR

- Above either of the permissible exposure limits for benzene.

Contents

- Periodic exposure evaluations
WAC 296-849-12010.
- Medical evaluations
WAC 296-849-12030.
- Medical removal
WAC 296-849-12050.
- Medical records
WAC 296-849-12080.

NEW SECTION

WAC 296-849-12010 Periodic exposure evaluations.

Exemption: Periodic exposure evaluations aren't required if exposure monitoring results conducted to fulfill requirements in Exposure evaluation, WAC 296-849-11030, are below the action level (AL) and short-term exposure limit (STEL).

You must:

- Obtain employee exposure monitoring results as specified in Table 3, by repeating Steps 3, 4, 6, and 7 of the exposure evaluation process found within this chapter, in Exposure evaluations, WAC 296-849-11030.

Note: If you document that one work shift consistently has higher exposure monitoring results than another for a particular operation, then you can limit sample collection to the work shift with higher exposures and use results to represent all employees performing the operation on other shifts.

Table 3
Periodic Exposure Evaluation Frequencies

If exposure monitoring results	Then
Are between the: - AL of 0.5 ppm AND - Eight-hour time-weighted average (TWA ₈) of 1 ppm	Conduct additional exposure evaluations at least every twelve months for the employees represented by the monitoring results.
Have decreased to a concentration between the AL and TWA ₈ ; AND The decrease is demonstrated by two consecutive exposure evaluations, made at least seven days apart.	You may decrease your evaluation frequency to every twelve months for employees represented by the monitoring results.
Are above the short-term exposure limit (STEL) of 5 ppm	Repeat as often as necessary to evaluate employee exposure.
Have decreased to below the AL and the STEL AND The decrease is demonstrated by two consecutive evaluations, made at least seven days apart.	You may stop periodic exposure evaluations for employees represented by the monitoring results.

NEW SECTION

WAC 296-849-12030 Medical evaluations.

IMPORTANT:

Medical evaluations conducted under this section will satisfy the medical evaluation requirement found in Respirators, chapter 296-842 WAC.

You must:

- Provide the relevant medical follow-up specified in Tables 4 and 5 to any employee exposed to benzene during an emergency.
- Make medical evaluations available to current employees who meet the following criteria:
 - Potential or actual exposure to benzene at or above the action level (AL) for at least thirty days in any twelve-month period.
 - Potential or actual exposure to benzene at or above either permissible exposure limit (PEL) for at least ten days in a twelve-month period.

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– Past exposure to concentrations above 10 ppm benzene for at least thirty days in a twelve-month period before November 11, 1988.

– Current or past work as a tire building machine operator using solvents containing more than 0.1% benzene during tire building operations.

You must:

• Make medical evaluations available at no cost to employees.

– Pay all costs, including travel costs and wages associated with any time spent outside of the employee's normal work hours;

• Make medical evaluations available at reasonable times and places;

• Make medical evaluations available by completing Steps 1 through 6 of the medical evaluation process for each employee covered.

Note:

- Employees who wear respirators need to be medically evaluated to make sure the respirator will not harm them, before they are assigned work in areas requiring respirators. Employees who decline to receive medical examination and testing to monitor for health effects caused by benzene are not excluded from receiving a separate medical evaluation for a respirator use.

- If employers discourage participation in medical monitoring for health effects caused by benzene, or in any way interfere with an employee's decision to continue with this program, this interference may represent unlawful discrimination under RCW 49.17.160, Discrimination against employee filing, instituting proceeding, or testifying prohibited—Procedure—Remedy.

Helpful tool:

Declination form for nonemergency related medical evaluations.

• You may use this optional form to document employee decisions to decline participation in the medical evaluation process for exposure to benzene.

Medical evaluation process:

Step 1: Identify employees who qualify, as stated above, for medical evaluations.

Step 2: Make medical evaluations available for employees identified in Step 1 at the following times:

- Initially, before the employee starts a job or task assignment where benzene exposure will occur.

- Every twelve months from the initial medical evaluation.

- Whenever the employee develops signs or symptoms commonly associated with toxic benzene exposure.

- After benzene exposure from an emergency.

Step 3: Select a licensed health care professional (LHCP) who will conduct or supervise medical evaluations and make sure:

- Individuals who conduct pulmonary function tests have completed a training course in spirometry sponsored by an appropriate governmental, academic, or professional institution, if they are not licensed physicians;

AND

- Your LHCP uses an accredited laboratory, such as one accredited by a nationally or state-recognized organization, to conduct laboratory tests.

Step 4: Make sure the LHCP receives all of the following before the medical evaluation is performed:

- A copy of:

- This chapter.

- The following information found in the General occupational health standards, chapter 296-62 WAC:

- Appendix A, the substance safety data sheet—benzene, found in WAC 296-62-07525.

- Appendix B, the substance technical guidelines—benzene, found in WAC 296-62-07527.

- Appendix C, the medical surveillance guidelines for benzene, found in WAC 296-62-07529.

- A description of the duties of the employee being evaluated and how these duties relate to benzene exposure.

- The anticipated or representative exposure monitoring results for the employee being evaluated.

- A description of the personal protective equipment (PPE) each employee being evaluated uses or will use.

- Information from previous employment-related examinations when this information is not available to the examining LHCP.

- Instructions that the written opinions the LHCP provides, be **limited to** the following information:

- Specific records, findings, or diagnosis relevant to the employee's ability to work around benzene.

- The occupationally relevant results from examinations and tests.

- A statement about whether or not medical conditions were found that would increase the employee's risk for impairment from exposure to benzene.

- Any recommended limitations for benzene exposure.

- Whether or not the employee can use respirators and any recommended limitations for respirator or other PPE use.

- A statement that the employee has been informed of medical results and medical conditions caused by benzene exposure requiring further explanation or treatment.

Step 5: Provide the medical evaluation to the employee. Make sure it includes the content listed in Table 4, Content of medical evaluations, and Table 5, Medical follow-up requirements.

Step 6: Obtain the LHCP's written opinion for each employee's medical evaluation and give a copy to the employee within fifteen days of the evaluation date.

- Make sure the written opinion is limited to the information specified for written opinions in Step 4.

Note: If the written opinion contains specific findings or diagnoses unrelated to occupational exposure, send it back and obtain a revised version without the additional information.

IMPORTANT:

These tables apply when conducting medical evaluations, including medical follow-up for employees exposed to benzene during emergencies.

Table 4
Content of Medical Evaluations

When conducting	Include
An initial evaluation	<ul style="list-style-type: none"> • A detailed history including: <ul style="list-style-type: none"> – Past work exposure to benzene or other hematological toxins; – Exposure to marrow toxins outside of current employment; – Exposure to ionizing radiation; – Family history of blood dyscrasias including hematological neoplasms; – History of blood dyscrasias including genetic hemoglobin abnormalities, bleeding abnormalities, and abnormal function of formed blood elements; – History of renal or liver dysfunction; – History of medications routinely taken. • A complete physical examination: <ul style="list-style-type: none"> – Include a pulmonary function test and specific evaluation of the cardiopulmonary system if the employee is required to use a respirator for at least thirty days a year. • A complete blood count including a: <ul style="list-style-type: none"> – Leukocyte count with differential; – Quantitative thrombocyte count; – Hematocrit; – Hemoglobin; – Erythrocyte count and indices (MCV, MCH, MCHC). • Additional tests the examining LHCP determines are necessary based on alterations in the components of the blood or other signs that may be related to benzene exposure. • Medical follow-up as required in Table 5.

When conducting	Include
Annual evaluations	<ul style="list-style-type: none"> • An updated medical history covering: <ul style="list-style-type: none"> – Any new exposure to potential marrow toxins; – Changes in medication use; – Any physical signs associated with blood disorders. • A complete blood count including a: <ul style="list-style-type: none"> – Leukocyte count with differential; – Quantitative thrombocyte count; – Hematocrit; – Hemoglobin; – Erythrocyte count and indices (MCV, MCH, MCHC). • Additional tests that the examining LHCP determines necessary, based on alterations in the components of the blood or other signs that may be related to benzene exposure. • A pulmonary function test and specific evaluation of the cardiopulmonary system every three years if the employee is required to use a respirator for at least thirty days a year. • Medical follow-up as required in Table 5.
Evaluations triggered by employee signs and symptoms commonly associated with the toxic effects of benzene exposure	<ul style="list-style-type: none"> • An additional medical examination that addresses elements the examining LHCP considers appropriate.
Evaluations triggered by employee exposure during an emergency	<ul style="list-style-type: none"> • A urinary phenol test performed on the exposed employee's urine sample within seventy-two hours of sample collection. <ul style="list-style-type: none"> – The urine sample must be collected at the end of the work shift associated with the emergency; – The urine specific gravity must be corrected to 1.024.

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When conducting	Include
	<ul style="list-style-type: none"> • Medical follow-up as required in Table 5. <p>Reference: Employees who are not covered by medical evaluation requirements in this chapter may be covered by medical evaluation requirements in other chapters such as Emergency response, chapter 296-824 WAC.</p>

**Table 5
Medical Follow-up Requirements**

If	Then
<ul style="list-style-type: none"> • The complete blood count test result is normal. 	<ul style="list-style-type: none"> • No further evaluation is required.
<ul style="list-style-type: none"> • The complete blood count test shows any of the following abnormal conditions: <ul style="list-style-type: none"> - A leukocyte count less than 4,000 per mm³ or an abnormal differential count; <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> - A thrombocyte (platelet) count that is either: <ul style="list-style-type: none"> ■ More than 20% below the employee's most recent values; <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> ■ Outside the normal limit (95% C.I.) according to the laboratory; <p style="text-align: center;">OR</p>	<ul style="list-style-type: none"> • Repeat the complete blood count within two weeks: <ul style="list-style-type: none"> - If the abnormal condition persists, refer the employee to a hematologist or an internist for follow-up medical examination and evaluation, unless the LHCP has good reason to believe it is unnecessary; - The hematologist or internist will determine what follow-up tests are necessary; <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Follow the requirements found in Medical removal, WAC 296-849-12050.

If	Then
<ul style="list-style-type: none"> - The hematocrit or hemoglobin level is either of the following, and can not be explained by other medical reasons: <ul style="list-style-type: none"> ■ Below the normal limit (outside the 95% C.I.), as determined by the laboratory for the particular geographical area; OR ■ Persistently decreasing compared to the employee's preexposure levels. 	
Results from the urinary phenol test conducted during an emergency evaluation show phenol levels less than 75 mg/L.	<ul style="list-style-type: none"> • No further evaluation is required.
Results from the urinary phenol test conducted during an emergency evaluation show phenol levels equal or more than 75 mg/L.	<ul style="list-style-type: none"> • Provide a complete blood count monthly for three months. Include a: <ul style="list-style-type: none"> - Leukocyte count with differential; - Thrombocyte count; - Erythrocyte count; AND • If any of the abnormal conditions previously listed in this table for complete blood count results are found: <ul style="list-style-type: none"> - Provide the employee with periodic examinations, if directed by the LHCP; - Refer the employee to a hematologist or an internist for follow-up medical examination and evaluation unless the LHCP has good reason to believe a referral is unnecessary; - Follow the requirements found in Medical removal, WAC 296-849-12050;

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If	Then
	<p style="text-align: center;">AND</p> <ul style="list-style-type: none"> - The hematologist or internist will determine what follow-up tests are necessary.

NEW SECTION

WAC 296-849-12050 Medical removal.

IMPORTANT:

This section applies when an employee is referred to a hematologist or an internist for follow-up medical examination and evaluation required in Table 5, Medical follow-up requirements found in Medical evaluations, WAC 296-849-12030.

You must:

(1) Remove the employee from areas where benzene exposure is above the action level (AL) by doing either of the following:

- Transfer the employee to a job currently available that:
 - The employee qualifies for, or could be trained for in a short period of time;

AND

- Will keep the employee's exposure to benzene as low as possible and never above the AL;

OR

• Remove the employee from the workplace until either:

- A job becomes available that:
 - The employee qualifies for, or could be trained for in a short period of time;

AND

■ Will keep the employee's exposure to benzene as low as possible and never above the AL;

OR

- The employee is returned to work or permanently removed from benzene exposure as determined by completing the medical evaluation process for removed employees.

(2) Maintain the employee's current pay rate, seniority, and other benefits.

Note: If you must provide medical removal benefits and the employee will receive compensation for lost pay from other sources, you may reduce your medical removal benefit obligation to offset the amount provided by these sources. Examples of other sources are:

- Public or employer-funded compensation programs;
- Employment by another employer, made possible by the employee's removal.

You must:

(3) Complete Steps 1 through 4 of the medical evaluation process for removed employees, **within six months** of the date the licensed health care professional (LHCP) refers an employee to a hematologist or internist for follow-up.

- Make sure all examinations and evaluations are provided at no cost to the employee.
 - Make examinations and evaluations available at reasonable times and places;

AND

- Pay for travel costs and wages, including any time spent outside of the employee's normal work hours.

Medical evaluation process for removed employees:

Step 1: Make sure the following is provided to the hematologist or internist:

- The information you provided to the LHCP in Step 4 of Medical evaluations, WAC 296-849-12030;
- The employee's medical record as described in Medical records, WAC 296-849-12080.

Note: The examining LHCP may provide this information for you.

Step 2: Provide the employee an examination and evaluation by a hematologist or internist.

• When the examination and evaluation is completed, you and the employee must be informed, in writing, of the referring LHCP's decision to continue or end the employee's removal from benzene exposure.

• Include the following in the LHCP's decision if removal of the employee continues:

- The expected time period for removal to continue;

AND

- Requirements for future medical examinations to review the decision.

• If the LHCP recommends the employee **end removal** and return to the usual job with benzene exposure, **skip Steps 3 and 4.**

Step 3: Provide further medical examination and evaluation to the employee when the LHCP's decision from Step 2 informs you that medical removal must continue.

Note: • During this step the LHCP, in consultation with the hematologist or internist, decides whether the employee:

- May return to their usual job;

OR

- Should be permanently removed from exposures that exceed the AL.

• If the LHCP recommends the employee return to their usual job, skip Step 4.

Step 4: When the LHCP recommends permanent removal for the employee, make sure all the following conditions are met:

• The employee has an opportunity to transfer to another job that is currently available (or will become available);

• The job is one the employee qualifies for, or could be trained for in a short period of time;

• There is no reduction in the employee's current pay rate, seniority, and other benefits;

• The employee's benzene exposures will be as low as possible, but never more than the AL.

NEW SECTION

WAC 296-849-12080 Medical records.

IMPORTANT:

This section applies when a medical evaluation is performed, or any time a medical record is created for an employee exposed to benzene.

You must:

• Establish and maintain complete and accurate medical records for each employee receiving a medical evaluation and make sure the records include **all** the following:

- The employee's name and Social Security number, or other unique identifier;

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- A copy of the licensed health care professional's (LHCP's) written opinions including written decisions and recommendations for the employee removed from exposure;

- A copy of the information required in Step 4 of the medical evaluation process, found in WAC 296-849-12030, **except** for the copy of this chapter and the appendices listed.

- Maintain medical evaluation records for the duration of employment plus thirty years.

Note: Your medical provider may keep these records for you. Other medical records such as an employee's medical history, need to be kept as a confidential record by the medical provider and accessed only with the employee's consent.

Reference: To see additional employee medical record requirements, including access and transfer requirements, go to another chapter, Employee medical and exposure records, chapter 296-802 WAC.

NEW SECTION

WAC 296-849-130 Rules for exposure control areas.

Summary:

Your responsibility:

To protect employees from exposure to benzene by using feasible exposure controls and appropriate respirators.

IMPORTANT:

These sections apply when existing or potential employee exposure monitoring results are above either of the following permissible exposure limits (PELs):

- The eight-hour time-weighted average (TWA₈) of 1 part per million (ppm);

OR

- The fifteen-minute short-term exposure limit (STEL) of 5 ppm.

Contents:

Exposure control plan

WAC 296-849-13005.

Exposure controls

WAC 296-849-13020.

Respirators

WAC 296-849-13045.

NEW SECTION

WAC 296-849-13005 Exposure control plan.

Exemption: This section does not apply to the cleaning and repair of barges and tankers that contained benzene.

You must:

- Establish and implement a written exposure control plan for exposure control areas that include a schedule for developing and implementing feasible exposure controls to reduce benzene exposure to, or below, the PELs.

Reference: To see examples of exposure controls, go to Respiratory hazards, chapter 296-841 WAC, and find Table 1 in Control employee exposure, WAC 296-841-20010.

Note: Respirators and other personal protective equipment (PPE) help protect employees from exposures, but are **not** substitutes for feasible exposure controls.

You must:

- Review and update your exposure control plan as needed, based on the most recent exposure evaluation results.

- Provide a copy of your exposure control plan to affected employees and their designated representatives when they ask to review or copy it.

NEW SECTION

WAC 296-849-13020 Exposure controls.

IMPORTANT:

Respirators and other personal protective equipment (PPE) do **not** substitute for feasible exposure controls.

You must:

- Use feasible exposure controls to reduce exposures, as specified in Table 6.

Reference: To see examples of exposure controls, go to Respiratory hazards, chapter 296-841 WAC, and find Table 1 in Control employee exposures, WAC 296-841-20010.

**Table 6
Exposure Control Requirements**

If:	Then you must use feasible controls to:
You have operations where employees clean and repair barges or tankers which have contained benzene	Keep all employee exposure concentrations below 10 parts per million (ppm).
You can document that benzene is used for less than thirty days a year in the workplace	Reduce eight-hour employee exposure monitoring results to a time-weighted average of 10 ppm or less. Note: If employee exposure monitoring results are between 1 and 10 ppm, you are permitted to use respirators or a combination of respirators and feasible controls to protect employees.
Employees are exposed to benzene above a PEL for at least thirty days a year	Reduce eight-hour employee exposure concentrations to the TWA ₈ of 1 ppm or less; AND Reduce fifteen-minute employee exposure concentrations to the STEL of 5 ppm or less.

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NEW SECTION

WAC 296-849-13045 Respirators.

IMPORTANT:

These requirements are in addition to the requirements found in other chapters:

- Respiratory hazards, chapter 296-841 WAC;
- Respirators, chapter 296-842 WAC.

You must:

• Provide respirators and require that employees use them in circumstances where exposure is above either permissible exposure limit (PEL) for benzene, including any of the following circumstances:

- Employees are in an exposure control area;
- Feasible exposure controls are being put in place;
- Where you determine that exposure controls are not feasible;
- Feasible exposure controls do not reduce exposures to, or below, a PEL.

• Emergencies.

• Meet these requirements to protect employees from benzene exposure above a PEL:

– Limit selection of escape respirators to either:

- A full-facepiece organic vapor gas mask;

OR

■ A full-facepiece self-contained breathing apparatus (SCBA);

OR

■ A hood-style SCBA that operates in positive-pressure mode.

• Make sure respirator cartridges or canisters are replaced at the beginning of each work shift, or sooner if their service life has expired.

• Make sure canisters on gas masks and powered air-purifying respirators (PAPRs) have a minimum service life of four hours when tested under these conditions:

- A benzene concentration of 150 ppm;
- A temperature of 25°C;
- A relative humidity of 85%;
- A flow rate of one of the following:

■ 64 liters per minute (lpm) for nonpowered air-purifying respirators;

- 115 lpm for **tight-fitting** PAPRs;

- 170 lpm for **loose-fitting** PAPRs.

• Provide an employee a respirator with low breathing resistance, such as a PAPR or an air-line respirator when the:

- Employee cannot use a negative-pressure respirator;

AND

– A licensed health care professional's (LHCP's) written opinion allows this type of respirator.

NEW SECTION**WAC 296-849-190 Definitions.**

Action level an airborne concentration of benzene of 0.5 parts per million (ppm) calculated as an eight-hour time-weighted average.

Authorized personnel individuals specifically permitted by the employer to enter the exposure control area to perform necessary duties, or to observe employee exposure evaluations as a designated representative.

Benzene liquid benzene, benzene vapor, and benzene in liquid mixtures and the vapors released by these liquids.

The chemical abstract service (CAS) registry number for benzene is 71-43-2. CAS numbers are internationally recognized and used on material safety data sheets (MSDSs) and other documents to identify substances. For more information see <http://www.cas.org/about>.

Breathing zone the space around and in front of an employee's nose and mouth, forming a hemisphere with a 6- to 9-inch radius.

Bulk wholesale storage facility any bulk terminal or bulk plant where fuel is stored before its delivery to wholesale customers.

Container any container, except for pipes or piping systems, that contains benzene. It can be any of the following:

- Barrel;
- Bottle;
- Can;
- Cylinder;
- Drum;
- Reaction vessel;
- Storage tank.

Day any part of a calendar day.

Designated representative any of the following:

• Any individual or organization to which an employee gives written authorization;

• A recognized or certified collective bargaining agent without regard to written employee authorization;

OR

• The legal representative of a deceased or legally incapacitated employee.

Emergency any event that could or does result in the unexpected significant release of benzene. Examples of emergencies include equipment failure, container rupture, or control equipment failure.

Exposure the contact an employee has with benzene, whether or not protection is provided by respirators or other personal protective equipment (PPE). Contact can occur through various routes of entry such as inhalation, ingestion, skin contact, or skin absorption.

Licensed health care professional (LHCP) an individual whose legally permitted scope of practice allows him or her to provide some or all of the health care services required for medical evaluations.

Permissible exposure limits (PELs) PELs are employee exposures to toxic substances or harmful physical agents that must not be exceeded. PELs are also specified in various WISHA rules found in other chapters. The PELs for benzene are the:

• Eight-hour time-weighted average (TWA₈) of 1 part per million (ppm);

AND

• Fifteen-minute short-term exposure limit (STEL) of 5 ppm.

Short-term exposure limit (STEL) an exposure limit averaged over a fifteen-minute period that must not be exceeded during any part of an employee's workday.

Time-weighted average (TWA₈) an exposure limit averaged over an eight-hour period that must not be exceeded during an employee's workday.

Vapor control systems equipment that controls the vapor displaced when chemicals are loaded and unloaded from truck or storage tanks. It also processes or balances the vapor back into the truck or storage tanks.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-62-07523 Benzene.

Note: The requirements in WAC 296-62-07523 apply only to agriculture. The requirements for all other industries relating to noise have been moved to chapter 296-849 WAC, Benzene.

(1) Scope and application.

(a) This section applies to all occupational exposures to benzene. Chemical Abstracts Service Registry No. 71-43-2, except as provided in (b) and (c) of this subsection.

(b) This section does not apply to:

(i) The storage, transportation, distribution, dispensing, sale or use of gasoline, motor fuels, or other fuels containing benzene subsequent to its final discharge from bulk wholesale storage facilities, except that operations where gasoline or motor fuels are dispensed for more than four hours per day in an indoor location are covered by this section.

(ii) Loading and unloading operations at bulk wholesale storage facilities which use vapor control systems for all loading and unloading operations, except for the provisions of WAC 296-62-054 and 296-800-170 as incorporated into this section and the emergency provisions of subsections (7) and (9)(d) of this section.

(iii) The storage, transportation, distribution, or sale of benzene or liquid mixtures containing more than 0.1 percent benzene in intact containers or in transportation pipelines while sealed in such a manner as to contain benzene vapors or liquid, except for the provisions of WAC 296-62-054 and 296-800-170 as incorporated into this section and the emergency provisions of subsections (7) and (9)(d) of this section.

(iv) Containers and pipelines carrying mixtures with less than 0.1 percent benzene and natural gas processing plants processing gas with less than 0.1 percent benzene.

(v) Work operations where the only exposure to benzene is from liquid mixtures containing 0.5 percent or less of benzene by volume, or the vapors released from such liquids until September 12, 1988; work operations where the only exposure to benzene is from liquid mixtures containing 0.3 percent or less of benzene by volume or the vapors released from such liquids from September 12, 1988, to September 12, 1989; and work operations where the only exposure to benzene is from liquid mixtures containing 0.1 percent or less of benzene by volume or the vapors released from such liquids after September 12, 1989; except that tire building machine operators using solvents with more than 0.1 percent benzene are covered by subsection (9) of this section.

(vi) Oil and gas drilling, production, and servicing operations.

(vii) Coke oven batteries.

(c) The cleaning and repair of barges and tankers which have contained benzene are excluded from subsection (6) of this section (Methods of compliance), subsection (5)(a) of this section (General), and subsection (5)(f) of this section (Accuracy of monitoring). Engineering and work practice controls shall be used to keep exposures below 10 ppm unless it is proven to be not feasible.

(2) Definitions.

(a) "Action level" means an airborne concentration of benzene of 0.5 ppm calculated as an 8-hour time-weighted average.

(b) "Authorized person" means any person specifically authorized by the employer whose duties require the person to enter a regulated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the right to observe monitoring and measuring procedures under subsection (5) of this section, or any other person authorized by the Washington Industrial Safety and Health Act (WISHA) or regulations issued under WISHA.

(c) "Benzene" (C₆H₆) (CAS Registry No. 71-43-2) means liquefied or gaseous benzene. It includes benzene contained in liquid mixtures and the benzene vapors released by these liquids. It does not include trace amounts of unreacted benzene contained in solid materials.

(d) "Bulk wholesale storage facility" means a bulk terminal or bulk plant where fuel is stored prior to its delivery to wholesale customers.

(e) "Container" means any barrel, bottle, can, cylinder, drum, reaction vessel, storage tank, or the like, but does not include piping systems.

(f) "Day" means any part of a calendar day.

(g) "Director" means the director of the department of labor and industries, or his/her designated representative.

(h) "Emergency" means any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which may or does result in an unexpected significant release of benzene.

(i) "Employee exposure" means exposure to airborne benzene which would occur if the employee were not using respiratory protective equipment.

(j) "Regulated area" means any area where airborne concentrations of benzene exceed or can reasonably be expected to exceed, the permissible exposure limits, either the 8-hour time-weighted average exposure of 1 ppm or the short-term exposure limit of 5 ppm for fifteen minutes.

(k) "Vapor control system" means any equipment used for containing the total vapors displaced during the loading of gasoline, motor fuel, or other fuel tank trucks and the displacing of these vapors through a vapor processing system or balancing the vapor with the storage tank. This equipment also includes systems containing the vapors displaced from the storage tank during the unloading of the tank truck which balance the vapors back to the tank truck.

(3) Permissible exposure limits (PELs).

(a) Time-weighted average limit (TWA). The employer shall assure that no employee is exposed to an airborne concentration of benzene in excess of one part of benzene per million parts of air (1 ppm) as an 8-hour time-weighted average.

(b) Short-term exposure limit (STEL). The employer shall assure that no employee is exposed to an airborne concentration of benzene in excess of 5 ppm as averaged over any fifteen minute period.

(4) Regulated areas.

(a) The employer shall establish a regulated area wherever the airborne concentration of benzene exceeds or can reasonably be expected to exceed the permissible exposure limits, either the 8-hour time-weighted average exposure of 1

ppm or the short-term exposure limit of 5 ppm for fifteen minutes.

(b) Access to regulated areas shall be limited to authorized persons.

(c) Regulated areas shall be determined from the rest of the workplace in any manner that minimizes the number of employees exposed to benzene within the regulated area.

(5) Exposure monitoring.

(a) General.

(i) Determinations of employee exposure shall be made from breathing zone air samples that are representative of each employee's average exposure to airborne benzene.

(ii) Representative 8-hour TWA employee exposures shall be determined on the basis of one sample or samples representing the full shift exposure for each job classification in each work area.

(iii) Determinations of compliance with the STEL shall be made from fifteen minute employee breathing zone samples measured at operations where there is reason to believe exposures are high, such as where tanks are opened, filled, unloaded, or gauged; where containers or process equipment are opened and where benzene is used for cleaning or as a solvent in an uncontrolled situation. The employer may use objective data, such as measurements from brief period measuring devices, to determine where STEL monitoring is needed.

(iv) Except for initial monitoring as required under (b) of this subsection, where the employer can document that one shift will consistently have higher employee exposures for an operation, the employer shall only be required to determine representative employee exposure for that operation during the shift on which the highest exposure is expected.

(b) Initial monitoring.

(i) Each employer who has a place of employment covered under subsection (1)(a) of this section shall monitor each of these workplaces and work operations to determine accurately the airborne concentrations of benzene to which employees may be exposed.

(ii) The initial monitoring required under (b)(i) of this subsection shall be completed by sixty days after the effective date of this standard or within thirty days of the introduction of benzene into the workplace. Where the employer has monitored within one year prior to the effective date of this standard and the monitoring satisfies all other requirements of this section, the employer may rely on such earlier monitoring results to satisfy the requirements of (b)(i) of this subsection.

(c) Periodic monitoring and monitoring frequency.

(i) If the monitoring required by (b)(i) of this subsection reveals employee exposure at or above the action level but at or below the TWA, the employer shall repeat such monitoring for each such employee at least every year.

(ii) If the monitoring required by (b)(i) of this subsection reveals employee exposure above the TWA, the employer shall repeat such monitoring for each such employee at least every six months.

(iii) The employer may alter the monitoring schedule from every six months to annually for any employee for whom two consecutive measurements taken at least seven

days apart indicate that the employee exposure has decreased to the TWA or below, but is at or above the action level.

(iv) Monitoring for the STEL shall be repeated as necessary to evaluate exposures of employees subject to short term exposures.

(d) Termination of monitoring.

(i) If the initial monitoring required by (b)(i) of this subsection reveals employee exposure to be below the action level the employer may discontinue the monitoring for that employee, except as otherwise required by (e) of this subsection.

(ii) If the periodic monitoring required by (c) of this subsection reveals that employee exposures, as indicated by at least two consecutive measurements taken at least seven days apart, are below the action level the employer may discontinue the monitoring for that employee, except as otherwise required by (e) of this subsection.

(e) Additional monitoring.

(i) The employer shall institute the exposure monitoring required under (b) and (c) of this subsection when there has been a change in the production, process, control equipment, personnel, or work practices which may result in new or additional exposures to benzene, or when the employer has any reason to suspect a change which may result in new or additional exposures.

(ii) Whenever spills, leaks, ruptures, or other breakdowns occur that may lead to employee exposure, the employer shall monitor (using area or personal sampling) after the cleanup of the spill or repair of the leak, rupture or other breakdown to ensure that exposures have returned to the level that existed prior to the incident.

(f) Accuracy of monitoring. Monitoring shall be accurate, to a confidence level of ninety-five percent, to within plus or minus twenty-five percent for airborne concentrations of benzene.

(g) Employee notification of monitoring results.

(i) The employer shall, within fifteen working days after the receipt of the results of any monitoring performed under this standard, notify each employee of these results in writing either individually or by posting of results in an appropriate location that is accessible to affected employees.

(ii) Whenever the PELs are exceeded, the written notification required by (g)(i) of this subsection shall contain the corrective action being taken by the employer to reduce the employee exposure to or below the PEL, or shall refer to a document available to the employee which states the corrective actions to be taken.

(6) Methods of compliance.

(a) Engineering controls and work practices.

(i) The employer shall institute engineering controls and work practices to reduce and maintain employee exposure to benzene at or below the permissible exposure limits, except to the extent that the employer can establish that these controls are not feasible or where the provisions of (a)(iii) of this subsection or subsection (7)(a) of this section apply.

(ii) Wherever the feasible engineering controls and work practices which can be instituted are not sufficient to reduce employee exposure to or below the PELs, the employer shall use them to reduce employee exposure to the lowest levels achievable by these controls and shall supplement them by

the use of respiratory protection which complies with the requirements of subsection (7) of this section.

(iii) Where the employer can document that benzene is used in a workplace less than a total of thirty days per year, the employer shall use engineering controls, work practice controls or respiratory protection or any combination of these controls to reduce employee exposure to benzene to or below the PELs, except that employers shall use engineering and work practice controls, if feasible, to reduce exposure to or below 10 ppm as an 8-hour TWA.

(b) Compliance program.

(i) When any exposures are over the PEL, the employer shall establish and implement a written program to reduce employee exposure to or below the PEL primarily by means of engineering and work practice controls, as required by (a) of this subsection.

(ii) The written program shall include a schedule for development and implementation of the engineering and work practice controls. These plans shall be reviewed and revised as appropriate based on the most recent exposure monitoring data, to reflect the current status of the program.

(iii) Written compliance programs shall be furnished upon request for examination and copying to the director, affected employees, and designated employee representatives.

(7) Respiratory protection.

(a) General. For employees who use respirators required by this section, the employer must provide respirators that comply with the requirements of this subsection. Respirators must be used during:

(i) Periods necessary to install or implement feasible engineering and work-practice controls;

(ii) Work operations for which the employer establishes that compliance with either the TWA or STEL through the use of engineering and work-practice controls is not feasible; for example some maintenance and repair activities, vessel cleaning, or other operations where engineering and work-practice controls are infeasible because exposures are intermittent and limited in duration;

(iii) Work operations for which feasible engineering and work-practice controls are not yet sufficient, or are not required under subsection (6)(a)(iii) of this section, to reduce exposure to or below the PELs;

(iv) Emergencies.

(b) Respirator program.

(i) The employer must implement a respiratory protection program as required by chapter 296-62 WAC, Part E (except WAC 296-62-07130(1), 296-62-07131 (4)(b)(i) and (ii), and 296-62-07150 through 296-62-07156).

(ii) For air-purifying respirators, the employer must replace the air-purifying element at the expiration of its service life or at the beginning of each shift in which such elements are used, whichever comes first.

(iii) If NIOSH certifies an air-purifying element with an end-of-service-life indicator for benzene, such an element may be used until the indicator shows no further useful life.

(c) Respirator selection.

(i) The employer must select the appropriate respirator from Table 1 of this section.

(ii) Any employee who cannot use a negative-pressure respirator must be allowed to use a respirator with less breathing resistance, such as a powered air-purifying respirator or supplied-air respirator.

TABLE I. - RESPIRATORY PROTECTION FOR BENZENE

Airborne concentration of benzene or condition of use		Respirator type	
(a)	Less than or equal to 10 ppm.	(1)	Half-mask air-purifying respirator with organic vapor cartridge.
(b)	Less than or equal to 50 ppm.	(1)	Full facepiece respirator with organic vapor cartridges.
		(1)	Full facepiece gas mask with chin style canister. ¹
(c)	Less than or equal to 100 ppm.	(1)	Full facepiece powered air-purifying respirator with organic vapor canister. ¹
		(1)	Supplied air respirator with full facepiece in positive-pressure mode.
(d)	Less than or equal to 1,000 ppm.	(1)	Self-contained breathing apparatus with full facepiece in positive-pressure mode.
		(2)	Full facepiece positive-pressure supplied-air respirator with auxiliary self-contained air supply.
(e)	Greater than 1,000 ppm or unknown concentration.	(1)	Any organic vapor gas mask; or
		(2)	Any self-contained breathing apparatus with full facepiece.
(f)	Escape	(1)	Full facepiece self-contained breathing apparatus in positive pressure mode.
		(1)	Any self-contained breathing apparatus with full facepiece.
(g)	Firefighting	(1)	Full facepiece self-contained breathing apparatus in positive pressure mode.
		(1)	Full facepiece self-contained breathing apparatus in positive pressure mode.

¹Canisters must have a minimum service life of four (4) hours when tested at 150 ppm benzene, at a flow rate of 64 LPM, 25° C, and 85% relative humidity for nonpowered air purifying respirators. The flow rate shall be 115 LPM and 170 LPM respectively for tight fitting and loose fitting powered air-purifying respirators.

(8) Protective clothing and equipment. Personal protective clothing and equipment shall be worn where appropriate to prevent eye contact and limit dermal exposure to liquid benzene. Protective clothing and equipment shall be provided by the employer at no cost to the employee and the employer shall assure its use where appropriate. Eye and face protection shall meet the requirements of WAC 296-800-160.

(9) Medical surveillance.

(a) General.

(i) The employer shall make available a medical surveillance program for employees who are or may be exposed to benzene at or above the action level thirty or more days per year; for employees who are or may be exposed to benzene at or above the PELs ten or more days per year; for employees who have been exposed to more than 10 ppm of benzene for thirty or more days in a year prior to the effective date of the standard when employed by their current employer; and for employees involved in the tire building operations called tire

PERMANENT

building machine operators, who use solvents containing greater than 0.1 percent benzene.

(i) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician and that all laboratory tests are conducted by an accredited laboratory.

(iii) The employer shall assure that persons other than licensed physicians who administer the pulmonary function testing required by this section shall complete a training course in spirometry sponsored by an appropriate governmental, academic, or professional institution.

(iv) The employer shall assure that all examinations and procedures are provided without cost to the employee and at a reasonable time and place.

(b) Initial examination.

(i) Within sixty days of the effective date of this standard, or before the time of initial assignment, the employer shall provide each employee covered by (a)(i) of this subsection with a medical examination including the following elements:

(A) A detailed occupational history which includes:

(I) Past work exposure to benzene or any other hematological toxins;

(II) A family history of blood dyscrasias including hematological neoplasms;

(III) A history of blood dyscrasias including genetic hemoglobin abnormalities, bleeding abnormalities, abnormal function of formed blood elements;

(IV) A history of renal or liver dysfunction;

(V) A history of medicinal drugs routinely taken;

(VI) A history of previous exposure to ionizing radiation; and

(VII) Exposure to marrow toxins outside of the current work situation.

(B) A complete physical examination.

(C) Laboratory tests. A complete blood count including a leukocyte count with differential, a quantitative thrombocyte count, hematocrit, hemoglobin, erythrocyte count and erythrocyte indices (MCV, MCH, MCHC). The results of these tests shall be reviewed by the examining physician.

(D) Additional tests as necessary in the opinion of the examining physician, based on alterations to the components of the blood or other signs which may be related to benzene exposure.

(E) For all workers required to wear respirators for at least thirty days a year, the physical examination shall pay special attention to the cardiopulmonary system and shall include a pulmonary function test.

(ii) No initial medical examination is required to satisfy the requirements of (b)(i) of this subsection if adequate records show that the employee has been examined in accordance with the procedures of (b)(i) of this subsection within the twelve months prior to the effective date of this standard.

(c) Periodic examinations.

(i) The employer shall provide each employee covered under (a)(i) of this subsection with a medical examination annually following the previous examination. These periodic examinations shall include at least the following elements:

(A) A brief history regarding any new exposure to potential marrow toxins, changes in medicinal drug use, and the appearance of physical signs relating to blood disorders;

(B) A complete blood count including a leukocyte count with differential, quantitative thrombocyte count, hemoglobin, hematocrit, erythrocyte count and erythrocyte indices (MCV, MCH, MCHC); and

(C) Appropriate additional tests as necessary, in the opinion of the examining physician, in consequence of alterations in the components of the blood or other signs which may be related to benzene exposure.

(ii) Where the employee develops signs and symptoms commonly associated with toxic exposure to benzene, the employer shall provide the employee with an additional medical examination which shall include those elements considered appropriate by the examining physician.

(iii) For persons required to use respirators for at least thirty days a year, a pulmonary function test shall be performed every three years. A specific evaluation of the cardiopulmonary system shall be made at the time of the pulmonary function test.

(d) Emergency examinations.

(i) In addition to the surveillance required by (a)(i) of this subsection, if an employee is exposed to benzene in an emergency situation, the employer shall have the employee provide a urine sample at the end of the employee's shift and have a urinary phenol test performed on the sample within seventy-two hours. The urine specific gravity shall be corrected to 1.024.

(ii) If the result of the urinary phenol test is below 75 mg phenol/L of urine, no further testing is required.

(iii) If the result of the urinary phenol test is equal to or greater than 75 mg phenol/L of urine, the employer shall provide the employee with a complete blood count including an erythrocyte count, leukocyte count with differential and thrombocyte count at monthly intervals for a duration of three months following the emergency exposure.

(iv) If any of the conditions specified in (e)(i) of this subsection exists, then the further requirements of (e) of this subsection shall be met and the employer shall, in addition, provide the employees with periodic examinations if directed by the physician.

(e) Additional examinations and referrals.

(i) Where the results of the complete blood count required for the initial and periodic examinations indicate any of the following abnormal conditions exist, then the blood count shall be repeated within two weeks.

(A) The hemoglobin level or the hematocrit falls below the normal limit (outside the ninety-five percent confidence interval (C.I.)) as determined by the laboratory for the particular geographic area and/or these indices show a persistent downward trend from the individual's preexposure norms; provided these findings cannot be explained by other medical reasons.

(B) The thrombocyte (platelet) count varies more than twenty percent below the employee's most recent values or falls outside the normal limit (ninety-five percent C.I.) as determined by the laboratory.

(C) The leukocyte count is below 4,000 per mm³ or there is an abnormal differential count.

(ii) If the abnormality persists, the examining physician shall refer the employee to a hematologist or an internist for further evaluation unless the physician has good reason to believe such referral is unnecessary. (See Appendix C for examples of conditions where a referral may be unnecessary.)

(iii) The employer shall provide the hematologist or internist with the information required to be provided to the physician under this subsection and the medical record required to be maintained by subsection (11)(b)(ii) of this section.

(iv) The hematologist's or internist's evaluation shall include a determination as to the need for additional tests, and the employer shall assure that these tests are provided.

(f) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this regulation and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's actual or representative exposure level;

(iv) A description of any personal protective equipment used or to be used; and

(v) Information from previous employment-related medical examinations of the affected employee which is not otherwise available to the examining physician.

(g) Physician's written opinions.

(i) For each examination under this section, the employer shall obtain and provide the employee with a copy of the examining physician's written opinion within fifteen days of the examination. The written opinion shall be limited to the following information:

(A) The occupationally pertinent results of the medical examination and tests;

(B) The physician's opinion concerning whether the employee has any detected medical conditions which would place the employee's health at greater than normal risk of material impairment from exposure to benzene;

(C) The physician's recommended limitations upon the employee's exposure to benzene or upon the employee's use of protective clothing or equipment and respirators.

(D) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions resulting from benzene exposure which require further explanation or treatment.

(ii) The written opinion obtained by the employer shall not reveal specific records, findings, and diagnoses that have no bearing on the employee's ability to work in a benzene-exposed workplace.

(h) Medical removal plan.

(i) When a physician makes a referral to a hematologist/internist as required under (e)(ii) of this subsection, the employee shall be removed from areas where exposures may exceed the action level until such time as the physician makes a determination under (h)(ii) of this subsection.

(ii) Following the examination and evaluation by the hematologist/internist, a decision to remove an employee from areas where benzene exposure is above the action level or to allow the employee to return to areas where benzene exposure is above the action level shall be made by the phy-

sician in consultation with the hematologist/internist. This decision shall be communicated in writing to the employer and employee. In the case of removal, the physician shall state the required probable duration of removal from occupational exposure to benzene above the action level and the requirements for future medical examinations to review the decision.

(iii) For any employee who is removed pursuant to (h)(ii) of this subsection, the employer shall provide a follow-up examination. The physician, in consultation with the hematologist/internist, shall make a decision within six months of the date the employee was removed as to whether the employee shall be returned to the usual job or whether the employee should be removed permanently.

(iv) Whenever an employee is temporarily removed from benzene exposure pursuant to (h)(i) or (ii) of this subsection, the employer shall transfer the employee to a comparable job for which the employee is qualified (or can be trained for in a short period) and where benzene exposures are as low as possible, but in no event higher than the action level. The employer shall maintain the employee's current wage rate, seniority, and other benefits. If there is no such job available, the employer shall provide medical removal protection benefits until such a job becomes available or for six months, whichever comes first.

(v) Whenever an employee is removed permanently from benzene exposure based on a physician's recommendation pursuant to (h)(iii) of this subsection, the employee shall be given the opportunity to transfer to another position which is available or later becomes available for which the employee is qualified (or can be trained for in a short period) and where benzene exposures are as low as possible but in no event higher than the action level. The employer shall assure that such employee suffers no reduction in current wage rate, seniority, or other benefits as a result of the transfer.

(i) Medical removal protection benefits.

(i) The employer shall provide to an employee six months of medical removal protection benefits immediately following each occasion an employee is removed from exposure to benzene because of hematological findings pursuant to (h)(i) and (ii) of this subsection, unless the employee has been transferred to a comparable job where benzene exposures are below the action level.

(ii) For the purposes of this section, the requirement that an employer provide medical removal protection benefits means that the employer shall maintain the current wage rate, seniority, and other benefits of an employee as though the employee had not been removed.

(iii) The employer's obligation to provide medical removal protection benefits to a removed employee shall be reduced to the extent that the employee receives compensation for earnings lost during the period of removal either from a publicly or employer-funded compensation program, or from employment with another employer made possible by virtue of the employee's removal.

(10) Communication of benzene hazards to employees.

(a) Signs and labels.

(i) The employer shall post signs at entrances to regulated areas. The signs shall bear the following legend:

DANGER
 BENZENE
 CANCER HAZARD
 FLAMMABLE-NO SMOKING
 AUTHORIZED PERSONNEL ONLY
 RESPIRATOR REQUIRED

(ii) The employer shall ensure that labels or other appropriate forms of warning are provided for containers of benzene within the workplace. There is no requirement to label pipes. The labels shall comply with the requirements of WAC 296-800-170 and in addition shall include the following legend:

DANGER
 CONTAINS BENZENE
 CANCER HAZARD

(b) Material safety data sheets.

(i) Employers shall obtain or develop, and shall provide access to their employees, to a material safety data sheet (MSDS) which addresses benzene and complies with WAC 296-62-054 and 296-800-170.

(ii) Employers who are manufacturers or importers shall:

(A) Comply with subsection (1) of this section; and

(B) Comply with the requirement in WISHA's hazard communication standard, WAC 296-62-054 (Hazard communication purpose), that they deliver to downstream employers an MSDS which addresses benzene.

(c) Information and training.

(i) The employer shall provide employees with information and training at the time of their initial assignment to a work area where benzene is present. If exposures are above the action level, employees shall be provided with information and training at least annually thereafter.

(ii) The training program shall be in accordance with the requirements of WAC 296-800-170, and shall include specific information on benzene for each category of information included in that section.

(iii) In addition to the information required under WAC 296-800-170, the employer shall:

(A) Provide employees with an explanation of the contents of this section, including Appendices A and B, and indicate to them where the standard is available; and

(B) Describe the medical surveillance program required under subsection (9) of this section, and explain the information contained in Appendix C.

(11) Recordkeeping.

(a) Exposure measurements.

(i) The employer shall establish and maintain an accurate record of all measurements required by subsection (5) of this section, in accordance with WAC 296-62-052.

(ii) This record shall include:

(A) The dates, number, duration, and results of each of the samples taken, including a description of the procedure used to determine representative employee exposures;

(B) A description of the sampling and analytical methods used;

(C) A description of the type of respiratory protective devices worn, if any; and

(D) The name, Social Security number, job classification, and exposure levels of the employee monitored and all other employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for at least the duration of employment plus thirty years, in accordance with Part B, Access to records, WAC 296-62-052 through 296-62-05223.

(b) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance required by subsection (9) of this section, in accordance with WAC 296-62-052.

(ii) This record shall include:

(A) The name and Social Security number of the employee;

(B) The employer's copy of the physician's written opinion on the initial, periodic, and special examinations, including results of medical examinations and all tests, opinions, and recommendations;

(C) Any employee medical complaints related to exposure to benzene;

(D) A copy of the information provided to the physician as required by subsection (9)(f)(ii) through (v) of this section; and

(E) A copy of the employee's medical and work history related to exposure to benzene or any other hematologic toxins.

(iii) The employer shall maintain this record for at least the duration of employment plus thirty years, in accordance with Part B, Access to records, WAC 296-62-052 through 296-62-05223.

(c) Availability.

(i) The employer shall assure that all records required to be maintained by this section shall be made available upon request to the director for examination and copying.

(ii) Employee exposure monitoring records required by this subsection shall be provided upon request for examination and copying to employees, employee representatives, and the director in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217.

(iii) Employee medical records required by this subsection shall be provided upon request for examination and copying, to the subject employee, to anyone having the specific written consent of the subject employee, and to the director in accordance with WAC 296-62-052.

(d) Transfer of records.

(i) The employer shall comply with the requirements involving transfer of records set forth in WAC 296-62-05205.

(ii) If the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, the employer shall notify the director, at least three months prior to disposal, and transmit them to the director if required by the director within that period.

(12) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees, or their designated representatives, an opportunity to observe the measuring or monitoring of

employee exposure to benzene conducted pursuant to subsection (5) of this section.

(b) Observation procedures. When observation of the measuring or monitoring of employee exposure to benzene requires entry into areas where the use of protective clothing and equipment or respirators is required, the employer shall provide the observer with personal protective clothing and equipment or respirators required to be worn by employees working in the area, assure the use of such clothing and equipment or respirators, and require the observer to comply with all other applicable safety and health procedures.

(13) Appendices. The information contained in WAC 296-62-07525, Appendices A, B, C, and D is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligations.

WSR 05-01-173
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed December 21, 2004, 9:43 a.m., effective May 1, 2005]

Effective Date of Rule: May 1, 2005.

Purpose: Arsenic, the department has rewritten and clarified requirements relating to arsenic. Unnecessary requirements and outdated terminology have been eliminated. This rule making will adopt arsenic as a new chapter, chapter 296-848 WAC. This rule making is part of our goal to rewrite all of WISHA's general occupational safety and health rules for clarity.

Citation of Existing Rules Affected by this Order:
Repealing WAC 296-62-07347.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Adopted under notice filed as WSR 04-18-077 on August 31, 2004.

Changes Other than Editing from Proposed to Adopted Version: **CHANGES TO THE RULES** (Proposed rule versus rule actually adopted):

Chapter 296-848 WAC, Arsenic:

WAC 296-848-100 Scope.

- Reformatted the bulleted list in the exemption.

WAC 296-848-20010 Preventive practices.

- Reformatted the bulleted in the reference.
- Moved the information from the requirement to "Select vacuums that have high efficiency particulate air (HEPA) filters" to the note below the requirement.

WAC 296-848-20060 Exposure evaluations.

- Added clarification with the phrase "another chapter" before the reference to respiratory hazards, chapter 296-841 WAC.
- In subsection (2), the term "exposure measurement" has been changed to "exposure monitoring."
- In the exposure evaluation process, language was added to the "Important" statement to read, "Docu-

mentation can be based on quantitative information such as soil test results OR qualitative information such as observations of how inorganic arsenic-containing materials are handled."

- In Step 2 of the exposure evaluation process, the term "exposure measurement" has been changed to "exposure monitoring."
- Clarified the language in the note under Step 2 of the exposure evaluation process. It now reads, "A written description of the procedure used for obtaining representative employee exposure monitoring results needs to be kept as part of your exposure records required by this chapter in exposure records, WAC 296-848-20090. This description can be created while completing Steps 2 through 4 of this exposure evaluation process."
- In the first bullet in Step 3 of the exposure evaluation process, the requirement has been changed to "Select and use a method that meets the following criteria for accuracy..." from "Get results from a method that meets the following criteria for accuracy..."
- Reformatted the bulleted list in the note under Step 3 of the exposure evaluation process.
- In the first bullet of Step 4 of the exposure evaluation process, the word "Collect" was changed to the word "Sample."
- In the first bullet of Step 4 of the exposure evaluation process, the word "sample" was changed to the word "shift."
- Clarified the language in the note in Step 4 of the exposure evaluation process to read, "The following are examples of methods for collecting samples representative of eight-hour exposures. Collect one or more continuous samples, for example, a single eight-hour sample or four two-hour samples. Take a minimum of 4 to 7 brief samples, such as fifteen-minute samples, during the work shift and at times selected randomly.

For work shifts longer than eight hours, monitor the continuous eight-hour portion of the shift expected to have the highest average exposure concentration."

- In Step 5 of the exposure evaluation process, the phrase "concentrations representative of" has been changed to "monitoring results representing."

WAC 296-848-20070 Notification.

- In the first bullet, the word "concentrations" has been changed to "the monitoring results."

WAC 296-848-20090 Exposure records.

- Clarified the first bullet to read, "Establish and keep complete and accurate records for all exposure monitoring conducted under this chapter."
- Reformatted the bulleted list under the first requirement.
- Changed the language in the third subbullet to read, "A description of the procedure used to obtain representative employee exposure monitoring results."

- Changed the language in the fourth subbullet to read, "The date, number, duration, location, and the result of each sample taken."
- Corrected a bulleting error in the second primary bullet.
- Clarified the language in the second primary bullet to read, "Keep exposure monitoring records for at least thirty years."
- Clarified the language in the reference to read, "To see additional requirements for employee exposure records including access and transfer requirements, go to another chapter, Employee medical and exposure records, chapter 296-802 WAC. Exposure monitoring records need to be kept longer than thirty years for employees participating in medical monitoring. Go to Medical records, WAC 296-848-30080, found within this chapter."

WAC 296-848-300 Training, exposure monitoring, and medical monitoring.

- Reformatted bulleted list.

WAC 296-848-30005 Training.

- In the fourth primary bullet, the reference in the second subbullet has been clarified by adding the phrase "another chapter."
- Reformatted the bulleted in the reference.

WAC 296-848-30010 Periodic exposure evaluations.

- Added an exemption at the beginning of the section to read, "Periodic exposure evaluations aren't required if exposure monitoring results conducted to fulfill requirements in Exposure evaluation, WAC 296-848-20060, are below the Action Level (AL)."
- Clarified the language in the note to read, "If you document that one work shift consistently has higher exposure monitoring results than another for a particular operation, then you limit sample collection to the work shift with higher exposures and can use results to represent all employees performing the operation on other shifts."
- Changed the term "concentrations" to "monitoring results" throughout Table 2, Periodic Exposure Evaluation Frequencies.

WAC 296-848-30030 Medical evaluations.

- Reformatted "Important" statement.
- Clarified the reference by adding the phrase "another chapter."
- Clarified the requirement in third primary bullet to read, "Make medical evaluations available by completing Steps 1 through 6 of the medical evaluation process for each employee covered."
- Moved note up before the helpful tool reference.
- Clarified the requirement to Step 6 to read, "Make sure the written opinion is limited to the information specified for written opinions in Step 4."
- Corrected a typographical error by adding the word "opinion" in the note.

WAC 296-848-30080 Medical records.

- Reformatted "Important" statement.

WAC 296-848-40045 Respirators.

- Reformatted "Important" statement.
- Clarified the reference in the "Important" statement by adding the phrase "other chapters."
- Added Respiratory hazards, chapter 296-841 WAC, to the reference in the "Important" statement.
- Added the word "circumstances" to the first primary bullet.
- Changed the language in the third subbullet to read, "Where you determine that exposure controls are not feasible."
- Changed the language in the third primary bullet to read, "Provide an employee a powered air-purifying respirator (PAPR) when this type of respirator will provide proper protection and: A licensed health-care professional (LHCP) allows this type of respirator in their written opinion or the employee chooses to use this type of respirator. Prohibit the use of half-facepiece respirators for protection against arsenic trichloride."
- Added a note to read, "Arsenic trichloride is corrosive and can be rapidly absorbed through skin."

WAC 296-848-500 Definitions.

- Clarified the definition of "Time-weighted average (TWA₈)."
- It now reads, "An exposure limit averaged over an eight-hour period that must not be exceeded during an employee's workday."

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 20, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 20, Amended 0, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 20, Amended 0, Repealed 1.

Date Adopted: December 21, 2004.

Paul Trause
Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-62-07347 Inorganic arsenic.

Chapter 296-848 WAC

ARSENIC

NEW SECTION

WAC 296-848-100 Scope. This chapter applies to all occupational exposure to inorganic arsenic.

Definitions:

Inorganic arsenic means elemental arsenic (As), copper aceto-arsenite, and inorganic compounds containing arsenic (measured as As), except arsine. Inorganic compounds do not contain the element carbon.

Exposure is the contact an employee has with inorganic arsenic, whether or not protection is provided by respirators or other personal protective equipment (PPE). Exposure can occur through various routes of entry such as inhalation, ingestion, skin contact, or skin absorption.

Helpful tool:

Arsenic contamination in soil; information and guidance for employers.

Use this tool if you have employees who work with soil. It will help you find out if this rule is applicable to your employee's exposure to soil.

- Exemptions:**
- This chapter does not apply to any of the following:
 - Exposures during agricultural operations.
 - Pesticide applications, including the treatment of wood with preservatives.
 - Use of wood treated with inorganic arsenic.
 - Arsine, a gas identified by Chemical Abstract Service (CAS) Registry No. 7784-42-1.
 - Laboratories subject to the requirements found in another chapter:
 - Go to the General occupational health standards, chapter 296-62 WAC;
 - AND
 - Find the section, Hazardous chemicals in laboratories, WAC 296-62-400.
 - Inorganic arsenic present in a form and handled in such a way that airborne exposures could not occur. For example, inorganic arsenic present in glass is fused in the material. Due to the fused form, airborne exposure can not occur when the glass is scored and subsequently broken.

All requirements in this chapter will not apply to every workplace with an occupational exposure. The following steps will show you which requirements apply to your workplace.

Step 1: Follow requirements in the basic rules sections, WAC 296-848-20010 through 296-848-20090.

- This includes completing an exposure evaluation, as specified in Exposure evaluations, WAC 296-848-20060, to:
 - Obtain employee eight-hour exposure monitoring results of airborne inorganic arsenic;

AND

– Determine if employee exposure monitoring results are above, at, or below these values:

■ Eight-hour time-weighted average (TWA₈). 10 micrograms per cubic meter (µg/m³).

■ Eight-hour action level (AL). 5 µg/m³.

Step 2: Use employee exposure monitoring results from Step 1 and follow Table 1 to find out which additional sections of this chapter apply to your workplace.

Table 1
Sections That Apply To Your Workplace

If:	Then continue to follow the Basic Rules, and these additional requirements:
<ul style="list-style-type: none"> • Employee exposure monitoring results are above the TWA₈ 	<ul style="list-style-type: none"> • Training, exposure monitoring, and medical monitoring, WAC 296-848-30005 through 296-848-30080; AND • Exposure control areas, WAC 296-848-40005 through 296-848-40045.
<ul style="list-style-type: none"> • Employee exposure monitoring results are: <ul style="list-style-type: none"> – At or below the TWA₈; AND – At or above AL 	<ul style="list-style-type: none"> • Training, exposure monitoring, and medical monitoring, WAC 296-848-30005 through 296-848-30080.
<ul style="list-style-type: none"> • Employee exposure monitoring results are below the AL; AND • Eye or skin irritation from exposure to inorganic arsenic cannot occur 	<ul style="list-style-type: none"> • No additional requirements apply if exposures remain stable.
<ul style="list-style-type: none"> • Employees could experience eye or skin irritation from exposure to inorganic arsenic 	<ul style="list-style-type: none"> • Training in WAC 296-848-30005. • Washing, showering, and changing in WAC 296-848-40030. • Personal protective equipment (PPE) in WAC 296-848-40040.

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NEW SECTION

WAC 296-848-200 Basic rules.

Summary:

Your responsibility:

To measure and minimize employee exposure to inorganic arsenic.

IMPORTANT:

The sections listed in basic rules apply to all employers covered by the scope of this chapter, WAC 296-848-100. To find additional sections that may apply to you, go to the Scope, WAC 296-848-100, and follow Table 1.

- Contents
- Preventive practices
WAC 296-848-20010.
- Washing facilities
WAC 296-848-20025.
- Exposure evaluations
WAC 296-848-20060.

Notification
 WAC 296-848-20070.
 Exposure records
 WAC 296-848-20090.

NEW SECTION

WAC 296-848-20010 Preventive practices.

You must:

- (1) Effectively communicate the hazards of inorganic arsenic by doing both of the following:
 - Keep container labels free of statements that contradict or detract from the labels' hazard warning.

Note: You may use labels required by other laws, rules, or ordinances in addition to, or in combination with, labels required by this section.

You must:

- Make sure shipping containers, storage containers, and products containing inorganic arsenic are labeled, tagged, or marked with this warning:

Danger
 Contains Inorganic Arsenic
 Cancer Hazard
 Harmful if Inhaled or Swallowed
 Use Only with Adequate Ventilation
 or
 Respiratory Protection

- Note:**
- You should keep containers tightly covered when not in use to help prevent unnecessary exposure and accidental spills.
 - Contaminated items should be handled and disposed of to prevent further exposure in the workplace. For example, vacuuming or wet wiping contaminated equipment helps prevent the release of dust into the air.

- Reference:**
- Additional requirements are found in other chapters:
 - For spills, leaks, or other releases, go to Emergency response, chapter 296-824 WAC.
 - For labeling go to:
 - The Safety and health core rules, chapter 296-800 WAC, and find the section, Label containers holding hazardous chemicals, WAC 296-800-17025;
- AND**
- Material safety data sheet and label preparation, chapter 296-839 WAC.

You must:

- (2) Establish safe and effective housekeeping and maintenance practices by doing all the following:
 - Develop and keep a written housekeeping and maintenance plan that lists appropriate frequencies for:
 - Housekeeping operations;
- AND**
- Cleaning and maintaining dust collection equipment.
 - Keep surfaces free of accumulations of inorganic arsenic, to the degree feasible.
 - When cleaning floors and other accessible surfaces:
 - Use vacuuming or other cleaning methods that minimize the release of inorganic arsenic into the air.
 - Do not use compressed air.
 - Select vacuums that have high efficiency particulate air (HEPA) filters.
 - Use and empty vacuums in a way that minimizes the release of inorganic arsenic back into the workplace.

- Note:**
- Shoveling or brushing may be used only when vacuuming or other cleaning methods have not been effective.
 - Using non-HEPA vacuums will increase inorganic arsenic contamination in air and on area surfaces.

You must:

- Maintain ventilation systems, including dust collection equipment, to make sure they are effective. Do all of the following:
 - Perform periodic inspections for effectiveness.
 - Periodically clean the equipment.
 - Keep a note of the most recent inspection for effectiveness, and cleaning or maintenance.
 - (3) Prevent eye or skin contact with:
 - Arsenic trichloride;
- AND**
- Liquid or particulate forms of inorganic arsenic when contact could cause eye or skin irritation.

Note: Arsenic trichloride is corrosive and can be quickly absorbed through skin.

NEW SECTION

WAC 296-848-20025 Washing facilities.

You must:

- Provide washing facilities for employees exposed to inorganic arsenic.

References: For additional washing facility requirements, go to another chapter, the Safety and health core rules, chapter 296-800 WAC, and find the section titled, Provide convenient and clean washing facilities, WAC 296-800-23025.

NEW SECTION

WAC 296-848-20060 Exposure evaluations.

IMPORTANT:

- This section applies when workplace operations create potential airborne exposure to inorganic arsenic.
 - When you conduct an exposure evaluation in a workplace where an employee uses a respirator, the protection provided by the respirator is not considered.
 - Following this section will fulfill the requirements to identify and evaluate respiratory hazards found in another chapter, Respiratory hazards, chapter 296-841 WAC.

You must:

- (1) Conduct an employee exposure evaluation to accurately determine airborne concentrations of inorganic arsenic by completing Steps 1 through 5 of the Exposure Evaluation Process, each time any of the following apply:
 - No evaluation has been conducted.
 - Changes have occurred in any of the following areas that may result in new or increased exposures:
 - Production.
 - Processes.
 - Exposure controls such as ventilation systems or work practices.
 - Personnel.
 - You have any reason to suspect new or increased exposure may occur.
- (2) Provide affected employees and their designated representatives an opportunity to observe exposure monitoring during Step 4 of the Exposure Evaluation Process.

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- Make sure observers do not interfere with exposure measurements.

- Make sure observers are entitled to:

- An explanation of your exposure measurement and monitoring procedures;
- Observe all tasks of exposure measurement performed at the workplace;

AND

- Receive a copy of the exposure measurement results when you obtain them; or are allowed to record the exposure measurement results, if made during observations.

- Make sure observers who enter areas with inorganic arsenic exposure:

- Are provided with and use the same protective clothing, respirators, and other personal protective equipment (PPE) that employees working in the area are required to use;

AND

- Follow safety and health requirements that apply.

Exposure Evaluation Process

IMPORTANT:

Following the Exposure Evaluation Process is not necessary when you have documentation conclusively demonstrating inorganic arsenic exposures for a particular operation and material, cannot exceed the action level (AL) during any conditions reasonably anticipated. Documentation can be based on quantitative information such as soil test results OR qualitative information such as observations of how inorganic arsenic-containing materials are handled.

- Retain this documentation for as long as you rely on it.

Step 1: Identify all employees who have potential airborne exposure to inorganic arsenic in your workplace.

Step 2: Select employees from those identified in Step 1 who will have their eight-hour exposures monitored.

- Make sure the exposures of the employees selected represent eight-hour exposures for all employees identified in Step 1, including each job classification, work area, and shift.

Note: • A written description of the procedure used for obtaining representative employee exposure monitoring results needs to be kept as part of your exposure records required by this chapter in Exposure records, WAC 296-848-20090. This description can be created while completing Steps 2 through 4 of this exposure evaluation process.

Step 3: Determine how you'll obtain employee exposure monitoring results.

- Select and use a method that meets the following criteria for accuracy:

- $\pm 25\%$, with a confidence level of 95%, when concentrations are potentially at or above an eight-hour time-weighted average of 10 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$);

OR

- $\pm 35\%$, with a confidence level of 95%, when concentrations are potentially between the eight-hour time-weighted averages of 5 $\mu\text{g}/\text{m}^3$ and 10 $\mu\text{g}/\text{m}^3$.

Note: • Here are examples of methods that meet this accuracy requirement:

- OSHA Method ID105 found by going to <http://www.osha.gov/dts/sltc/methods/toc.html>.
- NIOSH method 7901 found by going to <http://www.cdc.gov/niosh/homepage.html> and linking to the NIOSH Manual of Analytical Methods.

Step 4: Obtain employee exposure monitoring results by collecting air samples representing employees identified in Step 1.

- Sample at least one shift representative of the eight-hour exposure, for each employee selected in Step 2.

- Make sure samples are collected from each selected employee's breathing zone.

Note: • You may use any sampling method that meets the accuracies specified in Step 3. Examples of these methods include:

- Real-time monitors that provide immediate exposure monitoring results.

- Equipment that collects samples that are sent to a laboratory for analysis.

- The following are examples of methods for collecting samples representative of eight-hour exposures.

- Collect one or more continuous samples, for example, a single eight-hour sample or four two-hour samples.

- Take a minimum of 4 to 7 brief samples, such as fifteen-minute samples, during the work shift and at times selected randomly.

- For work shifts longer than eight hours, monitor the continuous eight-hour portion of the shift expected to have the highest average exposure concentration.

Step 5: Have the samples you collected analyzed to obtain monitoring results representing eight-hour exposures.

- Go to the Scope of this chapter, WAC 296-848-100, and compare employee exposure monitoring results to the values found in Step 1 and follow Step 2 to determine if additional sections of this chapter apply.

Note: • You may contact your local WISHA consultant for help:

- Interpreting data or other information.
- Determining eight-hour employee exposure monitoring results.

- To contact a WISHA consultant:

- Go to the Safety and health core rules, chapter 296-800 WAC;

AND

- Find the Resources section, and under "Other Resources," find *Service Locations for Labor and Industries*.

NEW SECTION

WAC 296-848-20070 Notification.

You must:

- Provide written notification of exposure monitoring results, including notification about whether exposures exceed the permissible exposure limit (PEL), to employees represented by your exposure evaluation, within five business days after the monitoring results become known to you.

- In addition, when employee exposure monitoring results are above the permissible exposure limit (PEL), provide written notification of all the following within fifteen business days after these exposure monitoring results become known to you.

- Corrective actions being taken and a schedule for completion;

AND

- Any reason why exposures cannot be lowered to below the PEL.

Note: • You can notify affected employees either individually or post the notifications in areas readily accessible to affected employees.

- When notifying employees about corrective actions, your notification may refer them to a separate document that is available and provides the required information.

NEW SECTION**WAC 296-848-20090 Exposure records.****You must:**

- Establish and keep complete and accurate records for all exposure monitoring conducted under this chapter. Make sure the record includes, at least:
 - The name, Social Security number or other unique identifier, and job classification of the employee sampled and all other employees represented by the sampled employee.
 - A description of the methods used to obtain exposure monitoring results and evidence of the method's accuracy.
 - A description of the procedure used to obtain representative employee exposure monitoring results.
 - The date, number, duration, location, and the result of each sample taken.
 - Any environmental conditions that could affect exposure concentration measurements.

Note: It's useful to record any personal protective equipment worn by the employee in addition to the type of respirator worn.

You must:

- Keep exposure monitoring records for at least thirty years.

- Reference:**
- To see additional requirements for employee exposure records including access and transfer requirements, go to another chapter, Employee medical and exposure records, chapter 296-802 WAC.
 - Exposure monitoring records need to be kept longer than thirty years for employees participating in medical monitoring. Go to Medical records, WAC 296-848-30080, found within this chapter.

NEW SECTION**WAC 296-848-300 Training, exposure monitoring, and medical monitoring.****Summary:****Your responsibility:**

To detect any significant changes in employee health and exposure monitoring results.

IMPORTANT:

• These sections apply when skin or eye irritation could occur or when employee exposure monitoring results are either:

– At or above the action level (AL) of 5 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) for inorganic arsenic;

OR

– Above the permissible exposure limit (PEL) of 10 $\mu\text{g}/\text{m}^3$ for inorganic arsenic.

Contents

Training

WAC 296-848-30005.

Periodic exposure evaluations

WAC 296-848-30010.

Medical evaluations

WAC 296-848-30030.

Medical records

WAC 296-848-30080.

NEW SECTION**WAC 296-848-30005 Training.****You must:**

- Train employees:
 - Who are exposed above the action level (AL) of 5 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) of air;

OR

– Who could experience eye or skin irritation from exposure.

- Provide training:

– At the time of initial assignment;

AND

– At least every twelve months after initial training.

- Make sure training and information includes all of the following:

– A review of this chapter.

– The information found in another chapter:

■ Go to the General occupational health standards, chapter 296-62 WAC;

AND

■ Find Appendix A-Inorganic Arsenic Substance Information Sheet, WAC 296-62-07354(1).

– The purpose for medical evaluations and a description of how you are fulfilling the medical evaluation requirements of this chapter found in Medical evaluations, WAC 296-848-30030.

- Make a copy of each of the following readily available to all employees required to be trained under this section:

– This chapter;

AND

– These appendices found in another chapter, the General occupational health standards, chapter 296-62 WAC:

■ Appendix A-Inorganic Arsenic Substance Information Sheet, WAC 296-62-07354(1).

■ Appendix B-Substance Technical Guidelines, WAC 296-62-07354(2).

■ Appendix C-Medical Surveillance Guidelines, WAC 296-62-07354(3).

- Reference:**
- To see additional training and information requirements in other chapters, go to the:

– Respirators rule, chapter 296-842 WAC.

– Safety and health core rules, chapter 296-800 WAC, and find the section titled, Inform and train your employees about hazardous chemicals in your workplace, WAC 296-800-17030.

• When following these requirements, include specific information about potential exposures to inorganic arsenic, such as the types of operations, locations, quantities, exposure sources, exposure controls, inorganic arsenic use, and storage.

NEW SECTION**WAC 296-848-30010 Periodic exposure evaluations.**

- Exemption:**
- Periodic exposure evaluations aren't required if exposure monitoring results conducted to fulfill requirements in Exposure evaluation, WAC 296-848-20060, are below the action level (AL).

You must:

- Obtain employee exposure monitoring results as specified in Table 2 by repeating Steps 2, 4, and 5 of the Exposure

Evaluation Process found within this chapter, in Exposure evaluations, WAC 296-848-20060.

Note: If you document that one work shift consistently has higher exposure monitoring results than another for a particular operation, then you limit sample collection to the work shift with higher exposures and can use results to represent all employees performing the operation on other shifts.

Table 2
Periodic Exposure Evaluation Frequencies

If 8-hour employee exposure monitoring results:	Then:
Are between the: – Action level (AL) of 5 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$); AND – Permissible exposure limit (PEL) of $10 \mu\text{g}/\text{m}^3$	Conduct additional exposure evaluations at least every six months for the employees represented by the monitoring results.
Are above the PEL	Conduct additional exposure evaluations at least every three months for the employees represented by the monitoring results.
For employees previously above the PEL, have decreased: – To a concentration between the PEL and AL; AND – The decrease is demonstrated by two consecutive exposure evaluations made at least seven days apart	You may decrease your evaluation frequency to every six months for the employees represented by the monitoring results.
Have decreased to below the AL; AND The decrease is demonstrated by two consecutive exposure evaluations made at least seven days apart	You may stop periodic employee exposure evaluations for employees represented by the monitoring results.

NEW SECTION

WAC 296-848-30030 Medical evaluations.

IMPORTANT:

• Medical evaluations conducted under this section will satisfy the medical evaluation requirement found in another chapter, Respirators, chapter 296-842 WAC.

You must:

• Make medical evaluations available to current employees who have been, are, or will be exposed to inorganic arsenic concentrations above the AL:

– At least thirty days in any twelve-month period;

OR

– A total of ten years or more of combined employment with you or previous employers with at least thirty days of exposure per year.

• Make medical evaluations available at no cost to employees.

– Pay all costs, including travel costs and wages associated with any time spent outside of the employee's normal work hours.

• Make medical evaluations available at reasonable times and places.

• Make medical evaluations available by completing Steps 1 through 6 of the Medical Evaluation Process for each employee covered.

Note:

- Employees who wear respirators need to be medically evaluated to make sure the respirator will not harm them, before they are assigned work in areas requiring respirators. Employees who decline to receive medical examination and testing to monitor for health effects caused by inorganic arsenic are not excluded from receiving a separate medical evaluation for a respirator use.
- If employers discourage participation in medical monitoring for health effects caused by inorganic arsenic, or in any way interfere with an employee's decision to continue with this program, this interference may represent unlawful discrimination under RCW 49.17.160, Discrimination against employee filing, instituting proceeding, or testifying prohibited—Procedure—Remedy.

Helpful tool:

Declination form for nonemergency related medical evaluations.

You may use this optional form to document employee decisions to decline participation in the medical evaluation process for exposure to inorganic arsenic. To see this form, go to the Resources section within this chapter.

Medical Evaluation Process

Step 1: Identify employees who qualify, as stated above, for medical evaluations.

Step 2a: Make medical evaluations available for employees identified in Step 1 at the following times:

• Initially, when employees are assigned to work in an area where exposure monitoring results are, or will likely be, above the action level for at least thirty days in a twelve-month period.

• Periodically as specified in Table 3.

• When employment with exposure ends, if the employee has not had an evaluation within the six-month period before exposure ends. Include in these evaluations the same content as specified in Table 4 for initial evaluations, excluding a chest X ray.

Table 3
Frequencies for Periodic Medical Evaluations

For:	Provide periodic medical evaluations every:
Employees less than forty-five years old with less than ten years of exposure above the AL	Twelve months;
Employees forty-five or older;	Six months;
AND	AND

Table 3
Frequencies for Periodic Medical Evaluations

For:	Provide periodic medical evaluations every:
Employees with more than ten years of exposure above the AL	Twelve months to obtain a fourteen by seventeen-inch posterior-anterior chest X ray for monitoring purposes, unless the LHCP has determined a different frequency for periodic X rays.

Step 2b: Provide appropriate medical examination and emergency treatment when an employee identified in Step 1 develops signs or symptoms commonly associated with inorganic arsenic exposure.

Step 3: Select a licensed healthcare professional (LHCP) who will conduct or supervise examinations and procedures.

Step 4: Make sure the LHCP receives all of the following before the medical evaluation is performed:

- A copy of:
 - This chapter;
- AND
- The following information found in the General occupational health standards, chapter 296-62 WAC:

- Appendix A-Inorganic Arsenic Substance Information Sheet, WAC 296-62-07354(1).

- Appendix B-Substance Technical Guidelines, WAC 296-62-07354(2).

- Appendix C-Medical Surveillance Guidelines, WAC 296-62-07354(3).

- A description of the duties of the employee being evaluated and how these duties relate to inorganic arsenic exposure.

- The anticipated or representative exposure monitoring results for the employee being evaluated.

- A description of the personal protective equipment (PPE) each employee being evaluated uses or will use.

- Information from previous employment-related examinations when this information is not available to the examining LHCP.

- Instructions that the written opinions the LHCP provides you be limited to the following information:

- Results from examinations and tests.
- The LHCP's opinion about whether or not medical conditions were found that would increase the employee's risk for impairment from exposure to inorganic arsenic.
- Any recommended limitations for:

- Inorganic arsenic exposure;

AND

- Use of respirators or other PPE.

- A statement that the employee has been informed of medical results and medical conditions caused by inorganic arsenic exposure requiring further examination or treatment.

Step 5: Make the medical evaluation available to the employee. Make sure it includes the content listed in Table 4, Content of Medical Evaluations.

Step 6: Obtain the LHCP's written opinion for the employee's medical evaluation and give a copy to the employee.

- Make sure the written opinion is limited to the information specified for written opinions in Step 4.

Note: If the written opinion contains specific findings or diagnoses unrelated to occupational exposure, send it back and obtain a revised version without the additional information.

Table 4
Content of Medical Evaluations

When conducting:	Include:
An initial evaluation	<ul style="list-style-type: none"> • A work history and medical history including: <ul style="list-style-type: none"> – Smoking history. – The presence and degree of respiratory symptoms such as breathlessness, cough, sputum production, and wheezing. • A physical examination that includes: <ul style="list-style-type: none"> – A fourteen by seventeen-inch posterior-anterior chest X ray and the International Labor Office UICC/Cincinnati (ILO U/C) rating. – A nasal and skin examination. • Additional examinations the licensed healthcare professional (LHCP) believes appropriate based on the employee's exposure to inorganic arsenic or respirator use.
Periodic evaluations for employees less than forty-five years old with less than ten years of exposure above the action level (AL)	<ul style="list-style-type: none"> • The same content as specified for initial evaluations repeated every twelve months.
Periodic evaluations for employees: <ul style="list-style-type: none"> • Forty-five or older; OR <ul style="list-style-type: none"> • With more than ten years of exposure above the AL 	<ul style="list-style-type: none"> • The following content repeated every six months: <ul style="list-style-type: none"> – A work history and medical history including: <ul style="list-style-type: none"> ■ Smoking history. ■ The presence and degree of respiratory symptoms such as breathlessness, cough, sputum production, and wheezing. – A physical examination that includes a nasal and skin examination.

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Table 4
Content of Medical Evaluations

When conducting:	Include:
	<ul style="list-style-type: none"> - Additional examinations the LHCP believes appropriate based on the employee's exposure to inorganic arsenic or respirator use. • A physical examination, repeated every twelve months, that obtains a fourteen by seven-inch posterior-anterior chest X ray and the International Labor Office UICC/Cincinnati (ILO U/C) rating.

- WAC 296-848-40005. Exposure controls
- WAC 296-848-40020. Exposure control areas
- WAC 296-848-40025. Clean-up facilities and lunchrooms
- WAC 296-848-40030. Personal protective equipment
- WAC 296-848-40040. Respirators
- WAC 296-848-40045.

NEW SECTION

WAC 296-848-40005 Exposure control plan.

IMPORTANT:

Use of employee rotation to control exposures is not advisable since inorganic arsenic is a known carcinogen.

You must:

- Establish and implement a complete written exposure control plan that includes at least the following, for exposure control areas:

- A description of each operation releasing inorganic arsenic, for example:

- Crew size.
- Current exposure controls.
- Materials processed.
- Machinery used.
- Operating procedures.
- Maintenance practices.

- Exposure evaluation data.
- A report of the technology considered for exposure controls.

- Engineering plans and studies used as a basis for selecting exposure controls.

- A detailed schedule for implementing:

- Feasible exposure controls, if immediate implementation is not possible.
- Changes to enhance current exposure controls, when necessary.

- An analysis of the effectiveness of the exposure controls considered, when controls will not reduce exposures to or below the permissible exposure limit (PEL).

- Other relevant information.

- Review and update your exposure control plan at least every six months to keep it current.

- Implement exposure controls on the quickest schedule feasible if controls will not reduce exposure to or below the PEL.

- Provide a copy of your exposure control plan to affected employees and their designated representatives, when they ask to review or copy it.

NEW SECTION

WAC 296-848-40020 Exposure controls.

IMPORTANT:

- Use of employee rotation to control exposures is not advisable since inorganic arsenic is a known carcinogen.

- Respirators and other personal protective equipment (PPE) do not substitute for feasible exposure controls.

NEW SECTION

WAC 296-848-30080 Medical records.

IMPORTANT:

- This section applies when a medical evaluation is performed, or any time a medical record is created for an employee exposed to inorganic arsenic.

You must:

- Establish and maintain complete and accurate medical records for each employee receiving a medical evaluation and make sure the records include all the following:

- The employee's name and Social Security number, or other unique identifier.

- A description of the employee's duties.

- A copy of the licensed healthcare professional's (LHCP's) written opinions.

- The anticipated or representative employee exposure monitoring results provided to the LHCP for the employee.

- Maintain medical evaluation records for the duration of employment plus thirty years.

Note: • Your medical provider may keep these records for you. Other medical records, such as the employee's medical history or X ray, need to be kept as a confidential record by the medical provider and accessed only with the employee's consent.

Reference: • To see additional requirements for employee medical record, including access and transfer requirements, go to Employee medical and exposure records, chapter 296-802 WAC.

NEW SECTION

WAC 296-848-400 Exposure control areas.

Summary:

Your responsibility:

To protect employees from exposure to inorganic arsenic by using feasible exposure controls and appropriate respirators.

IMPORTANT:

These sections apply when employee exposure monitoring results are above the permissible exposure limit (PEL) of 10 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) of air.

Contents

Exposure control plan

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You must:

- Use feasible exposure controls to reduce exposures to or below the permissible exposure limit (PEL), or as low as achievable.

Reference: To see examples of exposure controls go to Respiratory hazards, chapter 296-841 WAC, and find Table 1 in the section, Control employee exposure, WAC 296-848-20010.

NEW SECTION

WAC 296-848-40025 Exposure control areas.

You must:

- Establish temporary or permanent exposure control areas where airborne concentrations of inorganic arsenic are above the permissible exposure limit (PEL) by doing all the following:

- Distinguish the boundaries of exposure control areas from the rest of the workplace in any way that minimizes employee access.
- Allow only authorized personnel to enter exposure control areas.
- Post signs at access points to exposure control areas that include this warning:

DANGER
 Inorganic Arsenic
 Cancer Hazard
 Authorized Personnel Only
 No Smoking or Eating
 Respirator Required

- Make sure signs are kept clean and well lit so they are easy to read.
- Keep signs and areas near them free of statements that contradict or detract from their message.

Note: This requirement does not prevent you from posting signs required by other laws, rules, or ordinances.

You must:

- Make sure employees entering exposure control areas have an appropriate respirator.
- Prevent all of the following activities from occurring in exposure control areas unless they are conducted in required lunchrooms, change rooms, or showers:

- Eating food or drinking beverages.
- Smoking.
- Chewing tobacco or gum.
- Applying cosmetics.

Note:

- You may use permanent or temporary enclosures, caution tape, ropes, painted lines on surfaces, or other materials to visibly distinguish exposure control areas or separate them from the rest of the workplace.
- When distinguishing exposure control areas, you should consider factors such as:
 - The level and duration of airborne exposure.
 - Whether the area is permanent or temporary.
 - The number of employees in adjacent areas.

Reference: To see other requirements for respirators within this chapter, go to Respirators, WAC 296-848-40045.

NEW SECTION

WAC 296-848-40030 Clean-up facilities and lunchrooms.

You must:

- Provide the following facilities for employees who could experience eye or skin irritation from exposure to inorganic arsenic or who work in exposure control areas:
 - Clean change rooms with separate storage for street clothes and personal protective equipment (PPE).
 - Shower facilities.
- Make sure employees who could experience eye or skin irritation from exposure to inorganic arsenic or who work in exposure control areas:

- Shower at the end of the work shift;

AND

- Wash their hands and face before eating.
- Provide lunchrooms for employees working in exposure control areas that are:
 - Located so they are readily accessible to the employees.
 - Temperature controlled.
 - Under positive pressure compared to surrounding areas.
 - Provided with a filtered air supply.

Note: Lunchrooms may be located within exposure control areas, but are considered separate from the exposure control area.

- Do the following when exposures in exposure control areas exceed an eight-hour time-weighted average of 100 micrograms of arsenic per cubic meter of air ($\mu\text{g}/\text{m}^3$):
 - Provide facilities for employees working in exposure control areas where they can remove excess contamination from protective clothing and shoes.
 - Make sure employees vacuum protective clothing and clean or change shoes before entering showers, change rooms, or lunchrooms.

Reference: To see additional requirements for hygiene facilities:

- Go to the Safety and health core rules, chapter 296-800 WAC.
- Find Drinking water, bathrooms, washing facilities, and waste disposal, WAC 296-800-230.

NEW SECTION

WAC 296-848-40040 Personal protective equipment (PPE).

You must:

- Provide, make sure employees use, and maintain PPE as follows:
 - Provide clean and dry protective clothing to employees who could experience eye or skin irritation from exposure to inorganic arsenic or who work in exposure control areas.
 - Provide impervious protective clothing to employees exposed to arsenic trichloride.

Note:

- Arsenic trichloride is corrosive and can be rapidly absorbed through skin.
- Examples of protective clothing appropriate for inorganic arsenic exposures include:
 - Coveralls or similar full-body work clothing.
 - Gloves, and shoes or coverlets.
 - Face shields or vented goggles when necessary to prevent eye irritation.

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You must:

– Make sure employees do not remove inorganic arsenic from PPE by blowing or shaking.

– Make sure protective clothing is removed:

- In change rooms;

AND

- At the end of the work shift.

– Make sure contaminated protective clothing that will be cleaned, laundered, or disposed of, is placed in a closed container located in the change room.

■ Make sure the container prevents the release of inorganic arsenic.

– Launder protective clothing:

■ At least weekly if employees work in areas where exposure monitoring results of inorganic arsenic are below an eight-hour time-weighted average concentration of 100 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$);

OR

■ Daily if employees work in areas where either exposure monitoring results of inorganic arsenic are above an eight-hour time-weighted average concentration of 100 $\mu\text{g}/\text{m}^3$ or when more frequent washing is needed to prevent skin irritation.

– Maintain the effectiveness of PPE by repairing or replacing it, as needed:

■ Dispose of protective clothing if it will not be repaired.

• Inform individuals who clean or launder protective clothing about the possible health effects associated with inorganic arsenic, including carcinogenic effects, by doing the following:

– Provide the information in writing;

AND

– Label containers of contaminated PPE with the following warning:

CAUTION:

Clothing contaminated with inorganic arsenic

Do not remove dust by blowing or shaking

Dispose of inorganic arsenic contaminated wash water as applicable local, state, or federal regulations require

Reference: To see additional Personal protective equipment requirements go to the Safety and health core rules, chapter 296-800 WAC, and find the section titled, PPE, WAC 296-800-160.

NEW SECTION**WAC 296-848-40045 Respirators.****IMPORTANT:**

• The requirements in this section are in addition to the requirements found in other chapters:

– Respiratory hazards, chapter 296-841 WAC.

– Respirators, chapter 296-842 WAC.

You must:

• Provide respirators and require that employees use them in circumstances where exposure is above the permissi-

ble exposure limit (PEL), including any of the following circumstances:

– Employees are in an exposure control area.

– Feasible exposure controls are being put in place.

– Where you determine that exposure controls are not feasible.

– Feasible exposure controls do not reduce exposures to, or below, the PEL.

– Emergencies.

• Make sure air-purifying respirators selected have high-efficiency particulate air (HEPA) filters or N-, R-, or P-100 filters.

• Provide an employee a powered air-purifying respirator (PAPR) when this type of respirator will provide proper protection and:

– A licensed healthcare professional (LHCP) allows this type of respirator in their written opinion.

OR

– The employee chooses to use this type of respirator.

• Prohibit the use of half-facepiece respirators for protection against arsenic trichloride.

Note: Arsenic trichloride is corrosive and can be rapidly absorbed through skin.

NEW SECTION**WAC 296-848-500 Definitions.****Action level**

An airborne concentration of inorganic arsenic of 5 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) of air calculated as an eight-hour time-weighted average.

Authorized personnel

Individuals specifically permitted by the employer to enter the exposure control area to perform duties, or to observe employee exposure evaluations as a designated representative.

Breathing zone

The space around and in front of an employee's nose and mouth, forming a hemisphere with a 6- to 9-inch radius.

CAS (Chemical Abstract Service) number

CAS numbers are internationally recognized and used on material safety data sheets (MSDSs) and other documents to identify substances. For more information see <http://www.cas.org/about>.

Day

Any part of a calendar day.

Designated representative

Any one of the following:

• Any individual or organization to which an employee gives written authorization.

• A recognized or certified collective bargaining agent without regard to written employee authorization.

• The legal representative of a deceased or legally incapacitated employee.

Emergency

Any event that could or does result in the unexpected significant release of inorganic arsenic. Examples of emergencies include equipment failure, container rupture, or control equipment failure.

Exposure

The contact an employee has with inorganic arsenic, whether or not protection is provided by respirators or other personal protective equipment (PPE). Exposure can occur through various routes of entry such as inhalation, ingestion, skin contact, or skin absorption.

Inorganic arsenic

Elemental arsenic (As), copper aceto-arsenite, and inorganic compounds containing arsenic (measured as As), except arsine. Inorganic compounds do not contain the element carbon.

Licensed healthcare professional (LHCP)

An individual whose legally permitted scope of practice allows him or her to provide some or all of the healthcare services required for medical evaluations.

Permissible exposure limits (PELs)

PELs are employee exposures to toxic substances or harmful physical agents that must not be exceeded. PELs are also specified in WISHA rules found in other chapters. The PEL for inorganic arsenic is an eight-hour time-weighted average (TWA₈) of 10 micrograms per cubic meter (µg/m³).

Time-weighted average (TWA₈)

An exposure limit averaged over an eight-hour period that must not be exceeded during an employee's workday.

WSR 05-01-174**PERMANENT RULES****DEPARTMENT OF LICENSING**

[Filed December 21, 2004, 10:31 a.m., effective January 21, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Update chapter to remove obsolete references to the grandparenting period. Make general changes throughout the chapter for clarity. Delete language no longer applicable. Add new sections to describe the specialty licenses (engineering geologist, hydro geologist and the requirements to apply for those licenses).

Citation of Existing Rules Affected by this Order: Repealing WAC 308-15-090 and 308-15-102; and amending WAC 308-15-010, 308-15-020, 308-15-030, 308-15-040, 308-15-050, 308-15-060, 308-15-070, 308-15-075, 308-15-080, 308-15-100, 308-15-101, 308-15-103, 308-15-140, and 308-15-150.

Statutory Authority for Adoption: RCW 18.220.040 Directors authority, 18.220.050 Boards authority.

Adopted under notice filed as WSR 04-19-071 on September 16, 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 2, Amended 14, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 14, 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 0, Repealed 0.

Date Adopted: December 21, 2004.

Andrea C. Archer
Assistant Director

AMENDATORY SECTION (Amending WSR 01-12-023, filed 5/25/01, effective 6/25/01)

WAC 308-15-010 State board of licensing. (1) **Meetings:** The Washington state geologist licensing board, hereafter called the board, will hold ~~((its))~~ quarterly regular public meetings ~~((annually in March))~~ each year. Special public meetings may be held at such times and places as the board ~~((may))~~ finds necessary. Public notice of all public meetings will be issued as required by the Open Public Meetings Act, chapter 42.30 RCW.

(2) **Rules of order:** The latest edition of *Robert's Rules of Order* will govern the conduct of business at meetings and sessions of the board.

(3) **Officers:** The board will elect a chair, a vice-chair and a secretary ~~((Beginning with the March 2002 meeting, the board will elect officers for the ensuing year))~~ at its regular ~~((annual))~~ quarterly meeting in March.

(4) **Quorum:** A quorum at any regular or special meeting or session will consist of four members of the board.

(5) **Licensed geologists:** The board will maintain a roster of licensed geologists.

AMENDATORY SECTION (Amending WSR 01-12-023, filed 5/25/01, effective 6/25/01)

WAC 308-15-020 Definitions. (1) **"Board"** means the Washington state geologist licensing board.

(2) **"Department"** means the Washington state department of licensing.

(3) **"Geologic interpretation," as applied to the practice of geology and its specialties,** is the iterative process by which geologists, using generally accepted geologic principles, determine geologic history, origin and process from observation and testing of rock, soil and water characteristics, contents, distribution, orientation, lateral and vertical continuity; and resulting landforms.

(4) **"Geological work of a character satisfactory to the board"** means that the applicant's qualifying work history consists of professional experience in the practice of geology. Professional geological work is work performed at a professional level that requires the application of professional knowledge, principles and methods to geological problems through the exercise of individual initiative and judgment in investigating, measuring, interpreting and reporting on the physical phenomena of the earth. Implicit in this definition ~~((is))~~ are the recognition of professional responsibility and integrity and the acknowledgment of minimal supervision. Professional geological work specifically does not include

routine activities by themselves such as drafting, sampling, sample preparation, routine laboratory work, or core logging, where the elements of initiative, scientific judgment and decision making are lacking, nor does it include activities which do not use scientific methods to process and interpret geologic data. It also does not include engineering or other physical sciences where geological investigation, analysis and interpretation are minimal or lacking. Professional specialty experience is considered to meet this definition.

((2)) (5) "Geologist website" means the internet website maintained by the department of licensing.

(6) "National Association of State Boards of Geology" or "ASBOG" means the organization responsible for developing, publishing and grading National Geologist Licensing Examinations.

(7) "Professional specialty practice of a character satisfactory to the board" means that the applicant has qualifying work history pertinent to the specialty that meets the standards for professional geologic work defined above. Elements, typical applications, types of projects, ~~(and required knowledge, skills and abilities)~~ for the engineering geologist and hydrogeologist specialties are outlined in WAC ~~((308-15-090))~~ 308-15-053.

~~((3))~~ (8) "Reciprocity" means the issuance of a license without examination as a geologist or specialty geologist to a person who holds a license or certificate of qualifications issued by proper authority of any state, territory, or possession of the United States, District of Columbia, or any foreign country, if the applicant meets the requirements outlined in WAC 308-15-040 for a geologist license, in WAC 308-15-055 for an engineering geologist license, and in WAC 308-15-057 for a hydrogeologist license.

(9) "Year of professional practice" means at least 1600 hours of work in the practice during a year. Examples of a "year of professional practice" include 200 eight-hour days or 160 ten-hour days during a year. Part-time work will be counted on a prorated basis.

~~((4))~~ (10) "Year of professional specialty practice" means at least 1600 hours of work in a specialty during a calendar year, per examples given in subsection ~~((3))~~ (9) of this section.

~~((5) "Geologic interpretation," as applied to the practice of geology and its specialties, is the iterative process by which geologists, using generally accepted geologic principles, determine geologic history, origin and process from observation and testing of rock, soil and water characteristics, contents, distribution, orientation, lateral and vertical continuity, and resulting landforms.~~

~~(6) "Geologic mapping" is the process by which geologic observations, data and interpretations are gathered, located and portrayed, such as in plan view and on cross-sections. Information and data are gathered in a format on geologic maps and cross-sections, at a level of detail and at a frequency of data points appropriate for the application and the scale of the portrayal.~~

~~(7) "Grandparenting" means the issuance of a license as a geologist, engineering geologist, or hydrogeologist within one year after July 1, 2001, or for licensing in a new specialty within one year of recognition of the specialty by the board, without further written examination, if the appli-~~

cant meets the requirements outlined in WAC 308-15-040 and, for a specialty, WAC 308-15-090.

(8) "Reciprocity" means the issuance of a license without examination as a geologist or specialty geologist to a person who holds a license or certificate of qualifications issued by proper authority of any state, territory, or possession of the United States, District of Columbia, or any foreign country, if the applicant meets the requirements outlined in WAC 308-15-040 and, for a specialty, WAC 308-15-090.)

AMENDATORY SECTION (Amending WSR 01-12-023, filed 5/25/01, effective 6/25/01)

WAC 308-15-030 How do I apply for a geologist license? (1) ~~(Contact the board to obtain the application forms and instructions.~~

(2)) Review the available options for licensure:

(a) Examination in WAC 308-15-050; and

(b) Reciprocity in WAC 308-15-060~~((and~~

(c) Grandparenting in WAC 308-15-020~~(7))~~.

~~(If you are applying for licensure by examination, your application must be received by the date specified in the application instructions.~~

(3) Solicit references and transcripts in the format and on the forms as specified in the application instructions.

(4) Send your application forms to the address noted on the form, along with applicable fees, references and transcripts.) (2) Complete and submit your application according to the directions in the geologist application packet, which is available on the geologist website and upon request from the board office.

(3) Verify you meet minimum educational requirements by having your official sealed transcripts sent directly to the board office from your college or university. Transcripts from schools outside the United States or Canada must be evaluated by a board-approved evaluation service. The evaluation service must send the original evaluation and a copy of the transcripts directly to the board office.

(4) Solicit personal references and verifications of experience in the format and on the forms specified in the application instructions. Verifications must be sent to the board directly from the originating source.

(5) If applying for a license by reciprocity, solicit verification of your current license or certification and your examination scores on the form provided in the application packet. Verification must be sent directly to the board from the issuing jurisdiction.

(6) If applying for a specialty license, submit a project list on the forms provided in the application packet to show you meet the minimum requirements of professional specialty practice of a character satisfactory to the board.

(7) If requested by the board, submit one or more reports you contributed to or solely prepared.

(8) If applying for a license by examination, your complete application, as described in subsection (9) of this section, must be received by the board at least sixty calendar days before the date of the examination.

(9) An application is not complete and will not be considered until all of the following are received by the board:

(a) Application, signed and dated, and without omissions;

(b) Application fee and, if applying by examination, the examination fee specified in WAC 308-15-150;

(c) Transcripts sent directly from the colleges or universities;

(d) Personal references sent directly from the originators;

(e) Verification of experience sent directly from the verifiers;

(f) If applying by reciprocity, verification of exam scores and license or certification in another jurisdiction;

(g) If applying for a specialty license, project list; and

(h) Other documentation requested by the board.

AMENDATORY SECTION (Amending WSR 01-12-023, filed 5/25/01, effective 6/25/01)

WAC 308-15-040 **What are the minimum requirements to be eligible for a geologist ((or specialty)) license?** You are eligible for ((licensure as a professional geologist or specialist if you meet the following minimum requirements)) a geologist license if you submit a complete application according to WAC 308-15-030, demonstrating:

(1) **Personal references.** You are of good moral character, as attested to by two references.

(2) **Education.** You have graduated from an accredited college or university with:

(a) A degree in geology, engineering geology, hydrogeology ((or one of the related geological sciences, or educational equivalents, and completed a minimum of 30 semester/45 quarter hours or their equivalent of course work in geological science. This includes classes in physical geology, historical geology, structural geology, mineralogy/petrology and sedimentary geology/stratigraphy. If you do not meet these requirements, you must demonstrate to the board that you have completed educational equivalents. You must document your college or university educational experience by submitting official sealed transcripts to the board)) with at least twenty-four semester/thirty-six quarter hours of upper division geology courses; or

(b) A degree in a related geological science approved by the board, and have either:

(i) Successfully completed classes in structural geology, mineralogy, petrology and sedimentary geology/stratigraphy. Twenty-four semester/thirty-six quarter hours must be upper division geology courses; or

(ii) Successfully completed coursework that is determined by the board to be educationally equivalent in content and rigor to the classes listed above. You must submit documentation that demonstrates your coursework is equivalent to the requirements in (b)(i) of this subsection acceptable to the board. Examples of documentation include course syllabi, copies of study materials, and the tables of contents of books used in the course.

(3) **Experience.** You have at least five years of professional geological ((or specialty practice or, if applying for a specialty, five years of specialty practice)) experience satisfactory to the board((, after receipt of a bachelor's degree. The

following education and experience criteria qualify toward accumulation of the required years of professional work:

(a) You will receive up to two years' credit, one year for each year of full-time graduate study in geology, engineering geology, hydrogeology or one of the related geological sciences, as documented in the transcripts provided;

(b) You must have at least three years of geological experience under the supervision of state-licensed geologists or specialty geologists or others who, in the opinion of the board, are qualified to have responsible charge as provided by the information supplied on forms provided by the board.

(i) Your geological experience may include geological research or teaching at the university or college level which, in the judgment of the board, is comparable to experience obtained in the practice of geology or a specialty.

(ii) If requested by the board, you may be required to submit one or more reports which were prepared by you or where you contributed to their preparation.

(c) If you are applying under the grandparenting provisions in this chapter, you may comply with this requirement by providing documentation of geological experience where you were the person in responsible charge and meet the requirements in (b) of this subsection.

(4) You must have passed a geologist examination and, if applying for a specialty, a specialty examination, unless you are eligible for licensure by grandparenting. All examinations must be adopted by or)) after completing the educational requirements in subsection (2) of this section. Experience earned prior to meeting the minimum educational requirements will not be considered. At least three years of geological experience must be obtained under the supervision of state-licensed geologists or others who, in the opinion of the board, are qualified to have responsible charge. The following may be considered qualifying experience:

(a) Geological research or teaching at the university or college level, which, in the judgment of the board, is comparable to experience obtained in the practice of geology; and

(b) Up to two years' credit for full-time graduate study in geology, engineering geology, hydrogeology or one of the related geological sciences approved by the board.

(4) Examination. You have passed the ASBOG examination according to WAC 308-15-050, or another examination acceptable to the board.

AMENDATORY SECTION (Amending WSR 01-12-023, filed 5/25/01, effective 6/25/01)

WAC 308-15-050 **What is the examination process to be licensed as a geologist?** ((1) Beginning July 1, 2002, you will be required to take and pass an examination to become a licensed geologist in the state of Washington.

(2) The board has adopted the national Association of State Boards of Geology (ASBOG) standardized examination. You will be notified of the date and time of the examination when you receive your application packet.

(a) Nature of the examination: Information on the examination is available on the ASBOG website. The examination currently consists of two parts: Fundamentals of Geology (FG) and Practice of Geology (PG). Each part of the examination is four hours long.

~~(b) Testing location and date: The location and testing date will be posted on the department of licensing's geologist website. The examination is administered every March and September.~~

~~(c) Applying for the examination: To apply for the examination, you must submit the following to the board:~~

- ~~(i) Completed state geologist licensing application form;~~
- ~~(ii) Professional and personal references required to document five years of professional experience; and~~
- ~~(iii) Official sealed transcripts.~~

~~(3)) You must take and pass the ASBOG examination. The examination currently consists of two parts: Fundamentals of Geology and Practice of Geology. Each part of the examination is four hours long. Information on the examination is available on the ASBOG website.~~

~~(1) Applying for the examination: You may either:~~

~~(a) Apply to take the Fundamentals of Geology exam after you meet the minimum educational requirements for licensure, and the Practice of Geology exam after you meet the experience requirements outlined in WAC 308-15-040.~~

~~(i) To apply to take the Fundamentals of Geology exam, you must provide the board with an application; a certified copy of your transcripts, sent directly from your college or university; and the application and examination fees listed in WAC 308-15-150. You do not need to submit employment and experience verification forms or personal references.~~

~~(ii) After you meet the minimum experience requirements, you may apply for the Practice of Geology examination by submitting the remaining application documents and applicable examination fee; or~~

~~(b) Apply to take both parts of the ASBOG examination after you meet all other licensure requirements outlined in WAC 308-15-040 by submitting a completed license application packet and applicable examination and license fees.~~

~~(2) Fees: You must ((send in your examination and application)) submit the applicable fees with your application. ((The application must be received by the date specified in the application instructions.)) If you do not ((meet the requirements for licensing)) qualify to take the examination, only your examination fee((s)) will be refunded. Fees are listed in WAC 308-15-150.~~

~~((4)) (3) Special accommodations: If you have a disability, the board will provide accommodations consistent with the Americans with Disabilities Act. You ((should)) must request special accommodations at least ninety days ((prior to)) before the examination date.~~

~~((5)) (4) Notification of scoring: The board will notify you by mail of your examination score within ninety days of taking the examination.~~

~~((6)) (5) Failing the examination: ((If you fail the examination, for a fee you can request:~~

~~(a) A report showing the failed subject areas; or~~

~~(b) To review the examination, question by question, at a location specified by the board. You will be allowed to see the test and review those questions you failed and those you answered correctly. An answer key is not provided and you are not allowed to keep or copy the examination.~~

~~(7) Retake of examination: You must submit a request on a form provided by the board and the required fees to retake either part of the examination:)) (a) You may request~~

that your examination be manually graded by submitting a written request and the fee specified in WAC 308-15-150.

(b) You may apply to retake the examination by submitting a written request and the fees specified in WAC 308-15-150.

NEW SECTION

WAC 308-15-053 What are the specialty licenses?

The types of specialty licenses are engineering geologist and hydrogeologist.

(1) Engineering geologist.

(a) Elements of the engineering geologist specialty.

The practice of engineering geology involves the interpretation, evaluation, analysis, and application of geological information and data to civil works. Geotechnical soil and rock units are designated, characterized, and classified, using standard engineering soil and rock classification systems. Relationships are interpreted between landform development, current and past geologic processes, ground and surface water, and the strength characteristics of soil and rock. Processes evaluated include both surficial processes (for example, slope, fluvial, and coastal processes), and deep-seated processes (for example, volcanic activity and seismicity). Geotechnical zones or domains are designated based on soil and rock strength characteristics, common landforms, related geologic processes, or other pertinent factors. Proposed developmental modifications are evaluated and, where appropriate, analyzed to predict potential or likely changes in types and rates of surficial geologic processes. Proposed modifications may include such things as vegetation removal, using various types of earth materials in construction, applying loads to shallow or deep foundations, constructing cut or fill slopes and other grading, and modifying ground and surface water flow. The effects of surficial and deep-seated geologic processes are evaluated and analyzed to predict their potential effect on public health, public safety, land use, or proposed development.

(b) Typical engineering geologic applications and types of projects. Engineering geology is applied during all project phases, from conception through planning, design, construction, maintenance, and, in some cases, reclamation and closure. Planning-level engineering geologic work is commonly conducted in response to forest practice regulations, critical areas ordinances, and the State Environmental Policy Act. Typical planning-level engineering geologic applications include timber harvest planning, proposed location of residential and commercial developments and other buildings and facilities, and alternative route selection for roads, rail lines, trails, and utilities. Site-specific engineering geologic applications include cuts, fills, and tunnels for roads, trails, railroads, and utility lines; foundations for bridges and other drainage structures, retaining walls and shoring, dams, buildings, water towers, slope, channel and shoreline stabilization facilities, fish ladders and hatcheries, ski lifts and other structures; landings for logging and other work platforms; airport landing strips; rock bolt systems; blasting; and other major earthwork projects such as for aggregate sources and landfills.

(2) Hydrogeologist.

(a) **Elements of the hydrogeologist specialty.** In addition to tasks commonly performed by licensed geologists, the practice of hydrogeology involves the study of the movement of water and other fluids through geologic materials, the mechanical, physical, chemical, and thermal interaction of fluids with geologic materials, and the transport of energy and chemical constituents by fluids in the subsurface.

(b) **Typical hydrogeologic applications and types of projects.** Typical applications include regional or basin ground water resource, quantity and quality, characterization, development and protection of ground water resources, subsurface characterization; design of vadose and saturated zone cleanups; design, testing, and construction supervision of test, production, recharge, injection, remediation, dewatering and resource protection wells; fluid flow and transport modeling; dewatering system design; and evaluation of potential impacts caused by past, current, or future activities on the quantity and quality of ground water and soil gas, and the range of potential mitigations.

NEW SECTION

WAC 308-15-055 What are the minimum requirements to be eligible for an engineering geologist specialty license? You are eligible for an engineering geologist license if you submit a complete application according to WAC 308-15-030, demonstrating:

- (1) You hold a current Washington state geologist license; and
- (2) You have demonstrated knowledge of the engineering geology of Washington state; and
- (3) You have completed advanced study pertinent to engineering geology and acceptable to the board as follows:
 - (a) Eighteen semester/twenty-seven quarter hours of graded academic coursework; or
 - (b) Two hundred seventy hours of seminars or workshops; or
 - (c) Five hundred forty hours of on-the-job training under the supervision of state-licensed engineering geologists or others who, in the opinion of the board, are qualified to have responsible charge of engineering geologic projects; or
 - (d) A combination of (a), (b), and (c) of this subsection; and

(4) You have five years of professional engineering geology experience after completion of the advanced study requirements specified in subsection (3) of this section. At least three years of engineering geological experience must be obtained under the supervision of state-licensed engineering geologists or others who, in the opinion of the board, are qualified to have responsible charge of engineering geologic projects. The following may be considered qualifying engineering geologic experience:

- (a) Engineering geological research or teaching at the university or college level, which, in the judgment of the board, is comparable to experience obtained in the practice of engineering geology; and
- (b) Up to two years' credit for full-time graduate study in engineering geology or a curriculum containing equivalent academic content approved by the board; and

(5) You have passed the Washington state engineering geologist specialty examination or an examination acceptable to the board.

NEW SECTION

WAC 308-15-057 What are the minimum requirements to be eligible for a hydrogeologist specialty license?

You are eligible for a hydrogeologist license if you submit a complete application according to WAC 308-15-030, demonstrating:

- (1) You hold a current Washington state geologist license; and
- (2) You have demonstrated knowledge of the hydrogeology of Washington state; and
- (3) You have completed advanced study pertinent to hydrogeology and acceptable to the board as follows:
 - (a) Eighteen semester/twenty-seven quarter hours of graded academic coursework; or
 - (b) Two hundred seventy hours of seminars or workshops; or
 - (c) Five hundred forty hours of on-the-job training under the supervision of state-licensed hydrogeologists or others who, in the opinion of the board, are qualified to have responsible charge of hydrogeologic projects; or
 - (d) A combination of (a), (b), and (c) of this subsection; and

(4) You have five years of professional hydrogeology experience after completion of the advanced study requirements specified in subsection (3) of this section. At least three years of hydrogeologic experience must be obtained under the supervision of state-licensed hydrogeologists or others who, in the opinion of the board, are qualified to have responsible charge of hydrogeologic projects. The following may be considered qualifying hydrogeologic experience:

- (a) Hydrogeologic research or teaching at the university or college level, which, in the judgment of the board, is comparable to experience obtained in the practice of hydrogeology; and
- (b) Up to two years' credit for full-time graduate study in hydrogeology or a curriculum containing equivalent academic content approved by the board; and
- (5) You have passed the Washington state hydrogeology specialty examination or an examination acceptable to the board.

AMENDATORY SECTION (Amending WSR 01-12-023, filed 5/25/01, effective 6/25/01)

WAC 308-15-060 ((How do I obtain)) What are the minimum requirements for obtaining a geologist or specialty license by reciprocity((:))? ((To obtain a license as a geologist or specialty geologist without further examination, you must meet all of the following criteria:)) You are eligible for a geologist or specialty license by reciprocity if you submit a complete application according to WAC 308-15-030, demonstrating:

(1) ((Your)) You meet the education and experience ((qualifications must meet the)) requirements ((of)) in WAC 308-15-040 and, if applying for specialty geologist license,

((WAC 308-15-090)) the experience requirements in WAC 308-15-055 or 308-15-057;

(2) You ((currently must)) hold a ((valid)) current geologist ((or)), and if applicable, a specialty geologist license, registration, or certification in good standing, issued by a state or jurisdiction approved by the board; and

(3) You ((must)) have passed the ((geologist examination adopted by or)) ASBOG examination or an examination acceptable to the board. If you are applying for a specialty geologist license, you must also verify that you have passed a specialty geologist examination adopted by or acceptable to the board.

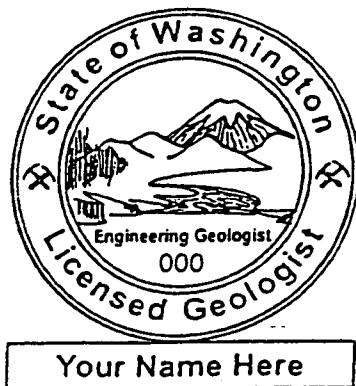
AMENDATORY SECTION (Amending WSR 01-12-023, filed 5/25/01, effective 6/25/01)

WAC 308-15-070 Do I need a ((stamp)) seal? Upon licensure, you must obtain a ((stamp)) seal bearing your name, license number, and the legend "State of Washington Licensed Geologist." If you are licensed as an engineering geologist or hydrogeologist, the specialty must be noted on the ((stamp)) seal. Seals may be rubber, embossed, or digitally produced. Facsimiles of the ((stamps of the)) seal designs authorized by the director are shown below. Deviations to the authorized designs are not allowed.

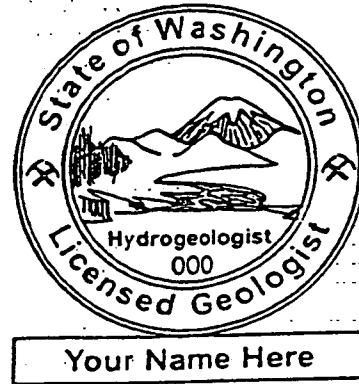
Geologist stamp here



Engineering geologist stamp here



Hydrogeologist stamp here



AMENDATORY SECTION (Amending WSR 01-12-023, filed 5/25/01, effective 6/25/01)

WAC 308-15-075 When do I need to use my stamp/seal? (1) You must stamp/seal, sign, and date every final geology or specialty geology report, letter report, or document that is prepared by you or prepared under your supervision or direction and submitted to other parties.

(a) All figures, maps, and plates bound within final reports or documents do not need to be individually stamped/sealed, signed and dated. Unbound final figures, maps, and plates must be individually stamped/sealed, signed and dated.

(b) Preliminary or draft geology or specialty geology work does not have to be stamped/sealed, but the documents and all associated figures, maps, and plates must be clearly marked as preliminary or draft.

(2) You must stamp/seal, sign, and date every final geology or specialty geology design and specification that is prepared by you or prepared under your supervision or direction. Preliminary or draft geology or specialty geology design and specification drawings do not have to be stamped/sealed, but each design and specification must be clearly marked as preliminary or draft.

(3) If you stamp/seal, sign and date work ((that you have only reviewed)) performed by someone other than yourself, you are responsible to the same extent as if you prepared the report, design or specification.

AMENDATORY SECTION (Amending WSR 01-12-023, filed 5/25/01, effective 6/25/01)

WAC 308-15-080 What do I need to know about renewing or reinstating my license? (1) **Term of license:** Your license will be issued for a period of one year.

(2) ((Address changes: Your renewal notice will be sent to the address of record. You must notify the geologist licensing board in writing within thirty days of any address changes.)) **Initial license:** Your first license will expire on your next birthday unless your next birthday falls ninety days or less after the issuance date, in which case your first license will expire on the second birthday following the issuance date.

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(3) **Renewal date:** Your license renewal date (~~((will be your birth date))~~) is your birthday.

~~((a) If your license is issued during the first year of the program (July 1, 2001, through June 30, 2002), your renewal date will be the first birth date to occur after July 1, 2002. However, if your next birth date is within three months of the initial date of issuance of the license, your original license will expire on the second birthday following issuance of your original license.~~

~~(b) If your license is issued after June 30, 2002, your renewal after the first year of the program will be for a one-year period, due on your birth date. However, if your next birth date is within three months of the initial date of issuance of your license, your license will expire on the second birthday following issuance of your original license.~~

~~(4) **Renewal fee and late fee:** You must pay the prescribed renewal fee to the department of licensing on or before the expiration date. If you fail to pay your license renewal fee within ninety days following the expiration date, you must pay the renewal fee plus a late fee equal to one additional year's renewal fee.~~

~~(5)) (4) **Timely renewal:** It is your responsibility to make a timely renewal whether or not you receive a renewal notice from the department. Your renewal is considered timely if you:~~

~~(a) Send the renewal fee to the department on or before your renewal date, as evidenced by the postmark;~~

~~(b) Deliver the renewal fee to the department before the close of business on your renewal date; or~~

~~(c) Renew your license over the internet on or before your renewal date.~~

~~(5) **Invalid license:** If you fail to renew your license according to subsection (4) of this section, your license is invalid. If your license is invalid, you are prohibited from offering and/or providing professional geologist services until the license is renewed or reinstated.~~

~~(6) **Late fee:** If you fail to pay your renewal fee within ninety days following your renewal date, you must pay the renewal fee plus a late fee equal to one year's renewal fee.~~

~~(7) **Reinstatement:** ((In addition to the fees outlined in subsection (4) of this section;)) If you fail to ((pay a renewal fee)) renew your license for a period of five years or more, you may be reinstated upon payment of ((all delinquent renewal fees;)) the current year's renewal fee((;)) and a late fee equal to ((an additional)) one year's renewal fee. In addition to the payment of ((delinquent)) fees ((and a reinstatement fee)), you must submit the following:~~

~~(a) A ((summary of)) signed statement that you are knowledgeable with the current laws and rules governing geologists in Washington state;~~

~~(b) A professional resume of your geologist activities during the delinquent period, including licensure in another jurisdiction, with sufficient detail to demonstrate to the board that ((your skills)) you have ((been)) maintained your skills; and~~

~~(c) A detailed explanation of the circumstances surrounding the reason you allowed your license to expire.~~

AMENDATORY SECTION (Amending WSR 01-12-023, filed 5/25/01, effective 6/25/01)

WAC 308-15-100 What is a brief adjudicative proceeding (BAP)? The board adopts RCW 34.05.482 through 34.05.494 of the Administrative Procedure Act to administer brief adjudicative proceedings (BAP). These proceedings are conducted at the request of an applicant for reasons set out in ((subsection)) WAC 308-15-101 or at the discretion of the board chair per RCW 34.05.482.

AMENDATORY SECTION (Amending WSR 01-12-023, filed 5/25/01, effective 6/25/01)

WAC 308-15-101 When can a brief adjudicative proceeding (BAP) be requested? Requests for a BAP will be conducted where the matter is limited solely to one or more of the following issues:

- (1) To determine whether an applicant for licensing meets the minimum criteria for licensing to practice as a geologist or specialty geologist in this state and the board proposes to deny the application;
- (2) To determine whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the board;
- (3) To determine whether an applicant ((for or in the examination process will be denied to sit for future examinations)) qualifies for the exam process; and
- (4) To determine whether a license holder requesting renewal or reinstatement has submitted all required information and meets minimum criteria for renewal or reinstatement.

AMENDATORY SECTION (Amending WSR 01-12-023, filed 5/25/01, effective 6/25/01)

WAC 308-15-103 How are brief adjudicative proceedings (BAPs) conducted? (1) A presiding officer, designated by the ((director)) board, conducts brief adjudicative proceedings. The presiding officer will ((have agency expertise in the subject matter but will)) not have personally participated in the decision to issue the initiating document.

(2) The parties or their representatives may present written documentation. The presiding officer will designate the date by which written documents must be submitted by the parties.

(3) The presiding officer may, at ((his or her)) the presiding officer's discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer may employ ((agency)) board expertise as a basis for a decision.

(6) The presiding officer will not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer will enter an initial order.

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AMENDATORY SECTION (Amending WSR 02-20-072, filed 9/30/02, effective 10/31/02)

WAC 308-15-140 What are the rules of professional conduct? (1) What are the general responsibilities of a geologist?

(a) A geologist must undertake professional service or render expert opinion only when qualified by training or experience in the technical areas involved.

(b) When serving as an expert or technical witness before a court, commission, or other tribunal, a geologist must express only those opinions founded upon adequate professional knowledge of the matters at issue.

(c) A geologist must sign and stamp/seal only professional work, including, but not limited to, maps and reports for which the geologist has direct professional knowledge, and for which the geologist is in responsible charge.

(d) A geologist must not take credit for work conducted by others. When using the results of other geologists' work in the performance of the practice of geology, a geologist must give due credit to the other geologists by citation or acknowledgement.

(e) A geologist must not (~~knowingly~~) make false statements or misrepresentations, or permit the publication or use of the geologist's name or work in association with any fraudulent activities.

(f) A geologist must make full disclosure to all parties concerned of any conflict of interest in projects or properties on which the geologist performs work.

~~(g) If a ((geologist has knowledge or reasonable cause to believe another person or geologist is in violation of the licensing law, chapter 18.220 RCW, or the related administrative rules, the geologist must present such information in writing to the Washington geologist licensing board.~~

~~(h) If a geologist's professional judgment is overruled or not adhered to under circumstances where the geologist has reasonable cause to believe there is a clear and present threat to the public health or welfare or property, the geologist must immediately notify the client/employer of the possible consequences. (i) geologist's professional judgment is overruled or not adhered to under circumstances where the geologist has reasonable cause to believe there is an imminent threat to the public health, welfare, or property, the geologist must immediately notify the client/employer of the possible consequences. If the client/employer does not take action in a period of time consistent with the level of danger, the geologist must use best efforts to notify the apparent appropriate regulatory agency.~~

(h) A geologist must issue no statements, criticisms, or arguments on geological matters (~~which~~) that are inspired or paid for by interested parties, unless the geologist indicates on whose behalf the statements are made.

~~((f))~~ (i) A geologist must continue the geologist's professional development throughout the geologist's career, and must provide opportunities for the professional development of those individuals under the geologist's supervision.

(2) What are the specific responsibilities of a geologist to an employer or client?

(a) A geologist must avoid conflicts of interest with a client/employer and must disclose the circumstances to the client/employer if a conflict is unavoidable.

(b) A geologist must not, during the time of the geologist's retention or employment by a client/employer, use information developed for, or the resources of, said client/employer for private gain or in any other manner that may conflict with the client/employer's interest without the knowledge and consent of the client/employer, except as specified in subsection (1)(h) of this section. In the case of former client/employers, a geologist must honor agreements with former client/employers with regard to proprietary information, except as specified by subsection (1)(h) of this section.

(c) A geologist must either engage or advise a client/employer to engage other experts or specialists if the client/employer's interests are best served by such service.

(d) A geologist must not accept compensation concurrently from more than one client/employer on a project, unless the circumstances of payment are fully disclosed and agreed to by all financially interested parties.

(e) A geologist must advise the geologist's employers or clients when, as a result of their studies, the geologist believes a project will not be viable.

(f) A geologist must negotiate contracts for professional services fairly and on the basis of demonstrated competence and qualifications for the type of professional service required.

(g) A geologist must not request, propose or accept professional compensation on a contingent basis under circumstances in which the geologist's professional judgment may be compromised.

(3) What are the specific responsibilities of a geologist to the board?

(a) A geologist must respond to (~~board~~) formal requests of the board within the time frame and in the manner specified by the board in its request.

(b) Geologists, when requested by the board, must present information and assistance to the board in pursuing violations of laws and rules relating to the practice of geology in the state of Washington.

~~(c) If a geologist has knowledge or reasonable cause to believe another person or geologist is in violation of the licensing law, chapter 18.220 RCW, or the related administrative rules, the geologist must present such information in writing to the board.~~

(4) **What are prohibited acts?** The prohibited acts are found in RCW 18.220.130 (~~and~~), 18.220.170 and 18.235.130.

AMENDATORY SECTION (Amending WSR 01-12-022, filed 5/25/01, effective 6/25/01)

WAC 308-15-150 Fees.

Type of Fee	Amount
((Geologist License	
Application fee	100.00))
Application fee—Reciprocity	200.00))
Initial License	100.00))
Examination	

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Type of Fee	Amount
Fundamentals of Geology (vendor charge)	125.00
Practice of Geology (vendor charge)	150.00
Administration fee for reexamination	65.00
Review of Examination	
Manual regrade (vendor charge)	50.00
Administrative fee for regrade	15.00
Late fee (if examination is scheduled less than 30 days prior to Examination date—vendor charge)	25.00

Specialty License

Specialty fee (if you are also applying for geologist license)	
Application fee—1 Specialty	200.00
Application fee—2 Specialties	300.00
Application fee—Reciprocity—1 Specialty	350.00
Application fee—Reciprocity—2 Specialties	500.00
Initial license—1 Specialty	185.00
Initial license—2 Specialties	270.00
Fee per Specialty (if you are a licensed geologist)	
Application fee	100.00
Application fee—Reciprocity	150.00
Initial license	85.00
Examination fee per Specialty	300.00
Examination review	100.00

Renewal Fees

Annual Renewal fee (geologist)	100.00
Additional fee for late renewal (geologist)	100.00
Annual Renewal fee (geologist plus 1 specialty)	185.00
Additional fee for late renewal (geologist plus 1 specialty)	185.00
Annual Renewal fee (geologist plus 2 specialties)	270.00
Additional fee for late renewal (geologist plus 2 specialties)	270.00

Miscellaneous Fees

Duplicate License or Wall Certificate	25.00
Certification of license records to other jurisdictions	45.00
Proctor Examination in another Jurisdiction	100.00))

Type of Fee	Amount
<u>Application fees - includes initial license</u>	
Application fee for geologist - examination	\$100.00
Application fee for each specialty - examination	\$100.00
Application fee for geologist - reciprocity	\$200.00
Application fee for each specialty - reciprocity	\$150.00

Examination fees

Fundamentals of Geology (vendor charge)	\$125.00
Practice of Geology (vendor charge)	\$150.00
Administration fee for reexamination	\$65.00
Late fee (if scheduled less than thirty days before examination date - vendor charge)	\$25.00
Manual regrade (vendor charge)	\$50.00
Specialty examination (hydrogeologist or engineering geologist exam)	\$300.00
Administrative fee for regrade	\$15.00

Renewal fees

Annual renewal fee for geologist	\$100.00
Annual renewal fee for each specialty	\$85.00
Annual renewal for geologist, with late fee (if paid ninety days or more after due date)	\$200.00
Annual renewal for each specialty, with late fee (if paid ninety days or more after due date)	\$170.00

Miscellaneous fees

Duplicate license or wall certificate . . .	\$25.00
Certification of license records to other jurisdictions	\$45.00
Proctor examination for another jurisdiction	\$100.00

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

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-15-090	What are the specialty licenses, qualifications and processes for licensure?
WAC 308-15-102	What records are required for a brief adjudicative proceeding (BAP)?

**WSR 05-01-180
PERMANENT RULES**

DEPARTMENT OF AGRICULTURE

[Filed December 21, 2004, 2:37 p.m., effective January 21, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule-making order amends WAC 16-470-912(3) by deleting the words "Effective July 1, 2003," which are no longer necessary.

Citation of Existing Rules Affected by this Order: Amending WAC 16-470-912.

Statutory Authority for Adoption: Chapters 17.24, 15.14, and 34.05 RCW.

Adopted under notice filed as WSR 04-21-083 on October 20, 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 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.

Date Adopted: December 21, 2004.

Mary A. Martin Toohey
for Valoria H. Loveland
Director

AMENDATORY SECTION (Amending WSR 04-17-036, filed 8/10/04, effective 9/10/04)

WAC 16-470-912 Schedule of fees and charges—Applicable fees and charges. (1) Hourly rate.

Hourly rate - business hours	\$31.10
Hourly rate - nonbusiness hours	\$39.70

(2) Laboratory diagnostic services, except as provided in subsection (3) or (4) of this section, are charged at the applicable hourly rate plus materials.

(3) Plant pathology laboratory diagnostic fees are as follows:

((Effective July 1, 2003))

Identity Determination	1 sample	5 samples	10 samples	50 samples	100+samples
virus (ELISA)	At cost	At cost	\$10.30 ea	\$5.10 ea	\$2.95 ea
bacteria	41.20 ea	39.80 ea	37.30 ea	36.10 ea	36.10 ea
fungus	43.60 ea	37.30 ea	36.10 ea	34.80 ea	32.30 ea
nematode	32.30 ea	29.80 ea	27.30 ea	26.60 ea	24.80 ea

Note: To receive volume rates, samples must be submitted as a unit and identification requests must be for one specific virus, bacterium, fungus, or nematode. Samples tested for multiple pathogens will be considered as multiple samples unless all pathogens can be detected in a single test without additional inputs.

(4) The department reserves the right to provide service by written agreement at a single, negotiated cost or at a negotiated rate for projects with at least one of the following characteristics:

- (a) Projects greater than one hundred samples;
- (b) Projects requiring materials not readily available; or
- (c) Projects requiring special handling or prolonged incubation periods.

The rate charged shall not be less than the cost to the department of performing the tests.

WSR 05-01-182

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed December 21, 2004, 3:04 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: This rule pertains to what actions a director's review may be requested for.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 04-18-127 on September 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 1, Amended 0, Repealed 0.

Date Adopted: October 14, 2004.

E. C. Matt
Director

NEW SECTION

WAC 357-49-010 A director's review may be requested for what actions? (1) If the department is responsible for the assessment process, an applicant or candidate may request a director's review of his/her examination results or the removal of his/her name from an applicant or candidate pool as specified in WAC 357-16-175. Director review decisions regarding the removal of an individual's name from an applicant or candidate pool or an individual's examination results are final and not subject to further review or appeal.

PERMANENT

(2) If the department is responsible for maintaining the layoff list, an individual may request the a director's review of the removal of his/her name from a layoff list as specified in WAC 357-46-145.

(3) An employee may request a director's review of the following:

(a) Allocation or reallocation per WAC 357-13-080; or

(b) Performance evaluation process or procedure per WAC 357-37-080.

(4) In addition to the subjects listed in section (2) of this rule, an employee may request a director's review of an alleged violation of the civil service laws or rules within thirty (30) calendar days of the date the employee could reasonably be expected to have knowledge of the action giving rise to a law or rule violation claim or the stated effective date, whichever is later. An employee may not request a director's review of allegations arising from the development and adoption of the classification plan under the provisions of WAC 357-10-020 or the actions of reduction, dismissal, suspension, demotion or separation.

(5) An individual may request the director review his/her request for remedial action per WAC 357-19-430 or 357-19-450. Requests for remedial action must be received within thirty (30) calendar days of the date the individual could reasonably be expected to have knowledge of the action giving rise to violation of the nonpermanent appointment or temporary appointment rules.

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 05-01-183

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed December 21, 2004, 3:05 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: This chapter of rules address how a state employee requests a review by the director and the process used in a director's review.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 04-18-126 on September 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 2, 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 2, Amended 0, Repealed 0.

Date Adopted: July 29 [October 14], 2004.

E. C. Matt
Director

NEW SECTION

WAC 357-49-015 How does an individual or employee request a director's review? (1) Director's review requests must be filed in writing at the office of the director.

(2) Review requests must include:

(a) The name and address of the employee, applicant or candidate;

(b) The name of the employer that took the action for which a review is requested;

(c) A telephone number at which the employee, applicant or candidate can be reached;

(d) The job classification or position of the employee;

(e) A short statement of the grounds or reasons for the request, and if applicable, the rule(s) the employee believes has been violated; and

(f) A short statement of the relief or remedy sought by the employee, applicant or candidate.

(3) The employee, applicant or candidate is responsible for notifying the director of any change in address or telephone number. Employees, applicants or candidates who are represented shall include the name, address and telephone number of their representative.

NEW SECTION

WAC 357-49-020 What process is used to conduct a director's review? (1) The director's review is informal and conducted by the director or designee.

(2) The review may be conducted by review of written documents, by telephone, or by other electronic means as determined by the director or designee.

(3) The director or designee shall prepare a record of the documents reviewed and issue a written determination.

WSR 05-01-184

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed December 21, 2004, 3:07 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: This rule pertains to the notice requirement when a person's name is removed from an internal or state-wide layoff list.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 04-18-125 on September 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 1, Amended 0, Repealed 0.

Date Adopted: October 14, 2004.

E. C. Matt
Director

NEW SECTION

WAC 357-46-140 What is the notice requirement when an individual's name has been removed from an internal or statewide layoff list? An individual whose name has been removed from an internal or statewide layoff list in accordance with 357-46-135(2) must be notified in writing at the time of removal. The notification must provide the specific reason for the removal and inform the individual of the right to request a review of the removal under the provisions of WAC 357-46-145. Only individuals who have had their name removed under the provisions of WAC 357-46-135(2) have the right to request a review of the removal.

For purposes of this rule, written notice may be provided using alternative methods such as e-mail, campus mail, the state mail service, or commercial parcel delivery in accordance with WAC 357-04-105.

WSR 05-01-185

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed December 21, 2004, 3:08 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: This rule pertains to the provisions that apply when an employee's position is eliminated because the employer has awarded a contract through the competitive contracting process.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 04-18-124 on September 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 1, Amended 0, Repealed 0.

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Date Adopted: October 14, 2004.

E. C. Matt
Director

NEW SECTION

WAC 357-43-007 What provisions apply when an employee's position is eliminated because of the employer has awarded a contract through the competitive contracting process? WAC 357-46-012 governs layoff actions resulting from the competitive contacting process.

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 05-01-186

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed December 21, 2004, 3:09 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: These rules pertain to layoff procedures for employee business units.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 04-18-123 on September 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 2, 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 2, Amended 0, Repealed 0.

Date Adopted: October 14, 2004.

E. C. Matt
Director

NEW SECTION

WAC 357-43-095 Must an employee business unit have a layoff procedure? Each employee business unit must establish a layoff procedure that describes the process the employee business unit will follow when it is necessary to reduce or eliminate a position in the employee business unit.

NEW SECTION

WAC 357-43-100 What layoff rights must be included in the employee business unit's layoff procedure? The employee business unit layoff procedure must provide employee business unit members layoff rights within the boundaries of employee business unit.

WSR 05-01-187**PERMANENT RULES****DEPARTMENT OF PERSONNEL**

[Filed December 21, 2004, 3:10 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: These rules pertain to an applicant or candidate requesting a review of their examination results or a review or the removal of their name from an applicant or candidate pool.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 04-18-122 on September 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 3, 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 3, Amended 0, Repealed 0.

Date Adopted: October 14, 2004.

E. C. Matt
Director

NEW SECTION

WAC 357-16-170 Can an applicant or candidate request a review of his/her examination results or the removal of his/her name from an applicant or candidate pool? An applicant or candidate may request a review of his/her examination results or the removal of his/her name from an applicant or candidate pool.

NEW SECTION

WAC 357-16-175 To whom and by when must an applicant or candidate request a review of the results of an examination or removal from an applicant or candidate pool? If the employer is responsible for the assessment process, requests for reviews under the provisions of WAC 357-16-170 must be made to the employer. If the department is responsible for the assessment process, requests for

reviews under the provisions of WAC 357-16-170 must be made to the director.

The request for a review must be received at the employer's office or the director's office within twenty calendar days following notice of the action for which a review is requested.

NEW SECTION

WAC 357-16-180 Are assessment review decisions subject to appeal? Review decisions made under the provisions of WAC 357-16-170 are final and not subject to further review or appeal.

WSR 05-01-188**PERMANENT RULES****DEPARTMENT OF PERSONNEL**

[Filed December 21, 2004, 3:11 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: These rules pertain to the application form used by employers when recruiting and the procedure that must be used to review an applicant's examination results or the removal of his/her name from an applicant pool.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 04-18-121 on September 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 2, 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 2, Amended 0, Repealed 0.

Date Adopted: October 14, 2004.

E. C. Matt
Director

NEW SECTION

WAC 357-16-060 Must employers use a standardized application form when recruiting? General government employers must use the standard application for employment prescribed by the director or an application form approved by the director. Higher education employers may develop their own application forms without director approval.

NEW SECTION

WAC 357-16-177 What procedure must an employer use to review an applicant's or candidate's examination results or the removal of his/her name from an applicant or candidate pool under the provisions of WAC 357-16-170? Each employer must develop a review procedure that specifies the procedure the employer will use to review an applicant's or candidate's examination results or name removal from a pool. The procedure must minimally specify that the review will be conducted by a representative of the employer that was not involved in the action under review.

WSR 05-01-189**PERMANENT RULES****DEPARTMENT OF PERSONNEL**

[Filed December 21, 2004, 3:12 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: This rule pertains to the review of the removal of a person's name from the internal or statewide layoff list.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 04-18-120 on September 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 1, Amended 0, Repealed 0.

Date Adopted: October 14, 2004.

C. Matt
Director

NEW SECTION

WAC 357-46-147 What procedure must an employer use to review the removal of an individual from an internal or statewide layoff list under the provisions of WAC 357-46-140? Each employer must develop a review procedure that specifies the procedure the employer will use to review the removal of an individual's name from an internal or statewide layoff list. The procedure must minimally specify that the review will be conducted by a representative of the employer that was not involved in the action under review.

WSR 05-01-190**PERMANENT RULES****DEPARTMENT OF PERSONNEL**

[Filed December 21, 2004, 3:13 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: These rules address when state employees file appeals to the Washington Personnel Resources Board. These rules also address mediation and prehearing conferences for appeals filed to the Washington Personnel Resources Board.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 04-18-119 on September 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 20, 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 20, Amended 0, Repealed 0.

Date Adopted: October 14, 2004.

E. C. Matt
Director

Chapter 357-52 WAC**Appeals**NEW SECTION

WAC 357-52-005 May the board waive the procedural rules contained in chapter 357-52? In order to prevent hardship, delay, or for other good cause, the board may waive any of the procedural rules contained in chapter 357-52 WAC for any party not represented by legal counsel. The board may not waive a jurisdictional rule.

NEW SECTION

WAC 357-52-010 What actions may be appealed? (1) Any permanent employee subject to the statutory jurisdiction of the board who is dismissed, suspended, demoted, or separated or whose base salary is reduced may appeal to the board.

(2) Any employee, subject to the statutory jurisdiction of the board who is affected by a violation of the state civil service law (chapter 41.06 RCW) or the rules contained in Title 357 WAC, or an employer, may appeal to the board by filing written exceptions to the director's review determination, except as provided in WAC 357-49-010(1).

(3) Through December 31, 2005, an employee in a position at the time of its allocation or reallocation or the employer may appeal to the personnel appeals board by filing written exceptions to the director's review determination in accordance with Title 358 WAC. As of January 1, 2006, an employee in a position at the time of its allocation or reallocation or the employer may appeal to the personnel resources board by filing written exceptions to the director's review determination.

(4) An employee whose position has been exempted from chapter 41.06 RCW may appeal the exemption to the board.

(5) An individual or the employer may appeal remedial action to the board by filing written exceptions to the director's review determination.

(6) Any permanent Washington management service employee who is dismissed, suspended, demoted, or separated, or whose base salary is reduced may appeal to the board. A determination of which Washington management service positions will be eliminated in a reduction-in-force action is not subject to appeal.

NEW SECTION

WAC 357-52-015 By when must an appeal be filed and received in order to be considered timely? In order to be considered timely, an appeal must be received in writing at the office of the board within thirty calendar days after:

- (1) the effective date of the disciplinary action or separation,
- (2) service of the director's determination unless the rules specifically state that the director's determination is final, or
- (3) the effective date of the exemption of a position or the notice of exemption, whichever is later.

NEW SECTION

WAC 357-52-020 What information must be submitted with the appeal? (1) The appeal must include:

- (a) the name and address of the appellant and if represented the name, address and telephone number of the representative,
- (b) the name of the employer and the department that took the action which is being appealed,
- (c) a telephone number at which the appellant can be reached,
- (d) the job classification or position of the employee at the time of the action which is being appealed,
- (e) a short statement of the grounds or reasons for the appeal, and if applicable, the rule(s) the appellant believes has been violated,
- (f) a short statement of the relief or remedy sought by the appellant, and
- (g) a short statement of whether the appellant believes the case would or would not be appropriate for mediation.

(2) An appeal of a disciplinary action, separation, or exemption must also include the effective date of the action and the employee's appointment status at the time of the action. The appeal must include a short statement of the

nature of the action being appealed or a copy of the action letter from the employer.

(3) An appeal on exception to a director's determination must also detail the specific items of the director's determination to which exception is taken and should include a copy of the director's determination.

NEW SECTION

WAC 357-52-025 Who is responsible for notifying the board of any change in address, telephone number or representation? The appellant is responsible for notifying the board of any change in address, telephone number or representation.

NEW SECTION

WAC 357-52-030 Are standardized forms available for filing appeals? The department makes standardized forms available for filing appeals. Appellants may prepare and use their own appeal documents. Appellants' documents must contain all of the information required by WAC 357-52-020.

NEW SECTION

WAC 357-52-035 What happens if the appellant does not submit all the information required by WAC 357-52-020? (1) When the board receives an appeal, it reviews the document(s) to determine whether the information required by this section has been provided.

(2) If any of the required information is not provided with the appeal, the board directs the appellant to provide the missing information and sends a copy of the notice to all affected parties.

(3) The appellant must provide the missing information as requested within twenty-one calendar days of the date the notification is mailed.

(4) When the board receives the requested information, it sends a copy to the other affected parties.

(5) If the appellant fails to comply with the requirements of this section the board may dismiss the appeal according to WAC 357-52-215.

NEW SECTION

WAC 357-52-040 How does the board acknowledge receipt of an appeal? (1) When the board receives an appeal, it sends a written acknowledgement to the appellant and a copy to the other affected parties.

(2) If necessary, the board requests a copy of the action letter from the employer.

NEW SECTION

WAC 357-52-045 Are appeals reviewed for timeliness? (1) The board reviews all appeal(s) for timeliness. When an appeal appears to be untimely, the board directs the parties to submit affidavits and/or written argument addressing the timeliness of the appeal.

(2) In addition, any party to an appeal may submit a motion to dismiss for untimeliness at any time during the appeal process.

NEW SECTION

WAC 357-52-050 How does the board notify the parties when the appeal is set for hearing? The board must notify the parties of record in writing of the time and place of the hearing. The notice of hearing must be mailed at least thirty calendar days before the date of the hearing, unless all parties agree to a shorter notice period.

NEW SECTION

WAC 357-52-055 May anyone other than the board adjudicate appeals or conduct prehearing meetings? The board may designate one or more hearing officers or the director to act as a board designee to mediate appeals, conduct prehearing conferences and/or hearings, and make recommended or final decisions.

NEW SECTION

WAC 357-52-060 Can appeals be mediated? When both parties to an appeal agree, the appeal can be mediated.

NEW SECTION

WAC 357-52-065 Who mediates appeals? The board may assign the case to a mediator. Nothing in this section prevents the parties from selecting their own mediator. However, if a mediator other than the one designated by the board is selected, the parties must pay the cost of the mediator.

NEW SECTION

WAC 357-52-070 How are mediations conducted? (1) After the board assigns a mediator, the parties must meet and confer at least once and engage in a good faith attempt to negotiate a resolution of the appeal. The mediator may decide to hold the mediation by telephone. The appellant and at least one designee of the employer must personally participate in the mediation. If the designee of the employer does not have authority to act on behalf of the employer, a person with the requisite authority must be available by telephone.

(2) Mediation and settlement discussions are privileged and the proceedings must not be reported or recorded in any manner, except for agreements reached by the parties.

NEW SECTION

WAC 357-52-075 What happens at the conclusion of mediation conducted by the board? (1) If a settlement is reached, the agreement must be put in writing. The agreement will be binding on all parties to that agreement. The appellant must sign a request to withdraw the appeal.

(2) If a settlement is not reached, the mediator must inform the board.

NEW SECTION

WAC 357-52-077 What happens when the parties settle an appeal without the assistance of a board mediator? If a settlement is reached, the appellant must inform the board and must sign and submit a request to withdraw the appeal.

NEW SECTION

WAC 357-52-080 What can a prehearing conference be used for? The board may direct the parties or their representatives to engage in a prehearing conference(s) to consider the following:

- (1) Simplification or limitation of issues;
- (2) Possibility of obtaining stipulations, admissions of fact, and admissions of the genuineness of documents that will avoid unnecessary proof;
- (3) Discovery, discovery methods and discovery deadlines;
- (4) Number of witnesses expected to be called and their names when possible;
- (5) Approximate time necessary for presentation of the evidence of the respective parties;
- (6) Whether or when motions may be brought;
- (7) Exhibits;
- (8) Affidavits; and
- (9) Such other matters as may aid in the prompt disposition of the appeal.

NEW SECTION

WAC 357-52-085 How and when may a prehearing conference be held? (1) A prehearing conference may be held in conjunction with a mediation.

- (2) Prehearing conferences may be held by telephone.
- (3) The parties are encouraged where possible to resolve their disputes by agreement. To facilitate such resolution, the prehearing conference may be recessed at any time to give the parties time to discuss settlement of their dispute. In the event settlement is reached, the parties must notify the board and the appellant must sign and submit a request to withdraw the appeal.

NEW SECTION

WAC 357-52-090 How are the results of a prehearing conference documented? The results of the prehearing conference must be stated in a written statement of results. The statement must include, where applicable, agreements concerning issues, admissions, stipulations, witnesses, discovery, length of hearing, motions, exhibits, affidavits, and other matters that may expedite the appeal hearing. The statement resulting from the prehearing conference must control the subsequent course of the appeal, subject to modification upon a filing of exceptions to the statement.

NEW SECTION

WAC 357-52-095 What happens if one of the parties fails to participate in the prehearing conference? Failure

of a party to participate in a prehearing conference may result in dismissal of the appeal, or other appropriate sanctions.

WSR 05-01-191

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed December 21, 2004, 3:14 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: These rules address how appeal hearings are conducted before the Washington Personnel Resources Board and the process used before, during, and after the appeal hearing.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 04-18-118 on September 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 33, 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 33, Amended 0, Repealed 0.

Date Adopted: October 14, 2004.

E. C. Matt
Director

NEW SECTION

WAC 357-52-100 How are appeal hearings conducted? Appeal hearings are conducted as follows:

(1) Hearings on all appeals are open to the public unless the board determines there is substantial reason for not having an open hearing, or the employee so requests.

(2) The hearing is informal. Technical rules of evidence do not apply to the proceedings, except for the rules of privilege recognized by law.

(3) All parties may select representatives of their choosing, present and cross-examine witnesses, and give evidence before the board.

(4) All testimony is under oath administered by a member of the board or the hearing officer. Testimony by affidavit is not admitted at a hearing except for good cause shown, or as otherwise permitted in these rules, as provided in a prehearing conference statement or by stipulation of the parties.

(5) One member of the board may hold a hearing and take testimony to be reported for action by the board.

(6) The board prepares an official audio record of the hearing.

(7) The board is not required to transcribe the record. If the proceedings were recorded, a copy of the audio recording may be ordered from the board for a reasonable charge.

NEW SECTION

WAC 357-52-105 Can hearings and conferences be conducted by electronic means? All conferences and hearings before the board may be conducted by telephone or other electronic means as determined by the board.

NEW SECTION

WAC 357-52-110 Who has the burden of proof at hearings? At any hearing on appeal from a dismissal, suspension, demotion, reduction in base salary, or separation, the employer has the burden of supporting the charges upon which the action was initiated. At any other hearing, the party filing the appeal has the burden of proof.

NEW SECTION

WAC 357-52-115 How may a party request that a hearing be continued? (1) Any party to a hearing may make a written motion to the board to continue a hearing for good cause. The motion must state the specific reason(s) and the period of time for which a continuance is necessary.

(2) Any party desiring a continuance must first orally contact the opposing party to determine whether agreement to a continuance can be reached. The requesting party is responsible for filing a written motion for continuance with the board. The motion must include the reason(s) for the request, the opposing party's response to the request, and a date certain for the hearing on which both parties and the board are available.

(3) The motion for continuance must be filed with the board and the opposing party at least fourteen calendar days before the scheduled hearing date. The board must review the motion, decide whether or not to grant the continuance, and notify the parties of the decision within three working days of receipt of the motion.

(4) In unusual circumstances or emergency situations, and only where the reason(s) for the continuance could not have been foreseen, the board may allow a motion for continuance with less than fourteen calendar day's notice.

NEW SECTION

WAC 357-52-120 When may a written motion be filed? (1) Except as otherwise provided in a prehearing conference statement or as otherwise specifically provided in these rules, written motions and any supporting affidavits must be filed and served not less than thirty calendar days before the hearing date. Any opposing affidavits must be filed and served within fourteen calendar days after the motion is filed. Any reply and counter affidavits by the moving party must be filed and served within seven calendar days after the opposing response is filed.

(2) Time requirements for motions for continuance are found in WAC 357-52-115.

NEW SECTION

WAC 357-52-125 Must the board consider untimely motions? The board may refuse to consider motions that are not filed on time.

NEW SECTION

WAC 357-52-130 What must be included with a motion? Any party submitting documents in support of or in opposition to a motion must include proposed findings, conclusions, and order.

NEW SECTION

WAC 357-52-135 How many copies of a motion must be submitted? When the motion will be considered by the board, the party submitting the documents must provide the original and three copies to the board and one copy to each opposing party. When the motion will be considered by a hearing officer the original will go to the hearing officer, and one copy to each opposing party.

NEW SECTION

WAC 357-52-140 What may the board decide based on a motion? (1) The board or hearing officer may decide all or any part of an appeal by motion if the documents, depositions and affidavits on file show there is no genuine issue as to any material fact and the appeal should be decided or dismissed as a matter of law. The board or hearing officer must allow oral argument on dispositive or summary judgment motions at the request of either party. Oral argument may be presented by telephone or other electronic media.

(2) An order must be issued when an appeal is dismissed or decided on motion.

NEW SECTION

WAC 357-52-145 Must parties submit prehearing statements? (1) The board may require all parties to file a prehearing statement of position.

(2) If the board does not require statements, parties may still choose to file a prehearing statement.

NEW SECTION

WAC 357-52-150 When must prehearing statements be filed? (1) If a party is filing a prehearing statement, the statement must be provided to the board and opposing party at least fourteen calendar days before the scheduled hearing date or at such time as set at the prehearing conference.

(2) Any opposing response to these statements must be provided to the board and opposing party at least seven calendar days before the scheduled hearing date or at such time as set at the prehearing conference.

NEW SECTION

WAC 357-52-155 What should be included in a prehearing statement? The prehearing statements must include a summary of the evidence the party intends to present; a list-

ing of the rules or statutes upon which the party intends to rely; a statement of the remedy requested; and an argument as to why the party is entitled to the requested remedy.

NEW SECTION

WAC 357-52-160 How many copies of the prehearing statement must be provided? A party submitting prehearing statement(s) must provide the original and three copies to the board and one copy to each opposing party. When the prehearing statement will be considered by a hearing officer the original will go to the hearing officer, and one copy to each opposing party.

NEW SECTION

WAC 357-52-165 Must the board consider untimely prehearing statements? The board may refuse to consider prehearing statements that are not filed on time.

NEW SECTION

WAC 357-52-170 What actions may be taken by a hearing officer following a hearing? (1) At the conclusion of a hearing, the hearing officer may require post-hearing briefs.

(2) The hearing officer may affirm, reverse or modify an action of an employer or remand the matter for further proceedings.

(3) When the hearing officer reduces a dismissal to a suspension, the period of suspension is not limited by RCW 41.06.170(1).

NEW SECTION

WAC 357-52-175 What actions may be taken by the board following a hearing? (1) At the conclusion of a hearing, the board may require post-hearing briefs.

(2) The board may affirm, reverse or modify the action of an employer or the recommended decision of the hearing officer or remand the matter for further proceedings.

(3) When the board reduces a dismissal to a suspension, the period of suspension is not limited by RCW 41.06.170(1).

NEW SECTION

WAC 357-52-180 How is a hearing officer's recommended decision served? The hearing officer must provide the recommended decision to the board, to the employer, to the appellant, and to the appellant's representative (if any). The copies to the employer, appellant, and appellant's representative must be sent by certified mail with a return receipt requested.

NEW SECTION

WAC 357-52-185 Can a party file exceptions to a hearing officer's recommended decision? Either party may file written exceptions to the board. The exceptions must be filed within thirty calendar days of the date that notice of the recommended decision was sent by certified mail.

NEW SECTION

WAC 357-52-190 What must be included in a party's written exceptions? The written exceptions must set forth specific exceptions to the recommended decision and any additional errors a party contends were made by the hearing officer. If a party contends that the hearing officer has made an error which requires a review of the record, the party must identify the specific portion(s) of the record that support each claimed error.

NEW SECTION

WAC 357-52-195 When is a written response in opposition to exceptions due? The due date for any written response to the exceptions is thirty calendar days following the date the exceptions were filed.

NEW SECTION

WAC 357-52-200 When does a hearing officer's recommended decision become final? If no exceptions are filed, the recommended decision becomes final thirty calendar days after service, unless the board notifies each party within that thirty-day period that the board on its own motion will reconsider the recommended decision.

NEW SECTION

WAC 357-52-205 What is the subject of a hearing on exceptions? Hearings on exceptions are limited to the contentions set forth in the notice of exceptions unless the board itself chooses to review other matters.

NEW SECTION

WAC 357-52-210 Can a decision by the board be appealed? Decisions and orders of the board are final.

NEW SECTION

WAC 357-52-215 When may the board dismiss an appeal on its own motion? The board may dismiss an appeal on its own motion when:

- (1) An appellant has failed to provide information required under WAC 357-52-020;
- (2) The parties have notified the board that the case has been settled and the appeal has not been withdrawn within thirty calendar days of the notice of settlement;
- (3) An appeal is not filed on time;
- (4) The board lacks jurisdiction over the subject matter or parties to the appeal;
- (5) A party fails to participate in a prehearing conference as described in WAC 357-52-095; or
- (6) The board is unable to contact the appellant at the last address and telephone number provided by the appellant.

NEW SECTION

WAC 357-52-220 Will the parties be given notice of the potential dismissal of an appeal on the board's motion and when must a party respond? The parties must be

served with written notice that the appeal will be dismissed unless, within fifteen calendar days following the date of service, a written request is made to the board showing good cause why the appeal should not be dismissed. If no timely request is made, the board must dismiss the appeal.

NEW SECTION

WAC 357-52-225 How must written documents be filed with the board? (1) **Filing generally.** Papers that must be filed with the board are considered to be filed only when the papers are actually received in the board's office in Olympia, Washington.

(2) **Filing by telephone facsimile.**

(a) Written documents filed with the board by telephone facsimile are considered received when a legible copy of the document is reproduced on the board's telephone facsimile equipment in the board's office. If transmission begins after customary office hours, which are 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays, the document will be deemed filed on the next business day.

(b) Any document filed with the board by telephone facsimile should be preceded by a cover page identifying the addressee; the party making the transmission, including the address, telephone and telephone facsimile number of such party; the appeal to which the document relates; the date of transmission; and the total number of pages included in the transmission.

(c) The party attempting to file papers by telephone facsimile bears the risk that the papers will not be timely received or legibly printed, regardless of the cause. If the telephone facsimile is not legible, it will be considered as if it had never been sent.

(d) The original of any document filed by telephone facsimile should be mailed to the board within twenty-four hours of the time that the telephone facsimile was sent.

(e) The filing of papers by electronic mail ("e-mail") is not authorized without the express prior approval of the board, and only under such circumstances as the board allows.

NEW SECTION

WAC 357-52-230 How must written documents be served on the parties? (1) In matters of appeal the board must serve all orders, notices, and other papers issued by it. Every other notice, document or paper required to be served must be served by the party filing it.

(2) All notices, documents, or papers served by either the board or any other party must be served upon all counsel of record at the time of such filing and upon parties not represented by counsel. Service of papers must be made by personal delivery; by mail; or by telephone facsimile transmission with same-day mailing of copies. Correspondence between the board and employers may be sent via the state mail service.

(3) Service upon parties will be regarded as completed when personal service has been accomplished; or upon deposit in the mail, properly stamped and addressed; or upon production by telephone facsimile transmission of confirmation of transmission.

(4) Service upon parties by electronic mail ("e-mail") is not authorized without the express prior approval of the board, and only under such circumstances as the board allows.

NEW SECTION

WAC 357-52-235 How must exhibits for hearings be prepared and exchanged? (1) When exhibits are offered at any hearing, one copy must be provided for the official file, sufficient copies must be provided for the board (three copies) or hearing officer (one copy), one copy must be provided to the opposing party, and one copy provided for the witness stand.

(2) The parties must arrive at the hearing location at least thirty minutes before the scheduled hearing for the purpose of exchanging exhibits. The parties must pre-mark their exhibits for identification and present copies to the other party and the board's staff before the beginning of the hearing.

(3) The number, scope and timing of exhibits may be limited by the prehearing statement of results.

NEW SECTION

WAC 357-52-240 Who may prepare, sign and issue a subpoena? (1) Subpoenas may be signed and issued by any member of the board, or the board's designee, or the attorney of record of the party requiring the appearance of the witness.

(2) Parties desiring subpoenas to be signed by a member of the board or the board's designee must prepare subpoenas for issuance and submit the subpoenas for signature at least ten calendar days before a hearing or deposition.

NEW SECTION

WAC 357-52-245 What must a subpoena include? Every subpoena must name the board and the title of the proceedings and must command the person to whom it is directed to attend and give testimony or produce designated books, documents, or things under the person's control at the specified time and place.

NEW SECTION

WAC 357-52-250 How must a subpoena be served? (1) Parties requesting subpoenas must make arrangements for and bear the expense of service. It is recommended that all subpoenas be served at least five calendar days before a hearing or deposition.

(2) Subpoenas must be personally served upon the designated individual. The individual where entitled, may demand the fees for one day's attendance and the mileage allowed by law.

(3) A copy of the subpoena must also be provided to the opposing party or the party's representative and to the employer's human resource office.

NEW SECTION

WAC 357-52-255 Which discovery procedures must a party follow? Parties may use discovery procedures in a

manner consistent with the civil rules for the superior courts of the state of Washington and as provided in any prehearing statement of results or other order of the board.

NEW SECTION

WAC 357-52-260 When and who may make a motion to quash? A party to the appeal or the person to whom the subpoena or discovery is directed may make a motion to quash. The motion must be filed at least two calendar days following the receipt of a subpoena or discovery request.

NEW SECTION

WAC 357-52-265 What actions may the board take when a motion to quash is filed? When a motion to quash is filed, the board provides notice to the party who issued the subpoena or discovery and allow the party to provide a response to the motion. After considering the motion and response the board may:

(1) Deny the motion;

(2) Grant the motion if the subpoena or discovery is unreasonable or requires evidence not relevant to any matter in issue; or

(3) Modify the contents of the subpoena or scope of the discovery request for just and reasonable cause.

WSR 05-01-192

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed December 21, 2004, 3:15 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: These rules address temporary appointments for higher education employees.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 04-16-113 on August 4, 2004.

Changes Other than Editing from Proposed to Adopted Version: WAC 357-19-440(2), as a result of discussions with stakeholders, language has been added to this subsection to address higher education temporary appointments.

WAC 357-19-444(1), as a result of discussions with stakeholders, language has been changed in this subsection to address the notification a higher education employer must give to a temporary appointee.

WAC 357-19-444 (2)(c), as a result of discussions with stakeholders, the following language has been added to this subsection, "The anticipated."

WAC 357-19-444 (2)(e)(f), as a result of discussions with stakeholders, language has been changed in these subsections to address written notification.

WAC 357-19-444 (3)(4), as a result of discussions with stakeholders, language has been added in these subsections to address written notice of temporary appointments.

WAC 357-19-446, as a result of discussions with stakeholders, this WAC was filed but not adopted. A withdrawal has been filed.

WAC 357-19-447, as a result of discussions with stakeholders, language has been changed in this section to address appeal rights of individuals in higher education temporary appointments.

WAC 357-19-448, as a result of discussions with stakeholders, language has been added in this section, "calendar" days.

WAC 357-19-450, as a result of discussions with stakeholders, the original filing of subsection (1) has been removed and new language was added in subsections (2) and (3).

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 11, 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 11, Amended 0, Repealed 0.

Date Adopted: July 29 [September 9], 2004.

E. C. Matt
Director

NEW SECTION

WAC 357-01-327 Temporary appointment. An appointment made by a higher education employer under the provisions of WAC 357-19-435.

NEW SECTION

WAC 357-19-435 For what reasons may a higher education employer make a temporary appointment? A higher education employer may make a temporary appointment for the following reasons:

(1) The number of hours to be worked by the individual will not exceed one thousand fifty hours in any twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later, in accordance with WAC 357-04-045; or

(2) The employing official formally assigns a classified employee the duties and responsibilities of a higher-level class for a period of less than six (6) consecutive months.

NEW SECTION

WAC 357-19-440 What provisions govern higher education temporary appointments? (1) Temporary appointments may be made without regard to rules on recruitment, assessment, and certification as provided in chapter 357-16 WAC.

(2) Each higher education employer must develop for director approval a procedure which indicates the employer's

system for controlling and monitoring exempt part-time and temporary positions as identified in WAC 357-04-045. The procedure must include a mechanism to access and report hours worked by an individual temporary employee.

(3) A higher education employer may petition the director in writing for approval of exceptions to the one thousand fifty (1050) hours threshold as specified in WAC 357-19-435(1).

(4) No temporary appointment shall take the place of employees laid off under the provisions of WAC 357-46-010.

NEW SECTION

WAC 357-19-441 What provisions of civil service rules apply to individuals in temporary appointments? (1) Individuals appointed to temporary appointments under the provisions of WAC 357-19-435(1) are exempt from the civil service rules except for the provisions of remedial action as provided in WAC 357-04-045 and 357-19-450.

(2) Employees temporarily assigned higher level duties under the provisions of WAC 357-19-435(2) are classified employees and as such are covered by the civil service rules.

NEW SECTION

WAC 357-19-442 What happens to an employee's salary and periodic increment date when he/she is temporarily appointed to the higher level class under provisions of WAC 357-19-435(2)? Upon temporary appointment under the provisions the WAC 357-19-435(2), the employee's base salary is determined in accordance with WAC 357-28-110 and his/her periodic increment date is unchanged.

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 357-19-443 Does a permanent employee who is temporarily appointed to a higher level class under the provision of WAC 357-19-435(2) have the right to resume a position at the conclusion of the temporary appointment? At the conclusion of a temporary appointment to a higher level class under the provisions of WAC 357-19-435(2), a permanent employee has a right to resume a position in the class the employee was in prior to the temporary appointment. Upon return to a position in the prior class, the employee's base salary is reinstated and the employee is credited with any increment increases that would have occurred had the employee not been temporarily appointed to a higher class.

NEW SECTION

WAC 357-19-444 What notification must a higher education employer give to a temporary appointee? (1) Prior to the start of a temporary appointment, the temporary appointee must be notified in writing of the conditions of the appointment.

(2) The written notification must contain the following information regarding the condition of the appointment:

(a) The reason for the temporary appointment (see WAC 357-19-435);

(b) The hours of work and the hourly rate of pay;

(c) The anticipated duration of appointment;

(d) A statement regarding the receipt or non-receipt of benefits;

• If the appointee is eligible to receive benefits, the statement must identify which benefits will be received. (e) The employee's original date of hire in a temporary appointment under the provisions of WAC 357-19-435(1); and

(f) The right to request remedial action as provided in WAC 357-19-448 and 357-19-450.

(3) For purposes of this rule, written notice of the conditions of temporary appointment must be provided as follows:

(a) By personal delivery, United States mail, or by telephone facsimile transmission with same-day mailing of copies; or

(b) By using alternative methods such as e-mail, campus mail, the state mail service, or commercial parcel delivery.

(4) Service of the notice is considered to be completed:

(a) When personal delivery has been accomplished;

(b) Upon deposit in the United States mail, properly stamped and addressed;

(c) Upon production by telephone facsimile transmission of confirmation of the transmission; or

(d) If an alternative method of delivery was used, when the notice is received by the temporary appointee.

NEW SECTION

WAC 357-19-445 What records must higher education employers maintain for individuals in temporary appointments? Higher education employers must maintain records of the information contained in WAC 357-19-444 for individuals in temporary appointments.

NEW SECTION

WAC 357-19-447 What are the appeal rights of individuals in higher education temporary appointments? The right to appeal for individuals appointed to higher education temporary appointments is limited to remedial action as provided in WAC 357-19-450.

NEW SECTION

WAC 357-19-448 How does an individual in a higher education temporary appointment request remedial action? Requests for remedial action must be received in writing within thirty (30) calendar days as provided in chapter 357-49 WAC. Following a director's review of the remedial action request, an employee may file exceptions to the director's decision in accordance with chapter 357-52 WAC.

NEW SECTION

WAC 357-19-450 When may the director take remedial action for individuals in higher education temporary appointments and what does remedial action include? For

individuals in higher education temporary appointments under the provisions of WAC 357-19-435(1), the director may take remedial action to confer permanent status, set base salary, and establish seniority when it is determined that the following conditions exist:

(1) The employee has worked in one or more positions for more than one thousand fifty hours in any twelve consecutive month period since the original hire date or October 1, 1989, whichever is later. (Overtime and time worked as a student employee under the provisions of WAC 357-04-040 are not counted in the one thousand fifty (1050) hours.)

(2) The position or positions are subject to civil service.

(3) The employee has not taken part in any willful failure to comply with these rules.

WSR 05-01-193

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed December 21, 2004, 3:16 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: This chapter of rules establishes civil service rules that apply to employee business unit members when employed under a contract.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 04-13-191 on June 23, 2004.

Changes Other than Editing from Proposed to Adopted Version: WAC 357-43-030, as a result of discussions with stakeholders, new language was added in this section regarding executive orders as applicable.

WAC 357-43-040, this section was originally filed as 357-43-115. No other changes.

WAC 357-43-110, this section was originally filed as 357-43-040. As a result of discussions with stakeholders, new language has been added in this section to address employees outside of an employee business unit.

WAC 357-43-115, this section was originally filed as 357-43-045. As a result of discussions with stakeholders, wording change includes changing "reversion" to "return."

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 20, 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 20, Amended 0, Repealed 0.

Date Adopted: July 29, 2004.

E. C. Matt
Director

Chapter 357-43 WAC

Employee Business Units

NEW SECTION

WAC 357-43-001 What definitions apply to this chapter of the civil service rules? The following definitions apply to chapter 357-43 WAC:

(1) **Appointing Authority:** An individual lawfully authorized to appoint, transfer, layoff, reduce, dismiss, suspend, or demote employees.

(2) **Competitive Contracting:** The process by which classified employees compete with businesses, individuals, nonprofit organizations, or other entities for the performance of services those employees have customarily and historically performed.

(3) **Contract:** A formal and binding agreement or an amendment to an agreement between an employer and an employee business unit for performing services as defined in the competitive contracting solicitation.

(4) **Displaced employee:** A classified employee whose position or work would be eliminated, resulting in the employee being laid off or assigned to a different job classification, as a result of an award via the competitive contracting process.

(5) **Employee Business Unit:** A group of employees who perform services for which an employer proposes to competitively contract and who:

(a) Notify the agency of their intent to submit a bid for the performance of those services through competitive contracting; or

(b) Receive award of a contract from the employer as a result of being a successful bidder.

(6) **Employee Business Unit Member:** A classified employee working under the provisions of chapter 357-43 WAC.

(7) **Employer:** A state agency, an institution of higher education, or a related higher education board.

NEW SECTION

WAC 357-43-005 What is the purpose of this chapter? The purpose of this chapter is to establish the chapter of civil service rules that apply to employee business unit members when employed under a contract.

NEW SECTION

WAC 357-43-010 Do the other rules in Title 357 WAC governing classified employees apply to employee business unit members? Except for chapter 357-43 WAC, the civil service rules do not apply to employee business unit members unless specifically referenced within chapter 357-43 WAC.

NEW SECTION

WAC 357-43-015 Which rules explain employee business unit bid submittal and bid evaluation? The rules explaining employee business unit bid submittals and evaluation of those bids are included in chapter WAC 236-51, Competitive Contracting.

NEW SECTION

WAC 357-43-020 Are employee business unit members classified employees? Employee business unit members continue to be classified employees.

NEW SECTION

WAC 357-43-025 What establishes the terms and conditions of employment for employee business unit members? The terms and conditions of employee business unit employment are established by the contract or by appointment actions taken under that contract.

NEW SECTION

WAC 357-43-030 Must employment within an employee business unit comply with applicable federal, state and municipal statutes and regulations? Employment within an employee business unit must comply with applicable federal, state and municipal statutes and regulations and executive orders as applicable.

NEW SECTION

WAC 357-43-035 May authority be delegated within an employee business unit? The duties of an appointing authority may be delegated to an employee business unit member.

NEW SECTION

WAC 357-43-040 Must employee business unit members complete employer required training? Employee business unit members must complete any training required by the contracting employer or must satisfy training requirements as prescribed by the employee business unit contract.

NEW SECTION

WAC 357-43-050 Must an employer include positions in an employee business unit in the employer's affirmative action plan? Positions in an employee business unit must be included in the employer's affirmative action plan.

NEW SECTION

WAC 357-43-055 Can employee business unit members accrue vacation leave? Employee business unit members accrue vacation leave as provided in RCW 43.01.040 through 43.01.044.

PERMANENT

NEW SECTION

WAC 357-43-060 Can employee business unit members accrue sick leave? Employee business unit members accrue sick leave as provided in RCW 41.48.140.

NEW SECTION

WAC 357-43-065 Can employee business unit members cash out sick leave? Employee business unit members may cash out sick leave as provided in RCW 41.04.340.

NEW SECTION

WAC 357-43-070 Are employee business unit members eligible for legal holidays? Those holidays listed in RCW 1.16.050 are recognized as legal holidays for employee business unit members. Compensation for such holidays will be determined by the terms of the contract.

NEW SECTION

WAC 357-43-075 Are employee business unit members eligible to receive a personal holiday? Employee business unit members are eligible to receive one (1) personal holiday per year as provided in RCW 1.16.050.

NEW SECTION

WAC 357-43-080 Are employee business unit members eligible to participate in the employer's shared leave program? Employee business unit members are eligible to participate in the employer's shared leave program as provided in RCW 41.04.650 through 41.04.670.

NEW SECTION

WAC 357-43-085 Are employee business unit members eligible to receive military leave? Employee business unit members are eligible to receive military leave as provided in RCW 38.40.060.

NEW SECTION

WAC 357-43-105 When is a general government employee business unit member eligible for placement in the general government transition pool? A general government employee business unit member is eligible for placement in the general government transition pool under the provisions of WAC 357-46-095 as follows:

- (1) Upon layoff of the employee business unit member, or
- (2) In the event the contract with the employee business unit has been terminated or it has expired.

NEW SECTION

WAC 357-43-110 Can an employee business unit member accept an appointment in an exempt position or a classified position outside of the employee business unit? An employee business unit member may accept an

appointment to an exempt position or a classified position outside of the employee business unit.

Chapter 357-43 WAC does not apply to appointments to classified positions outside of a employee business unit.

NEW SECTION

WAC 357-43-115 What return rights does a former employee business unit member have following appointment to an exempt position? A former employee business member who was appointed to an exempt position from the employee business unit has return rights provided in RCW 41.06.070.

WSR 05-01-194**PERMANENT RULES****DEPARTMENT OF PERSONNEL**

[Filed December 21, 2004, 3:17 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: This chapter of rules address[es] performance management for state employees.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 04-13-189 on June 23, 2004.

Changes Other than Editing from Proposed to Adopted Version: WAC 357-37-015, as a result of discussion with stakeholders, it was determined that the language be changed in this WAC number to address developing a performance management policy that documents the key points of the process.

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 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 15, Amended 0, Repealed 0.

Date Adopted: July 29, 2004.

E. C. Matt
Director

Chapter 357-37 WAC

Performance Management

NEW SECTION

WAC 357-37-010 What is the purpose of an employee performance management process? An employee performance management process is part of a positive, performance-based culture. It fosters employee competence and productivity, supports achievement of organizational goals and objectives, and provides documentation of employee's strengths and areas in need of improvement.

NEW SECTION

WAC 357-37-015 What is the employer's responsibility for an employee performance management process? Each employer must develop and implement an employee performance management process. Employers must develop a performance management policy that documents the key points of the process.

NEW SECTION

WAC 357-37-020 What objectives must an employee performance management process satisfy? The employee performance management process must:

- (1) Explain the employee's responsibility for successfully performing assigned job duties and responsibilities;
- (2) Assess how well the employee has contributed to efficiency and effectiveness in fulfilling the objectives of the organization and the position; and
- (3) Recognize an employee's successful job performance and identify any necessary changes in job performance.

NEW SECTION

WAC 357-37-025 What is the employee's responsibility within the performance management process? The employee has the responsibility to:

- (1) Request clarification of any job duty, standard, or expectation that is unclear;
- (2) Perform work as assigned and meet job standards and expectations;
- (3) Participate in the performance evaluation process; and
- (4) Communicate with supervisor and share successes and problems so the supervisor can better measure progress and provide assistance.

NEW SECTION

WAC 357-37-030 When and how often must performance feedback be provided to an employee through the formal evaluation process? Employers must provide feedback and formally evaluate the performance of:

- (1) A probationary employee or a permanent employee serving a trial service period or transition review period before the employee attains permanent status in the position; and

- (2) A permanent employee on an annual basis.

NEW SECTION

WAC 357-37-035 How should an employee be notified of unsatisfactory performance? A probationary or permanent employee whose work performance is determined to be unsatisfactory must be notified in writing of the deficiency(ies). Unless the deficiency is extreme, the employee must be given an opportunity to demonstrate improvement.

NEW SECTION

WAC 357-37-040 What forms and procedures must employers use to plan for and evaluate employee performance? Employers must use standardized employee performance planning and evaluation procedures and forms developed by the director or alternate procedures and forms approved by the director.

NEW SECTION

WAC 357-37-045 Can an employer supplement the standardized employee performance evaluation procedures and forms? Employers may supplement the standardized planning and evaluation forms and procedures with special performance factors and assessment approaches that are specific to organizational needs. Employers do not need approval to supplement the standardized forms or procedures.

NEW SECTION

WAC 357-37-050 Can an employer factor performance into compensation and layoff decisions? An employer may factor an employee's performance into compensation and layoff decisions if the employer has received performance management confirmation.

NEW SECTION

WAC 357-37-055 How does an employer receive performance management confirmation which enables them to factor performance into compensation and layoff decisions? Employers may request performance management confirmation from the director. The director will use the elements listed in WAC 357-37-060 to assess and evaluate an employer's readiness to fairly and objectively factor performance into compensation and layoff decisions. If the director determines that the employer has developed a performance management program that encompasses the necessary elements, the employer will be granted performance management confirmation.

NEW SECTION

WAC 357-37-060 What elements will the director evaluate to determine if an employer should be granted performance management confirmation? The director will evaluate the following elements to determine if an employer should receive performance management confirmation:

- (1) Executive commitment to a performance-based culture;
- (2) Present status of performance management in the organization;
- (3) Defined roles and responsibilities for implementing and sustaining a performance management system;
- (4) Policy and process for holding managers accountable for properly carrying out their roles and responsibilities in performance management;
- (5) Internal policies and procedures for a performance management system;
- (6) Strategy for communicating to employees regarding policies, procedures, and timelines for performance management;
- (7) Performance management orientation and training for managers and supervisors;
- (8) Internal mechanisms for managing funding for performance-based compensation;
- (9) Implementation of a performance and development plan for all employees subject to performance factor decisions; and
- (10) Process for monitoring and measuring success.

NEW SECTION

WAC 357-37-065 May employers develop employee recognition programs? Employers may develop employee recognition and reward programs, utilizing tools available in RCW 41.60.150 and chapter 357-28 WAC.

NEW SECTION

WAC 357-37-070 What factors should employers consider in developing employee recognition programs? Employee recognition programs must be designed to recognize verifiable accomplishments. Programs may be linked to individual or group accomplishments as described in RCW 41.60.150 or to accomplishments that further the employer's mission, strategic goals or objectives.

NEW SECTION

WAC 357-37-075 Can an employee request the employer to review the performance evaluation process or procedure used for the employee's evaluation? If the employer has developed an internal review procedure, an employee may request the employer to review alleged irregularities in the use of the approved performance evaluation form and/or procedures. Employees must be notified in writing of the results of the employer's review.

NEW SECTION

WAC 357-37-080 Can an employee request the director to review the performance evaluation process or procedure used for the employee's evaluation? As provided in WAC 357-49-010, and within thirty days of receipt of a completed and signed performance evaluation or the results of an employer review as provided in WAC 357-37-075, an employee may request a director's review of alleged irregularities in the use of the approved performance evaluation

form and/or procedures outlined in the civil service rules. The content of an evaluation is not subject to review.

WSR 05-01-195

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed December 21, 2004, 3:19 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: This chapter of rules address employee training and development for state employees.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 04-13-188 on June 23, 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 16, 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 16, Amended 0, Repealed 0.

Date Adopted: July 29, 2004.

E. C. Matt
Director

Chapter 357-34 WAC

Employee Training and Development

NEW SECTION

WAC 357-34-005 What is the purpose of this chapter? The purpose of chapter 357-34 WAC, the employee training and development rules, is to:

- (1) Establish rules which support employees in developing occupational and professional skills, and
- (2) Assign responsibilities for providing training and development for employees.

NEW SECTION

WAC 357-34-010 Who is responsible for employee training and development? Employers, employees, and the department share the responsibility for employee training and development.

PERMANENT

NEW SECTION

WAC 357-34-015 What are the employer's training and development responsibilities? Each employer is responsible for:

- (1) Developing a training and development plan as prescribed by WAC 357-34-030; and
- (2) Providing employee orientation, required job-related training, and assistance with career planning.

NEW SECTION

WAC 357-34-020 Can employers require employees to attend training? Employers may require employees to attend training that is job-related, meets an identified employer need, and/or is required by state or federal law. Required attendance during and/or outside of working hours is considered time worked and must be compensated in accordance with the civil service rules.

NEW SECTION

WAC 357-34-025 What are the director's training and development responsibilities? The director is responsible for supporting employee training and development by:

- (1) Providing training which is interagency and/or public sector in scope;
- (2) Consulting with employers about their employee training and development activities, upon request;
- (3) Providing guidelines for employee training and development planning and evaluation;
- (4) Promoting interagency collaboration and sharing of resources and/or support services for training and career development; and
- (5) Providing for the evaluation of training and career development programs and plans based on the minimum standards established in WAC 357-34-030.

NEW SECTION

WAC 357-34-030 What are the requirements for the employer's training and development plan? (1) The employer's training and development plan must be based on an assessment of the organization's employee training and development needs. The director or department may provide assistance to the employer in assessing the organization's need.

(2) The employer's training and development plan must state the employer's policies and objectives for employee training and development. The policies must address, at a minimum, the following:

- (a) Identification of the position(s) responsible for employee training and development;
- (b) Criteria for employee eligibility;
- (c) Criteria for determining employees' work status while participating in employee training and development activities;
- (d) Criteria for educational leave;
- (e) Tuition reimbursement or fee waiver policy;
- (f) Mandated training in accordance with state and federal regulations;

- (g) Entry-level management/supervisory training;
- (h) Assessment of employee training and development needs;
- (i) Evaluation of the training and development programs; and
- (j) Assignments for career development as described in WAC 357-34-050 and approval of such assignments by the employer's human resources office.

NEW SECTION

WAC 357-34-035 Can an employee get a copy of the employer's training and development plan? Copies of the training and development plan must be made available to employees upon request.

NEW SECTION

WAC 357-34-045 Are employers required to provide release time for non-required training? Employers may release employees from work without a loss in pay to participate in non-required training.

NEW SECTION

WAC 357-34-050 Can an employee be given an assignment for career development purposes? (1) Employers may make the following planned training assignments for employee career development without incurring reallocation or compensation obligations:

- (a) Performance of responsibilities outside the current job class on a time-limited basis.
 - (b) Intra-agency or interagency rotational or special project assignments.
- (2) The employee and the employer(s) shall mutually agree in writing, including time limits, to assignments identified in (1)(a) and (b) of this section.

NEW SECTION

WAC 357-34-060 What administrative requirements must be met for the employee to satisfy the training required by WAC 357-34-055? For an employee to satisfy the entry-level supervisory or managerial training required by WAC 357-34-055, all of the following requirements must be met:

- (1) The training program must include at least twenty-four (24) hours of instruction.
- (2) The training must have occurred in the last five years.
- (3) The program must be sponsored by a state agency, post-secondary educational institution, vocational school, or professional organization.

NEW SECTION

WAC 357-34-065 What must be included in the required supervisory or managerial training? At a minimum, the entry-level supervisory or managerial training required by WAC 357-34-055 must include all of the following topics:

- (1) The role and legal responsibilities of a supervisor/manager.
- (2) Performance management, including employee performance evaluation, development, counseling or coaching, and discipline.
- (3) Employee motivation, recognition, and rewards.
- (4) Communication skills and principles.
- (5) Leadership styles and methods.

NEW SECTION

WAC 357-34-090 Who provides the required supervisory or managerial training? The department provides training activities to fulfill the requirement in WAC 357-34-055 and/or consultative services, as requested, to assist the employers to develop their own programs. Employer-developed training must satisfy the requirements of WAC 357-34-060 and WAC 357-34-065.

WSR 05-01-196

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed December 21, 2004, 3:19 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: This chapter of rules provide state employers guidance regarding the use of reasonable accommodation in employment and separation.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 04-13-187 on June 23, 2004.

Changes Other than Editing from Proposed to Adopted Version: WAC 357-26-005, as a result of discussions with stakeholders it was determined that the following new language be added to this WAC, "due to disability."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 5, Amended 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 5, Amended 0, Repealed 0.

Date Adopted: July 29, 2004.

E. C. Matt
Director

Chapter 357-26 WAC**Reasonable Accommodation****NEW SECTION**

WAC 357-26-005 What is the purpose of this chapter? The purpose of chapter 357-26 WAC is to provide guidance to employers regarding reasonable accommodation as it specifically relates to employment and separation due to disability within the provisions of the civil service rules.

NEW SECTION

WAC 357-26-010 When must an employer provide reasonable accommodation? An employer must reasonably accommodate a known disability of a qualified candidate or employee as required by chapter 49.60 RCW and the federal Americans with Disabilities Act.

NEW SECTION

WAC 357-26-015 What actions may an employer take to provide reasonable accommodation? For persons with disabilities, as defined by state or federal law, reasonable accommodation may include, but is not limited to:

(1) Accommodation in application procedures, testing, and the interview process; or

(2) Modifications or adjustments to a job, work method, or work environment that make it possible for a qualified person with a disability to perform the essential functions of a position, or enjoy the benefits and privileges of employment equal to employees without disabilities.

NEW SECTION

WAC 357-26-020 What is the requirement for employers to have a policy and procedure covering reasonable accommodation? (1) In accordance with the policy statement requirements of WAC 357-25-025, employers must develop and maintain a policy statement on reasonable accommodation.

(2) In accordance with state and federal laws, employers must develop and make readily available a procedure regarding reasonable accommodation of employees with disabilities.

(a) Each employee who requests reasonable accommodation must be provided access to the employer's reasonable accommodation procedure in an accessible format.

(b) Employees who request reasonable accommodation must be notified in writing that in the event he or she cannot be accommodated in his or her current position, and placement in an alternative vacant position is not possible, the appointing authority may initiate a disability separation in accordance with WAC 357-46-160.

NEW SECTION

WAC 357-26-025 May an employee who is unable to perform the essential functions of a position request to be separated from employment? An employee who is unable

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to perform the essential functions of the employee's position due to mental, sensory, or physical incapacity may notify the employer that he or she does not wish to pursue accommodation and would like to be separated from employment. In this case, the appointing authority is not required to consider a reasonable accommodation and may initiate a disability separation in accordance with WAC 357-46-160.

WSR 05-01-197
PERMANENT RULES
DEPARTMENT OF PERSONNEL

[Filed December 21, 2004, 3:20 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: This chapter of rules provide state employers guidance on affirmative action regarding the development and implementation of affirmative action goals and timetables, and the monitoring of progress toward those goals and timetables.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 04-13-186 on June 23, 2004.

Changes Other than Editing from Proposed to Adopted Version: WAC 357-25-025(2), this subsection had a change of wording due to discussions with stakeholders. Originally this subsection was filed as affirmation action and equal opportunity policy statement must be "updated," now filing as must be "reviewed."

WAC 357-25-055, this section had a change of wording to remove the word "supplementary" as a result of discussions with stakeholders.

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 11, 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 11, Amended 0, Repealed 0.

Date Adopted: July 29, 2004.

E. C. Matt
Director

Chapter 357-25 WAC

Affirmative Action

NEW SECTION

WAC 357-25-005 What is the purpose of this chapter? The purpose of chapter 357-25 WAC is to provide guid-

ance to employers on affirmative action regarding the development and implementation of affirmative action goals and the monitoring of progress toward those goals.

NEW SECTION

WAC 357-25-010 What is the function of the Governor's Affirmative Action Policy Committee? The Governor's Affirmative Action Policy Committee oversees the development and approval of affirmative action plans and updates. The committee is established by the governor's executive order on affirmative action.

NEW SECTION

WAC 357-25-015 Who administers the statewide affirmative action program? The department is responsible for administering the statewide affirmative action program. The department provides technical assistance to employers in the development and implementation of affirmative action plans, updates, and programs.

NEW SECTION

WAC 357-25-020 What are the administrative responsibilities of the department? In accordance with state and federal laws, the department:

- (1) Establishes guidelines to assist in developing and implementing affirmative action plans;
- (2) Provides the essential data for determining availability of affected groups;
- (3) Reviews and approves the technical aspect of affirmative action plans and updates;
- (4) Assists in recruiting affected group members, including targeted recruitment when the representation of affected group members is less than its availability;
- (5) Reviews the progress of employers in meeting goals and addressing problems identified in affirmative action plans and programs; and
- (6) Reviews statewide employment trends for general government such as appointment, promotion, transfer, terminations, and formal disciplinary actions for adverse impact, as necessary.

NEW SECTION

WAC 357-25-025 What are the policy statement requirements that employers must comply with for the purpose of chapter 357-25 WAC? (1) All employers must maintain:

- (a) An affirmative action and equal employment opportunity policy statement; and
- (b) Policy statements on sexual harassment and reasonable accommodation.

(2) The employer's affirmative action and equal opportunity policy statement must be reviewed and approved by the head of the agency, institution, or related higher education board each year. The policy statements on sexual harassment and reasonable accommodation must be updated as needed.

NEW SECTION

WAC 357-25-030 What are the affirmative action reporting requirements that employers must comply with for purposes of chapter 357-25 WAC? Employers must report affirmative action information to the department as follows:

(1) If an employer has federal affirmative action reporting obligations, the employer must submit an affirmative action plan on a two-year cycle as set by the department.

(2) If the employer does not have federal affirmative action reporting obligations, the reporting requirements depend upon the employer's size.

(a) Employers with 25 - 49 full-time equivalent (FTE) employees must submit a small agency/institution workforce profile annually.

(b) Employers with 50 or more FTE employees must submit an affirmative action plan on a four-year cycle as set by the department, with an update to the affirmative action plan two years into the cycle.

NEW SECTION

WAC 357-25-035 What is the purpose of affirmative action plans and updates? Affirmative action plans and updates are designed to increase the representation of affected group members in the workforce when it is determined that a particular affected group is underutilized.

NEW SECTION

WAC 357-25-040 What must an employer include in an affirmative action plan and update? An employer's affirmative action plan and update must address the employer's recruitment, appointment, promotion, transfer, training and career development practices. It must include all of the following components:

(1) A workforce profile reflecting total employees and total employees sorted by affected group status. The affirmative action update must also show a comparison between the current workforce profile and the previous submission.

(2) A utilization and goals report by job group, for each affected group, showing where goals have been set. The affirmative action update must reflect a goals analysis report indicating where goals have been met for the reporting period.

(3) A section containing a detailed narrative of the strategies to be employed to reach goals. The affirmative action update must also reflect the strategies employed during the reporting period.

(4) A response to the governor's affirmative action policy committee recommendations from the previous plan or update.

NEW SECTION

WAC 357-25-045 When must employers establish affirmative action goals? Employers must establish affirmative action goals for hiring and/or promoting members of affected groups when underutilization exists within a job group. Underutilization exists when the utilization percent is

less than the availability percent for a particular affected group within a job group.

NEW SECTION

WAC 357-25-050 How does an employer determine the affirmative action goal for an affected group? The affirmative action goal for an affected group is equal to the affected group's availability.

NEW SECTION

WAC 357-25-055 What affirmative action tools may employers use to increase the representation of persons with disabilities, Vietnam-era veterans, disabled veterans, and persons age 40 and over in applicant pools and certified pools? To increase the representation of persons with disabilities, Vietnam-era veterans, disabled veterans, and persons age 40 and over in applicant pools, employers may at any time recruit and screen these individuals for placement in eligible applicant pools in accordance with WAC 357-16-030.

To increase the representation of persons with disabilities, Vietnam-era veterans, disabled veterans, and persons age 40 and over in certified pools, the employer may certify these individuals in accordance with WAC 357-16-135.

These affirmative action tools must only be used when a goal exists for the specific affected group.

WSR 05-01-198

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed December 21, 2004, 3:21 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: This chapter of rules address personnel files for state employees.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 04-13-185 on June 23, 2004.

Changes Other than Editing from Proposed to Adopted Version: WAC 357-22-015, as a result of discussions with stakeholders, language was changed in this section to reference chapter 357-22 WAC. Removed the last sentence regarding employer's policy.

WAC 357-22-025, as a result of discussions with stakeholders, language was changed in this section to address the information to be sent from one employer to another when an employee changes employers within state government.

WAC 357-22-035, as a result of discussions with stakeholders, language was changed in this section to address copies of employee's personnel records as required by WAC 357-22-015.

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 8, 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 8, Amended 0, Repealed 0.

Date Adopted: July 29, 2004.

E. C. Matt
Director

Chapter 357-22 WAC

Personnel Files

NEW SECTION

WAC 357-22-010 Must an employer maintain a personnel file for each employee? An employer must maintain an official file of each employee showing a record of employment and such other information as may be required for business and legal purposes. The employer has the burden of demonstrating the legal or business need for the record.

NEW SECTION

WAC 357-22-015 Must an employer develop and publish a policy on personnel files? Each employer must develop and publish a policy pertaining to the retention and confidentiality of personnel records in accordance with chapter 357-22 WAC and all relevant state and federal laws. The employer's policy must include the requirement that personnel and payroll records are open to the inspection of the board, state auditor, the director or director's designee, and prospective employers.

NEW SECTION

WAC 357-22-020 Can an employee review his/her personnel file? An employee and/or any person authorized in writing by the employee may review the employee's personnel file at least annually according to the policy of the employer.

NEW SECTION

WAC 357-22-025 What information must be sent from one employer to another when an employee changes employers within state government? When an employee accepts an appointment with a different employer, the most recent former employer must provide employee information to the new employer in a transmittal package developed by the department.

NEW SECTION

WAC 357-22-030 Who is responsible for the management of official personnel files? Each employer must designate the position(s) within the employer's organization responsible for managing and maintaining the official personnel files.

NEW SECTION

WAC 357-22-035 Must the employee be given a copy of information placed in the personnel file? An employee must be provided a copy of all adverse material placed in the personnel file at the time the material is included in the file. Upon the employee's request, the employee must be provided with a copy of any information in the employee's personnel file. Copies will be provided in accordance with the employer's personnel records policy as required by WAC 357-22-015.

NEW SECTION

WAC 357-22-040 How long must information be kept in the employee's personnel file? (1) Information must be kept in the employee's personnel file as long as it has a reasonable bearing on:

- (a) The employee's job performance; or
 - (b) The employer's efficient and effective management of the agency, institution, or related higher education board.
- (2) Adverse material proven to be inaccurate or false, or information related to employee misconduct or alleged misconduct which is determined to be false, and all such information in situations where the employee has been fully exonerated of wrong doing must be promptly destroyed unless:

- (a) The employee requests that the information be kept; or
- (b) The information is related to pending legal action or legal action(s) may reasonably be expected to result.

NEW SECTION

WAC 357-22-045 When may an employee add information in his/her personnel file? After an employee becomes aware that adverse information has been placed in his/her personnel file, he/she has the right to add a statement of rebuttal or correction of such information. At anytime, an employee has the right to add job performance information to his/her personnel file.

WSR 05-01-199

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed December 21, 2004, 3:22 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: This rule explains what happens to a permanent state employee who leaves their position to participate in the state internship program created under RCW 43.06.410.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 04-13-184 on June 23, 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 1, Amended 0, Repealed 0.

Date Adopted: July 29, 2004.

E. C. Matt
Director

NEW SECTION

WAC 357-19-193 What happens if a permanent employee, who has received approval to participate in the state internship program, leaves a classified position to participate in the state internship program created under RCW 43.06.410? A permanent employee who leaves a classified position to participate in the state internship program created under RCW 43.06.410:

(1) Has the right to return to his/her previous position at any time during the internship or upon completion of the internship;

(2) Continues to receive all fringe benefits as if he/she had never left his/her classified position; and

(3) Continues to accrue seniority.

WSR 05-01-200

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed December 21, 2004, 3:23 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: This chapter of rules addresses recruitment, assessment and certification for state positions.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 04-13-183 on June 23, 2004.

Changes Other than Editing from Proposed to Adopted Version: WAC 357-16-045(1), as a result of discussion with stakeholders, it was determined that the language be changed in this subsection to address bachelor and master degrees for the college recruitment program.

WAC 357-16-070, as a result of discussion with stakeholders, it was determined that the language be changed in this section to address screening methodologies for employers.

WAC 357-16-130(3), as a result of discussion with stakeholders, it was determined that the original referenced WAC number 357-16-140 be changed to 357-16-150 in this subsection.

WAC 357-16-170, 357-16-175, and 357-16-180, these sections were continued on WSR 04-18-122.

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 32, 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 32, Amended 0, Repealed 0.

Date Adopted: July 29, 2004.

E. C. Matt
Director

Chapter 357-16 WAC

Recruitment, Assessment, and Certification

NEW SECTION

WAC 357-16-005 What is the department's role in recruiting applicants and assessing candidates for positions in the classified service? On the behalf of employers, the department may recruit applicants, assess candidates, create candidate pools, and assist with the certification of candidates for positions in the classified service.

NEW SECTION

WAC 357-16-010 What authority do general government employers have to recruit applicants, assess candidates, and certify candidates for hiring consideration? Under the authority of the director, general government employers may carry out the activities detailed in chapter 357-16 WAC including recruiting, creating and maintaining pools of eligible candidates, assessing candidates, and determining the certified pool. At anytime, the director may designate the department to carry out any of these activities on the employer's behalf.

NEW SECTION

WAC 357-16-015 What authority do higher education employers have to recruit applicants, assess candidates, and certify candidates for hiring consideration? Higher education employers are authorized under RCW 41.06.133 and RCW 41.06.150 to carry out the activities detailed in chapter 357-16 WAC including recruiting, creating and maintaining pools of eligible candidates, assessing

candidates, and determining the certified pool. Upon the request of a higher education employer, the director may designate the department to act on the employer's behalf.

NEW SECTION

WAC 357-16-020 Who is responsible for determining what recruitment methods are appropriate to meet the hiring needs of the employer? The department and employers may use the recruiting methods that they determine to be most appropriate for their hiring needs when establishing pools of eligible applicants.

NEW SECTION

WAC 357-16-025 How must employers and the department inform prospective applicants of recruitments? Notice of recruitment must be issued publicly. The notice must specify the period of recruitment and include information about the length of time eligible applicants will be retained in a pool.

NEW SECTION

WAC 357-16-030 For affirmative action purposes, may the department or employers add job seekers who are affected group members to applicant pools? For affirmative action purposes, the department or employers may at any time recruit and screen persons with disabilities, Vietnam era veterans, disabled veterans, and persons age 40 and over for placement in eligible applicant pools in those areas where goals exist.

NEW SECTION

WAC 357-16-040 What is the college recruitment program? The college recruitment program is a method of recruiting that employers can use to target recruitment activity to college graduates.

NEW SECTION

WAC 357-16-045 What is the purpose of the college recruitment program? The purpose of the college recruitment program is to:

- (1) Recognize and support the present and future value of applicants with bachelor's and master's degrees for entry professional positions in state government;
- (2) Provide an efficient method for all college graduates to apply for state employment;
- (3) Enhance affirmative action and workforce diversity programs; and
- (4) Ensure that employers maintain a competitive posture in the recruitment market.

NEW SECTION

WAC 357-16-050 How does the college recruitment program operate? Employers using the college recruitment program may limit their outreach efforts to recent college graduates and require that job seekers have completed spe-

cific internships, work-study assignments, fellowships, or received degrees from accredited higher education institutions in order to be eligible to apply.

NEW SECTION

WAC 357-16-055 Can an employer establish promotional organizational units? Employers may establish promotional organizational units for purposes of promotional recruitment and hiring. Employers may limit who can apply to employees within one or more promotional organizational units by specifying that on the recruitment notice.

NEW SECTION

WAC 357-16-065 How does an applicant affirm that an application is complete and that the information in the application is truthful? If the materials are submitted on paper, the job seeker's signature affirms that the information submitted is complete and truthful. If the materials are submitted electronically, the act of submitting them is considered affirmation that the information is complete and truthful.

NEW SECTION

WAC 357-16-070 What screening methodologies may employers use? Employers may use the screening methods that they determine best evaluate a person's competencies to perform the duties and responsibilities of a class and/or a position. Screening methods must be based upon job analysis and may include, but are not limited to, reviewing resumes, interviewing applicants, and developing supplemental questionnaires for applicants to provide additional information.

NEW SECTION

WAC 357-16-075 Can the employer apply screening methodologies that would limit the number of eligible applicants considered or admitted to an examination? When the number of job seekers is expected to result in a number of eligible applicants that exceeds the employer's needs or the number of eligible applicants is expected to result in a pool of candidates that exceeds the employer's needs, the employer may apply screening methods to limit the number of eligible applicants to be considered further or admitted to an examination.

NEW SECTION

WAC 357-16-085 What are the requirements for developing and administering examinations? Examinations must be based upon documented job analysis that identifies the competencies needed to perform successfully in a position. Any examination must be administered uniformly to those individuals being examined unless reasonable accommodation in the examination process has been requested and granted. A person with a visible disability which might interfere with his/her ability to do the job may be asked to demonstrate how he/she would do specific, job related tasks.

NEW SECTION

WAC 357-16-090 Who has the responsibility for requesting and granting reasonable accommodation in the examination process? An applicant or candidate who needs reasonable accommodation in the examination process is responsible for requesting reasonable accommodation. The employer is responsible for providing reasonable accommodation unless the employer can demonstrate undue hardship. The employer must publish information regarding the procedure for requesting accommodation.

NEW SECTION

WAC 357-16-095 How must exams be scored? Examinations must be scored using a consistent rating or scoring procedure that rates job-related competencies identified through job analysis.

NEW SECTION

WAC 357-16-100 How soon must employers notify applicants of their examination results? Employers must notify applicants in writing of their final examination results within a reasonable time period as determined by the employer. For purposes of this rule, written notice may be provided using alternative methods such as e-mail, campus mail, the state mail service, or commercial parcel delivery in accordance with WAC 357-04-105.

NEW SECTION

WAC 357-16-105 May an employee be granted release time to take an examination or otherwise participate in an assessment process (which may include assessment tools such as phone screens, interviews, performance tests, etc)? Employers may release employees, without a loss in pay, to take an examination or otherwise participate in an assessment process with a state agency, higher education institution or related higher education board.

NEW SECTION

WAC 357-16-110 Do veterans receive any preference in the hiring process? (1) If an employer is administering an examination prior to certification, the employer must grant preference to veterans in accordance with the veterans scoring criteria provisions of RCW 41.04.010.

(2) If no examination is administered prior to certification, the employer must refer eligible veterans or eligible veterans' widows or widowers to the employing official under the provisions of RCW 73.16.010 as long as the veteran or veteran's widow or widower meets the competencies and other position requirements.

NEW SECTION

WAC 357-16-115 Can an employer decline to further consider eligible applicants or candidates during the assessment process? Employers may end consideration of an eligible applicant or candidate at any time during the

assessment process for job-related reasons including, but not limited to, an applicant or candidate lacking required competencies, or not satisfying other requirements such as shift or geographical availability. Those applicants or candidates removed from consideration for position specific reasons may remain eligible to be considered for other positions.

NEW SECTION

WAC 357-16-120 How does the employer determine which eligible candidates to certify to the employing official for hiring consideration? Each employer must have a written certification procedure that specifies how the employer will determine the pool of eligible candidates to be certified to the employing official.

NEW SECTION

WAC 357-16-125 What must be specified in the employer's certification procedure? The employer's certification procedure must:

(1) Specify how the employer determines the pool of eligible candidates to be certified to the employing official in accordance with WAC 357-16-130;

(2) Specify how the employer determines the number of names certified if the number of eligible candidates certified to the employing official is limited;

(3) Provide for veterans' preference in accordance with WAC 357-16-110;

(4) Provide for supplemental certification of affected group members in accordance with WAC 357-16-135;

(5) Require that employing officials consider all eligible candidates certified;

(6) Provide for optional consideration of employees who have completed employer-approved training programs and are determined by the employer to meet the competencies and other position requirements;

(7) For general government employers, must provide for consideration of transition pool candidates when a certified pool contains eligible candidates other than candidates from the employer's internal or statewide layoff list or the employer's internal promotional eligibles; and

(8) Address when the employer will certify qualified individuals seeking reemployment under the provisions of WAC 357-19-470.

NEW SECTION

WAC 357-16-130 In what order are eligible candidates certified to the employing official for hiring consideration? Only eligible candidates who satisfy the competencies and other requirements of the position to be filled will be certified. The order for certifying must follow these criteria:

(1) If there are names on the employer's internal layoff list for the class, all eligible candidates on the internal layoff list are certified to the employing official. Internal promotional candidates, as defined by the employer's promotional policy, may also be certified.

(2) If there are no names on the employer's internal layoff list and there are names on the statewide layoff list for the class, all eligible candidates on the statewide layoff list must

be certified to the employing official. Internal promotional candidates, as defined by the employer's promotional policy, may also be certified. If the certification of candidates from the statewide layoff list and internal promotional candidates does not result in at least ten (10) eligible candidates being certified, the employer may certify other eligible candidates. If a general government employer certifies other eligible candidates, all transition pool candidates who satisfy the competencies and other position requirements must be certified.

(3) If there are no names on the internal or statewide layoff list, the employer may then certify other available eligible candidates. For general government employers, all transition pool candidates who satisfy the competencies and other position requirements must be certified. Any preference granted to promotional candidates must be in accordance with the employer's promotional policies as required by WAC 357-16-150.

NEW SECTION

WAC 357-16-135 When may an employer certify candidates for affirmative action purposes? An employer may use supplemental certification to add to the certified pool when:

- (1) Per the employer's certification procedure, the number of eligible candidates being certified is fewer than the total number of candidates eligible for certification;
- (2) The employer's approved affirmative action plan shows that a goal exists in the job category for the particular affected group; and
- (3) There are no individuals on the internal layoff list or statewide layoff list for the class who satisfy the competencies and other position requirements for the position.

NEW SECTION

WAC 357-16-140 Who may be certified using supplemental certification? Supplemental certification may apply to eligible goal area candidates who meet the competencies and other position requirements and are members of the affected groups of persons with disabilities, Vietnam Era veterans, disabled veterans, or persons of age forty and over.

NEW SECTION

WAC 357-16-150 Must employers develop a promotional policy? Each employer must have a written promotional policy which:

- (1) Defines who is considered a promotional candidate, including whether probationary employees and permanent employees who have left the employer to accept project or nonpermanent appointments with other employers are considered as promotional candidates;
- (2) Identifies the employer's promotional organizational units, if any;
- (3) Identifies how promotional preference will be applied in recruitment and certification, if at all; and
- (4) Specifies the duration of any promotional candidate lists or pools.

NEW SECTION

WAC 357-16-155 Can an eligible's name be removed from an applicant or candidate pool for a class or all classes in an occupational category/class series? An employer or the department may disqualify an individual by removing the individual's name from an applicant and/or candidate pool for a class or all classes in an occupational category/class series at anytime for good and sufficient reason.

NEW SECTION

WAC 357-16-160 How must an employer notify an applicant or candidate who has been removed from an applicant or candidate pool? An employer must notify an applicant or candidate who has been removed from an applicant or candidate pool at the time of the removal. The notice must be in writing and specify the reason for the removal. The notice must explain the right to request a review of the removal under the provisions of WAC 357-16-170, WAC 357-16-175 and WAC 357-16-180. For purposes of this rule, written notice may be provided using alternative methods such as e-mail, campus mail, the state mail service, or commercial parcel delivery in accordance with WAC 357-04-105.

NEW SECTION

WAC 357-16-190 What happens if an individual is certified in error? The director or the employer may invalidate the trial service or probationary appointment of an individual who was not eligible to be certified, but was certified in error.

NEW SECTION

WAC 357-16-195 Can an eligible candidate be required to pass a medical or psychological examination? After a conditional offer of employment is made, an eligible candidate may be required to pass a medical or psychological examination relevant to the demands of the work.

NEW SECTION

WAC 357-16-200 If a medical or psychological examination is required, who pays for it? The employer is responsible for the cost of any medical or psychological examination required under WAC 357-16-195.

NEW SECTION

WAC 357-16-205 If a job-related disability is revealed during a medical or psychological examination what is the employer's responsibility? If a medical or psychological examination reveals a job-related disability and the candidate is otherwise qualified, the employer must consider ways to provide reasonable accommodation for the disability before making an appointment decision.

PERMANENT

WSR 05-01-201**PERMANENT RULES****DEPARTMENT OF PERSONNEL**

[Filed December 21, 2004, 3:23 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: This chapter of rules addresses classification issues for state employees.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 04-13-182 on June 23, 2004.

Changes Other than Editing from Proposed to Adopted Version: WAC 357-13-065, as a result of discussion with stakeholders, language was changed in this section to include a time period for employee's to request a position review.

WAC 357-13-075, as a result of discussion with stakeholders, it was determined that the language be changed in this section to address whether a director review is necessary for a class reallocation within the same salary range.

WAC 357-13-080, as a result of discussion with stakeholders, it was determined that the language be changed in this section to address position review or reallocation.

WAC 357-13-090, as a result of discussion with stakeholders, it was determined that the reference of WAC 357-28-105 be changed to WAC 357-28-120. Also, language was changed in this section to address the director implementing a new classification plan, including WAC reference numbers changing from WAC 357-28-110 to 357-28-125 and WAC 357-28-115 changing to 357-28-130.

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 17, 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 17, Amended 0, Repealed 0.

Date Adopted: July 29, 2004.

E. C. Matt
Director

Chapter 357-13 WAC**Classification****NEW SECTION**

WAC 357-13-010 Who adopts the classification plan? The director adopts a comprehensive classification plan and any subsequent revisions to the plan. Following twenty calendar days of notice, the director must hold open, public hearings prior to the adoption or revision of the plan.

NEW SECTION

WAC 357-13-015 What must the classification plan be based upon? The classification plan must be based on a review and analysis of duties and responsibilities, and must include a description of each class.

NEW SECTION

WAC 357-13-020 When and how is the classification plan to be revised? The classification plan is prepared and revised, as needed, in consultation with employers, employee organizations, and other interested parties.

NEW SECTION

WAC 357-13-025 What criteria must be met in order for the director to adopt revisions or salary adjustments to the classification plan? (1) The following three criteria must be met for the director to adopt revisions or salary adjustments to the classification plan:

(a) Implementation of the proposed revision or salary adjustment will result in net cost savings, increased efficiencies, or improved management of personnel or services;

(b) The office of financial management has reviewed the fiscal impact statement of the employer and concurs that the biennial cost of the revision or salary adjustment is absorbable within the employer's current authorized level of funding for the current fiscal biennium and subsequent fiscal biennia; and

(c) The revision or salary adjustment is due to one of the following causes:

(i) Documented recruitment and retention difficulties;

(ii) Salary compression or inversion;

(iii) Increased duties and responsibilities; or

(iv) Salary inequities caused by similar work assigned to different job classes with a salary disparity greater than 7.5%.

(2) The provisions of subsection (1)(b) and (1)(c) of this section do not apply to the higher education hospital special pay plan or to any adjustments to the classification plan that are due to emergency conditions requiring the establishment of positions necessary for the preservation of the public health, safety, or general welfare.

NEW SECTION

WAC 357-13-030 Must employers maintain position descriptions? Employers must maintain a current position description for each position.

NEW SECTION

WAC 357-13-035 Must a standard form be used for each position description? A standard form developed by the director or one containing components similar to those found in the director's form must be used for each position description.

NEW SECTION

WAC 357-13-040 What must be included in each position description? Each position description must:

- (1) List the primary duties and responsibilities currently assigned to the position
- (2) List the required competencies as determined by the employer;
- (3) Identify the essential functions; and
- (4) Include any other job-related information as needed.

NEW SECTION

WAC 357-13-045 Who is responsible for completing the position description form? The manager of the position is responsible for completing the position description form. If the position is filled, input from the incumbent is recommended.

NEW SECTION

WAC 357-13-050 Who is responsible for allocating or reallocating each position? The employer must allocate or reallocate each classified position to an established class in the classification plan.

NEW SECTION

WAC 357-13-055 What must allocations or reallocations be based upon? Allocations or reallocations must be based upon a review and analysis of the duties and responsibilities of the position.

NEW SECTION

WAC 357-13-060 Must employers have a procedure that addresses when positions are to be reviewed for reallocation? The employer must establish a procedure that specifies when positions are to be reviewed for reallocation based upon substantive and permanent changes in job duties and scope of responsibility.

NEW SECTION

WAC 357-13-065 Must the employer's procedure allow an employee to request a review of his/her position? The employer's procedure must allow an employee to request the employer to review his/her position at least every 6 months.

NEW SECTION

WAC 357-13-070 Must an employer notify an employee when the employee's position is reallocated? Employers must provide written notice to an employee when the employee's position is reallocated. If the reallocation is to a class with a lower salary range maximum, the employee must receive at least fifteen (15) calendar days' written notice of the reallocation. The employee may request to waive or shorten the fifteen (15) day notice period.

For purposes of this rule, written notice of reallocation, excluding reallocation to a class with a lower salary range maximum, may be provided using alternative methods such as e-mail, campus mail, the state mail service, or commercial parcel delivery in accordance with WAC 357-04-105.

NEW SECTION

WAC 357-13-075 Must the notice of reallocation inform the employee of the right to request a director's review of the reallocation? Notice of reallocation must include information regarding the employee's right to request a director's review of the reallocation per WAC 357-13-080. This requirement does not apply when the employee is being reallocated to a class with the same salary range maximum based upon the director taking action to implement a new classification plan under the provisions of RCW 41.06.136.

NEW SECTION

WAC 357-13-080 Can an employee request a director's review of a position review or reallocation of the employee's position? (1) An employee may request a director's review of the results of a position review or reallocation of the employee's position, per WAC 357-49-010. The employee must request the director's review within thirty (30) calendar days of being provided the results of a position review or the notice of reallocation.

(2) When an employee's position is reallocated to a class with the same salary range maximum based upon the Director implementing a new classification plan under the provisions of RCW 41.06.136, an employee does not have the right to request a director's review. The employee may request a position review in accordance with the provisions of WAC 357-13-065. Following the position review, the employee may request a director's review of the results of the position review per WAC 357-49-010.

NEW SECTION

WAC 357-13-085 How is the effective date of a reallocation determined? The effective date of a reallocation is determined as follows:

(1) The effective date of a reallocation resulting from the director's implementation or revisions to the classification plan is the effective date of the director's action.

(2) The effective date of an employer-initiated reallocation is determined by the employer.

(3) The effective date of a reallocation resulting from an employee request for a position review is the date the request was filed with the employer.

NEW SECTION

WAC 357-13-090 How is an employee affected when his/her position is reallocated?

This table is used to determine how an employee whose position is reallocated is affected.			
	Employee's position reallocated to:		
	Class with a higher salary range maximum	Class with an equal salary range maximum	Class with a lower salary range maximum
Reallocation results from:			
A position review requested by the employee or initiated by the employer	<p><i>If the employee has performed the higher level duties for at least six months and meets the competencies and other position requirements:</i></p> <p>⇒ The employee remains in the position and retains existing appointment status.</p> <p><i>If the reallocation is the result of a change in the duties of the position and the employee has not performed the higher level duties for six months or more:</i></p> <p>⇒ The employer must give the employee the opportunity to compete for the position. The employer may choose to promote the employee without competition as long as the employee meets the competencies and any other position requirements.</p> <p>If the employee is not selected for the position, the employer's layoff procedure applies. If the employee is appointed, the employee must serve a trial service period.</p> <p>Upon appointment to the higher class, the employee's base salary must be increased a minimum of a two step increase, not to exceed the top step of the range as provided in WAC 357-28-115.</p>	<p><i>If the employee meets the competencies and other position requirements:</i></p> <p>⇒ The employee remains in the position and retains existing appointment status.</p> <p>⇒ The employee retains the previous base salary in accordance with WAC 357-28-120.</p> <p><i>If the employee does not meet the competencies and other position requirements:</i></p> <p>⇒ The employer's layoff procedure applies.</p>	<p><i>If the employee meets the competencies and other position requirements and chooses to remain in the reallocated position:</i></p> <p>⇒ The employee retains appointment status; has the right to be placed on the employer's internal layoff list; and has his/her salary set in accordance with WAC 357-28-120.</p> <p><i>If the employee chooses to vacate the position or does not meet the competencies and other position requirements:</i></p> <p>⇒ The employer's layoff procedure applies.</p>
The director implementing a new classification plan under provisions of RCW 41.06.136 or revising the classification plan.	The employee remains in the position and keeps existing appointment status. See WAC 357-28-125 and 357-28-130 for determining the employee's salary.		

PERMANENT

WSR 05-01-202

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed December 21, 2004, 3:24 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: This chapter of rules ensures that the Department of Personnel complies with the provisions of state law on public disclosure.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 04-13-181 on June 23, 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 15, 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 15, Amended 0, Repealed 0.

Date Adopted: July 29, 2004.

E. C. Matt
Director

Chapter 357-07 WAC

Public Records

NEW SECTION

WAC 357-07-005 What is the purpose of this chapter? The purpose of this chapter is to ensure that the department of personnel complies with the provisions of state law on public disclosure, chapter 42.17 RCW. The statutes that specifically address public records are found in RCW 42.17.250 through 42.17.348.

NEW SECTION

WAC 357-07-010 What definitions apply to public records? Terms defined in the state public records act, chapter 42.17 RCW, have the same meaning when used in these rules.

NEW SECTION

WAC 357-07-015 How does the department index its records? (1) The department maintains and makes available for public inspection and copying an index that provides identifying information for public records as described in RCW 42.17.260.

(2) The index is maintained in electronic form with copies available on paper.

(3) The index contains topic and subtopic headings that people can use to facilitate finding a specific public record.

(4) The index is available to the public on the same basis as other public records.

(5) The department revises and updates the index biennially.

NEW SECTION

WAC 357-07-020 How can I obtain a copy of the department's records index? The department makes copies

of the index available at no charge upon request to the agency public records officer at:

Public Records Officer
Washington State Department of Personnel
521 Capitol Way South
PO Box 47500
Olympia, Washington 98504

NEW SECTION

WAC 357-07-025 How do I request to inspect or get a copy of a public record? (1) All requests for public records must be submitted in writing to the department public records officer at:

Public Records Officer
Washington State Department of Personnel
521 Capitol Way South
PO Box 47500
Olympia, Washington 98504

The department will not accept public records requests via e-mail unless such a request is approved in advance by the director, the public records officer, or an authorized designee.

(2) Public records requests must contain the following information:

(a) The name, address and telephone number of the person requesting the record;

(b) The date on which the request is being made;

(c) A description of the record(s) requested;

(d) If the requested record is referenced in a current department of personnel index, a reference to the record as described in the index; and

(e) If the request is for a list of individuals, the requester must certify that the information will not be used for commercial purposes except as permitted by RCW 42.17.260(9).

(3) If the requester desires, the department will provide a form to be used for public record requests.

(4) The public records officer or designee will assist members of the public to clarify a request or to identify specific records or types of records. The department may require a requester to provide additional information to sufficiently identify records or to determine whether a lawful exemption applies.

NEW SECTION

WAC 357-07-030 How will the department respond to my request? (1) Within five days of receiving a public records request, the department will

(a) Make the requested record(s) available;

(b) Deny all or part of the request as described in WAC 357-07-070; or

(c) Acknowledge receipt of the request and estimate the reasonable time period needed to respond to the request as permitted by RCW 42.17.320.

(2) The director or designee within two working days of the denial will review denials of requests for public records.

NEW SECTION

WAC 357-07-035 What happens if the department determines that all or part of a requested public record is exempt from disclosure? (1) The department must determine whether all or any portion of a requested public record is exempt from disclosure under chapter 42.17 RCW or other applicable law.

(2) The public records officer may delete information from any record before permitting public inspection or copying if the information is exempt from disclosure according to RCW 42.17.310, another section of chapter 42.17 RCW or other applicable law. After such data is deleted, the remainder of the record must be made available.

(3) The department must accompany any denial of a requested public record, or portion of a record, with a written statement specifying the reason for the denial. The statement must include a reference to the specific exemption in chapter 42.17 RCW that authorizes withholding the record or portion of the record, and a brief explanation of how the exemption applies to the material being withheld.

NEW SECTION

WAC 357-07-040 When are public records available? Public records are available for inspection and copying from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

NEW SECTION

WAC 357-07-045 Where can I inspect a public record? The department makes non-exempt public records available for inspection at its offices during office hours under the conditions described in WAC 357-07-040. There is no fee to inspect public records.

NEW SECTION

WAC 357-07-050 What is the fee to copy a public record? (1) The department makes copies of its rules available at no charge. Otherwise, the following fees apply:

(a) Fifteen cents per page for copies of public records; or
 (b) The actual cost of postage or delivery and for duplicating tape recordings, videotapes, photographs, slides, disks, or similar media.

(2) Charges are ordinarily payable at the time copies are furnished. If copying costs are expected to exceed fifty dollars, the department may request payment in advance of making copies.

(3) The public records officer may waive any of the foregoing fees for good cause, including but not limited to circumstances when total copying costs would be negligible.

NEW SECTION

WAC 357-07-055 What restrictions apply when I come to inspect or get copies of public records? In order to adequately protect the public records of the department, the following restrictions apply:

(1) No requester may remove a public record from the department's premises.

(2) A requester may only inspect public records in the presence of a designated department employee.

(3) During inspection, a requester must not mark or alter a public record in any manner.

(4) Public records that are maintained in a file or jacket, or in chronological order, may not be dismantled except by a department employee for purposes of copying.

(5) When copying public documents, a department employee will operate the copy machine.

NEW SECTION

WAC 357-07-060 When is the department of personnel permitted to dispose of public records? Public records as defined in RCW 40.14.010 or RCW 42.17.020 are the property of the state of Washington and may only be disposed of as authorized by the state records committee under chapter 40.14 RCW.

NEW SECTION

WAC 357-07-065 How is the department of personnel organized? The staff is organized in five general areas:

(1) Personnel services which provides consultation and services related to recruitment, assessment, affirmative action, salary surveys, compensation plan administration, and classification to state agencies, institutions of higher education, and related higher education boards.

(2) Human resource development services (located at 600 South Franklin Street, Olympia, Washington) which provides consultation on human resource development activities to agencies, training which is interagency in scope, and guidelines for agency planning and evaluation of human resource development.

(3) Administrative services which provides departmental fiscal management, facilities, agency personnel services, affirmative action, client relations, and labor relations services. Within the Administrative division, the employee advisory service offices are at the following locations: 3400 Capitol Boulevard, Olympia, Washington; 613 - 19th Avenue E., Suite 101, Seattle, Washington; and at Suite 604, Northtown Office Building, Spokane, Washington.

(4) Client and employee relations services which provides general human resource consulting services and organizational development services.

(5) Human resources information services (located at Building #1, Rowsix, 4224 6th Avenue, Lacey, Washington) which administers the central personnel/payroll and insurance eligibility computer systems.

NEW SECTION

WAC 357-07-070 What is the department of personnel's general method of operation? (1) Agency business is conducted as described in chapters 41.04 and 41.06 RCW, and Title 357 WAC.

(2) All interested parties may participate in formulation of agency rules. The department is required to provide twenty days notice of formal action by the director or the per-

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sonnel resources board on any rule, classification plan, or compensation plan.

(3) For matters other than rulemaking under the administrative procedure act, chapter 34.05 RCW or quasi-judicial matters as defined in RCW 42.30.140(2), the board may call a special meeting upon twenty-four hour notice as provided in the open public meetings act, RCW 42.30.080.

(4) Before rule proposals are made to the board or director, department staff may conduct informal work sessions as necessary to ensure representation from interested parties.

(5) The department must conduct all business in accessible facilities and in a manner that reasonably accommodates the needs of disabled persons.

NEW SECTION

WAC 357-07-075 How can I contact the department of personnel? The central office of the department of personnel is located at 521 Capitol Way S., PO Box 47500, Olympia, Washington 98504. The department only accepts public records requests as described in WAC 357-07-025.

WSR 05-01-203

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed December 21, 2004, 3:25 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: This chapter of rules establishes the general provisions for Title 357 WAC.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 04-13-180 on June 23, 2004.

Changes Other than Editing from Proposed to Adopted Version: WAC 357-04-090(2), as a result of discussions with stakeholders, added "sub" to make subdivisions in this subsection.

WAC 357-04-105(2), it was determined through discussion with stakeholders that the provision in chapter 357-52 WAC should be added to this subsection.

WAC 357-04-120, as a result of discussions with stakeholders, language was changed in this section from "may be" to "must be" completed under those 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 24, 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 24, Amended 0, Repealed 0.

Date Adopted: July 29, 2004.

E. C. Matt
Director

Chapter 357-04 WAC

General Provisions

NEW SECTION

WAC 357-04-005 What is the purpose of the civil service rules? Title 357 WAC, referred to as the civil service rules, establishes a system of personnel administration for general government and higher education employers and employees.

NEW SECTION

WAC 357-04-010 Who is covered by the civil service rules? The provisions of the civil service rules apply to all employees and employers under the jurisdiction of chapter 41.06 RCW except those positions or employees exempted under the provisions of WAC 357-04-015, 357-04-020, 357-04-035, 357-04-040, 357-04-045, 357-04-050 and 357-04-055. Employee business unit members as defined in WAC 357-43-001 are only covered by chapter 357-43 WAC of the civil service rules.

NEW SECTION

WAC 357-04-015 Who is not covered by civil service rules? The civil service rules do not apply to positions specifically exempted in individual agency statutes, chapter 41.06 RCW, and to the following:

(1) Washington state patrol trooper cadets in training for commissioning as troopers in the Washington state patrol;

(2) The executive director, his/her confidential secretary, assistant directors, and professional education employees of the state board for community and technical colleges; and

(3) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the Washington personnel resources board in WAC 357-04-040, 357-04-045, 357-04-050, and 357-04-055.

NEW SECTION

WAC 357-04-020 May the director exempt other positions from civil service? The director may provide for further exemptions for general government positions involving substantial responsibility for formulating basic agency or executive policy or involving directing and controlling program operations of an agency or a major administrative division of an agency in accordance with the provisions and procedures of RCW 41.06.070(3).

NEW SECTION

WAC 357-04-025 What rights does a classified employee have when the position he/she holds is exempted from the civil service rules? As required by RCW 41.06.070 (3) and RCW 41.06.170, an employee holding a classified

position has the following rights if the position is exempted from the application of the civil service rules:

(1) If the employee previously held permanent status in another classified position, the employee has the right to return to the highest class of position previously held, or to a position of similar nature and salary in accordance with WAC 357-19-220.

(2) The employee may appeal the exemption of the position in accordance with chapter 357-52 WAC.

NEW SECTION

WAC 357-04-030 What right does an employee have to return to the classified service from exempt service? As required by RCW 41.06.070(3), any employee having permanent status in a classified position who accepts an appointment in an exempt position has the right to return to classified service in accordance with WAC 357-19-195. As long as the employee was not terminated from the exempt position for gross misconduct or malfeasance, the employee has the right to return to the highest class of position in which he/she previously held permanent status or to a position of similar nature and salary.

NEW SECTION

WAC 357-04-060 For which exempt positions does the director establish the salary? (1) The director must determine the salary and fringe benefits of all positions presently or hereafter exempted except for the following:

- (a) Chief executive officer of each agency;
- (b) Full-time members of boards and commissions;
- (c) Administrative assistants and confidential secretaries in the immediate office of an elected state official; and
- (d) Personnel listed in RCW 41.06.070 (1)(j) through (u), RCW 41.06.070 (1)(x) and RCW 41.06.070(2).

(2) Actions taken to establish or revise exempt salaries must meet the provisions outlined in RCW 41.06.152.

NEW SECTION

WAC 357-04-070 What are the powers and duties of the director? (1) The director of personnel is appointed by the governor under the provisions of RCW 41.06.130.

(2) The director directs and supervises all the department of personnel's administrative and technical activities in accordance with the provisions of chapter 41.06 RCW and the civil service rules. The director is responsible for:

- (a) Adopting rules consistent with the purposes and provisions of the state civil service law and the best standards of personnel administration.
- (b) Auditing and reviewing the personnel administration and management at each agency, institution of higher education, and related higher education board periodically and at other such times as may be necessary.
- (c) Adopting and revising as necessary a comprehensive classification plan for all positions in the classified service. In adopting the revisions, the director must comply with RCW 41.06.152, 41.06.150(4), and chapter 43.88 RCW.
- (d) Adopting and revising as necessary a state salary schedule in accordance with RCW 41.06.133(10).

NEW SECTION

WAC 357-04-075 Must higher education employers designate a personnel officer? Each higher education institution and higher education related board must designate an officer to perform duties as personnel officer as provided in RCW 41.06.510.

NEW SECTION

WAC 357-04-080 What are the duties of personnel officers for higher education employers? The personnel officer directs, supervises, and manages administrative and technical personnel activities for the classified service consistent with policies established by the higher education institution or related board, chapter 41.06 RCW, and the civil service rules.

NEW SECTION

WAC 357-04-085 What role does the state board for community and technical colleges have? The state board for community and technical colleges has general supervision and control over activities undertaken by the various community and technical colleges.

NEW SECTION

WAC 357-04-090 May authority be delegated? (1) The head of an agency or the governing board of a higher education institution or related board may delegate the responsibilities and duties of an appointing authority including the authority to appoint, transfer, layoff, reduce, dismiss, suspend, or demote employees.

(2) Authority may only be delegated to individuals in positions reporting directly to the head of the agency, deputy director, president of the institution, or vice president of the institution, or individuals who are the heads of the major subdivisions of the employer.

(3) Delegation of authority must be in writing.

NEW SECTION

WAC 357-04-095 How does the federal Fair Labor Standards Act and the Washington state minimum wage act relate to the Washington state civil service rules? Employers must comply with the civil service rules unless doing so causes them to violate chapter 49.46 RCW or the federal Fair Labor Standards Act.

NEW SECTION

WAC 357-04-100 How does the federal Americans with Disabilities Act of 1990 and other laws about persons with disabilities relate to the Washington state civil service rules? Employers must comply with the civil service rules unless doing so would cause them to violate state laws, chapter 49.60 RCW, or the federal Americans with Disabilities Act of 1990.

NEW SECTION

WAC 357-04-105 When the civil service rules require an applicant, candidate, employee, or employer to receive notice, how must notice be provided? (1) Except as provided in chapter 357-52 WAC, when the civil service rules require an applicant, candidate, employee, or employer to receive notice, the notice must be provided by personal delivery, United States mail, or by telephone facsimile transmission with same-day mailing of copies unless the specific rule requiring notice allows for alternative methods of providing notice such as electronic mail ("e-mail"), state mail service, commercial parcel delivery or campus mail service.

(2) Except as provided in chapter 357-52 WAC, service of notice upon parties will be regarded as completed when personal delivery has been accomplished; or upon deposit in the United States mail, properly stamped and addressed; or upon production by telephone facsimile transmission of confirmation of transmission. When a specific rule allows alternative methods of service, service upon parties will be regarded as completed when it is actually received by the party to which notice is being provided.

NEW SECTION

WAC 357-04-110 How is time computed under the civil service rules? Whenever a period of time is mentioned in the civil service rules, that period must be computed by excluding the first day of the period and including the last day, unless a specific civil service rule states something different. If the last day is a Saturday, Sunday, or holiday, the time period ends on the next business day, unless that Saturday, Sunday, or holiday is a regularly scheduled work day for the employee to whom notice is being provided.

NEW SECTION

WAC 357-04-115 What happens if any part of these rules is held invalid? (Severability) If any provision of the civil service rules or the application thereof is held invalid, such invalidity does not affect other provisions or applications of the rules which can be given effect without the invalid provision or application, and to this end any section, sentence, or word is declared severable.

NEW SECTION

WAC 357-04-120 What happens to previous merit system and civil service rules and actions initiated under them? (Repeals—Savings) All previous merit system and civil service rules and amendments are repealed. All actions in force under previous merit system and/or civil service rules will be honored. Unfinished actions that were initiated under previous merit system or civil service rules must be completed under those rules.

WSR 05-01-204

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed December 21, 2004, 3:26 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: This chapter of rules defines terms used in Title 357 WAC.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 04-13-179 on June 23, 2004.

Changes Other than Editing from Proposed to Adopted Version: WAC 357-01-010, as a result of discussions with stakeholders, it was determined that the language be changed in this section to address underutilization of the affirmative action program.

WAC 357-01-030, as a result of discussions with stakeholders, this WAC number was filed but not adopted. A withdrawal has been filed.

WAC 357-01-135, as a result of discussions with stakeholders, it was determined that the language be changed in this section to address elevation for employees in permanent status.

WAC 357-01-140, as a result of discussions with stakeholders it was determined that the language be changed in this section to address business unit members WAC definition and location.

WAC 357-01-170, it was determined through discussions with stakeholders that a new sentence be added regarding veterans scoring criteria only added to passing scores.

WAC 357-01-232, this section regarding the periodic increment date (PID) definition was previously filed under WAC 357-01-255 as progression increase date.

WAC 357-01-250, it was determined through discussions with stakeholders that a new sentence be added regarding the time frame for a probationary period.

WAC 357-01-255, it was determined through discussions with stakeholders that this section be changed to WAC 357-01-232 Periodic increment date.

WAC 357-01-290, as a result of discussions with stakeholders it was determined that the language be changed in this section to address the internal layoff list WAC numbers.

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 70, 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 70, Amended 0, Repealed 0.

Date Adopted: July 29, 2004.

E. C. Matt
Director

Chapter 357-01 WAC

Definitions

NEW SECTION

WAC 357-01-005 Affected groups. Those groups that must be included in affirmative action plans and updates and who may be beneficiaries of affirmative action programs. Affected groups include: Blacks, Asians, Pacific Islanders, Hispanics/Latinos, American Indians/Alaska Natives, women, persons age 40 and over, persons with disabilities, Vietnam-era veterans and disabled veterans. Employers must use the most current federal definitions and categories in their plans and updates.

NEW SECTION

WAC 357-01-010 Affirmative action program. A tool designed to ensure equal opportunity through procedures and active good faith efforts to correct underutilization of qualified affected group members. It shall not mean any sort of quota system.

NEW SECTION

WAC 357-01-015 Affirmative action plan. Results-oriented programs to which employers commit their good faith efforts to attain and maintain equal employment opportunity. Guidelines for development of affirmative action plans are established by the department and are consistent with requirements set forth by federal Executive Order 11246 and Affirmative Action Guidelines issued by the U.S. Departments of Labor and Justice.

NEW SECTION

WAC 357-01-020 Allocation. The assignment of a position to a class.

NEW SECTION

WAC 357-01-025 Appointing authority. An individual lawfully authorized to appoint, transfer, layoff, reduce, dismiss, suspend, or demote employees.

NEW SECTION

WAC 357-01-035 Availability. An estimate of the percentage of qualified affected group members available for employment in a given job group. The determination of the availability of affected group members must be based on consideration of the following factors:

- (1) The percentage of availability of affected group members with the requisite skills in the reasonable recruitment area.
- (2) The percentage of affected group members among those promotable, transferable, and trainable within the employer's organization.

The availability estimates must be based on an analysis of the factors determined to be relevant to the particular job group.

NEW SECTION

WAC 357-01-040 Base salary. The dollar amount of the salary within the salary range to which the employee is entitled, before any deductions, and exclusive of additional compensation of any kind, such as premiums.

NEW SECTION

WAC 357-01-045 Board. The Washington Personnel Resources Board.

NEW SECTION

WAC 357-01-050 Career development. The progressive development of an employee's capabilities. Career development is meant to facilitate the employee's productivity, performance, job satisfaction, and advancement. Career development can happen through work assignments as well as education and training. The education and training may be state-sponsored or achieved by the individual employee's efforts. All career development must be consistent with the needs and obligations of the state and its employers.

NEW SECTION

WAC 357-01-055 Career planning. A process designed to identify and provide opportunities for each employee's career growth through job experience, training, and/or continuing education.

NEW SECTION

WAC 357-01-060 Certification. The act of referring eligible candidates to the employing official for further consideration.

NEW SECTION

WAC 357-01-065 Certified pool. Those eligible candidates determined by the employer to be among the best qualified for a position, based on position-specific criteria, who are certified to the employing official.

NEW SECTION

WAC 357-01-070 Charges. A detailed statement of the specific incidents alleging cause for disciplinary action.

NEW SECTION

WAC 357-01-075 Class. A level of work.

NEW SECTION

WAC 357-01-080 Class series/occupational category. A grouping of job functions having similar purpose and knowledge requirements.

NEW SECTION

WAC 357-01-085 Classified service. All positions in state service not exempt from the provisions of chapter 41.06 RCW.

NEW SECTION

WAC 357-01-090 Competencies. Those measurable or observable knowledge, skills, abilities, and behaviors critical to success in a key job role or function.

NEW SECTION

WAC 357-01-095 Demotion. Movement of an employee from a position in one class to a position in another class that has a lower salary range maximum.

NEW SECTION

WAC 357-01-100 Department. Department of Personnel.

NEW SECTION

WAC 357-01-105 Developmental opportunities. Activities designed to develop employees' knowledge and skills for future job assignments.

NEW SECTION

WAC 357-01-110 Director. Director of the Department of Personnel.

NEW SECTION

WAC 357-01-115 Disabled veteran. For affirmative action purposes, a person entitled to disability compensation under laws administered by the Veterans Administration for disability rated at 30 percent or more, or a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty.

NEW SECTION

WAC 357-01-120 Dismissal. The termination of an individual's employment for disciplinary purposes.

NEW SECTION

WAC 357-01-125 Eligible applicant. A job seeker who has successfully completed preliminary screening processes for a specific position.

NEW SECTION

WAC 357-01-130 Eligible candidate. An individual who has successfully completed all assessment requirements for a specific position and is eligible to be considered for the certified pool.

NEW SECTION

WAC 357-01-135 Elevation. An employer-initiated action that moves an employee to a position in either:

- (1) A higher class in which the employee held permanent status prior to a demotion; or
- (2) A class in the same class series/occupational category which is between the current class and the class from which the employee demoted.

NEW SECTION

WAC 357-01-140 Employee. An individual working in the classified service. Employee business unit members are covered by chapter 357-43 WAC and defined in WAC 357-43-001.

NEW SECTION

WAC 357-01-145 Employer. A state agency, an institution of higher education, or a related higher education board.

NEW SECTION

WAC 357-01-150 Employing official. An administrative or supervisory employee designated by the appointing authority to exercise responsibility for requesting certification, interviewing eligible candidates, and recommending appointment of individuals to classified positions.

NEW SECTION

WAC 357-01-155 Employee performance management process. The systematic set of actions taken by a supervisor to maximize employee productivity, potential and satisfaction.

NEW SECTION

WAC 357-01-160 Examination. A scored competitive written, oral, or performance test administered as part of a position-specific hiring process prior to certification.

NEW SECTION

WAC 357-01-165 Examination process. The process used to administer and score an examination.

NEW SECTION

WAC 357-01-170 Examination results. An eligible candidate's final score on an examination, plus any veterans scoring criteria or other applicable credits. Veterans scoring criteria is only added to passing scores

NEW SECTION

WAC 357-01-175 General government employer. Any agency as defined by RCW 41.06.020 who is not a higher education employer.

NEW SECTION

WAC 357-01-180 Higher education employer. The University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, the various state community colleges, the state board for community and technical colleges, the higher education coordinating board, and such other boards, councils, and commissions related to higher education as may be established.

NEW SECTION

WAC 357-01-185 Job analysis. The process of gathering, analyzing, and synthesizing information about a position in order to identify the essential tasks, functions, roles and competencies required to perform the work of the position, and the written documentation of the results of the analysis.

NEW SECTION

WAC 357-01-190 Job seeker. An individual who has indicated to the employer an interest in employment by completing a preliminary profile or by submitting an application.

NEW SECTION

WAC 357-01-195 Layoff unit. A clearly identified structure within an employer's organization within which layoff options are determined in accordance with the employer's layoff procedure. Layoff units may be a series of progressively larger units within an employer's organization.

NEW SECTION

WAC 357-01-200 List. A list of eligible names established to be certified for vacancies in a class.

NEW SECTION

WAC 357-01-205 Nonrepresented employee. A classified employee whose position is not part of a bargaining unit with a certified exclusive representative.

NEW SECTION

WAC 357-01-210 Nonpermanent appointment. An appointment made by a general government employer under the provisions of WAC 357-19-360.

NEW SECTION

WAC 357-01-215 Occupational category/class series. A grouping of job functions having similar purpose and knowledge requirements.

NEW SECTION

WAC 357-01-220 Overtime-eligible employee. An employee who is covered by the overtime provisions of the Fair Labor Standards Act.

NEW SECTION

WAC 357-01-225 Overtime-exempt employee. An employee who is not covered by the overtime provisions of the Fair Labor Standards Act.

NEW SECTION

WAC 357-01-230 Performance management confirmation. Approval granted by the director to an employer allowing the employer to link individual employee performance to compensation or layoff decisions.

NEW SECTION

WAC 357-01-232 Periodic increment date (PID). The date upon which an employee is scheduled to move to a higher salary step within the salary range for the current class.

NEW SECTION

WAC 357-01-235 Persons with disabilities. For affirmative action purposes, a person with a permanent physical, mental, or sensory impairment which substantially limits one or more major life activity. Physical, mental, or sensory impairment means: (a) any physiological or neurological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the body systems or functions; or (b) any mental or psychological disorders such as mental retardation, organic brain syndrome, emotional or mental illness, or any specific learning disability. The impairment must be material rather than slight, and permanent in that it is seldom fully corrected by medical replacement, therapy, or surgical means.

NEW SECTION

WAC 357-01-240 Position. A group of duties and responsibilities to be performed by an employee.

NEW SECTION

WAC 357-01-245 Premium. Pay added to an employee's base salary on a contingent basis in recognition of special requirements, conditions, or circumstances associated with the job.

NEW SECTION

WAC 357-01-250 Probationary period. The initial period of employment following certification and appointment to, or reemployment in, the classified service. The probationary period continues for 6 to 12 months as determined under the provisions of WAC 357-19-040.

NEW SECTION

WAC 357-01-260 Promotion. The appointment to a class with a higher salary range maximum that results in a salary increase.

NEW SECTION

WAC 357-01-265 Promotional organizational unit. A unit established by the employer based upon administrative and/or geographical relationships and used for promotional recruitment and hiring.

NEW SECTION

WAC 357-01-270 Reallocation. The assignment of a position to a different class.

NEW SECTION

WAC 357-01-275 Reassignment. An employer-initiated move of an employee within the employer from one position to another position in the same class or a different class with the same salary range maximum.

NEW SECTION

WAC 357-01-280 Reemployment. Appointment of a former permanent employee who had permanent status in a class with the same or similar job duties.

NEW SECTION

WAC 357-01-285 Regular rate. All compensation (i.e. base salary plus any premiums) received by an employee for the performance of work in an assigned position.

NEW SECTION

WAC 357-01-290 Reversion. Voluntary or involuntary movement of an employee during the trial service period resulting in placement in a position or on the employer's internal layoff list in accordance with WAC 357-19-115 and WAC 357-19-117.

NEW SECTION

WAC 357-01-295 Salary range. The minimum and maximum dollar amount assigned to a class.

NEW SECTION

WAC 357-01-300 Screening. Separate from a scored competitive examination, screening is the use of assessment tools including, but not limited to application or resume reviews, pass/fail skill tests, supplemental questionnaires, or identification of job-related competencies to narrow the field of job seekers that will be considered for inclusion within the certified pool.

NEW SECTION

WAC 357-01-305 Shared employment. A voluntary arrangement whereby more than one employee jointly fill a single position as agreed between the employer and the employees.

NEW SECTION

WAC 357-01-310 Special employment program. Special employment programs are those programs designated by the director which are designed and implemented to reduce unemployment and/or provide training opportunities to enable persons to become more employable. Special employment programs are funded in total, or in part, from sources other than the normal sources available to the employer.

NEW SECTION

WAC 357-01-315 Special pay salary ranges. A unique salary range assigned to a position or class in accordance with WAC 357-28-025.

NEW SECTION

WAC 357-01-320 Supplemental certification. Increasing the normal certification of names to incorporate Persons with Disabilities, Vietnam-era Veterans, Disabled Veterans or Persons Over 40.

NEW SECTION

WAC 357-01-325 Suspension. An absence without pay for disciplinary purposes.

NEW SECTION

WAC 357-01-330 Training. Activities designed to develop employees' job-related knowledge and skills for present job assignments.

NEW SECTION

WAC 357-01-335 Transfer. An employee-initiated move of that employee from a position to another position within or between employers in the same class or a different class with the same salary range maximum.

NEW SECTION

WAC 357-01-340 Transition review period. The transition review period is a six-month evaluation period that allows the employer and employee to determine whether a placement into a position as a layoff option or appointment to a position from a layoff list or the general government transition pool is a good match.

NEW SECTION

WAC 357-01-345 Trial service period. The initial period of employment following promotional appointment to a position in a new class or the initial period of employment following a transfer or voluntary demotion, or elevation when required by the employer under the provisions of 357-19-030. The trial service period will continue for six to twelve months as determined under the provisions of WAC 357-19-050.

NEW SECTION

WAC 357-01-350 Underutilization. Occurs when there are fewer affected group members in a particular job group than would reasonably be expected based on the affected group's availability.

NEW SECTION

WAC 357-01-355 Vietnam era veteran. For affirmative action purposes, a person who served on active duty for more than 180 days, any part of which occurred between February 28, 1961 and May 7, 1975 in the Republic of Vietnam, or between August 5, 1964 and May 7, 1975 in all other cases; and was discharged or released from active duty with other than a dishonorable discharge; or who was discharged or released from active duty for a service-connected disability if any part of such active duty was performed between August 5, 1964 and May 7, 1975.

WSR 05-01-205**PERMANENT RULES****DEPARTMENT OF PERSONNEL**

[Filed December 21, 2004, 3:27 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: This chapter of rules pertain to compensation for state employees.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 04-13-029 on June 9, 2004.

Changes Other than Editing from Proposed to Adopted Version: WAC 357-28-035(7), as a result of discussions with stakeholders, it was determined that new language be added to this subsection making the original WAC 357-28-035 (7), now (8), and addressing setting base salary when an employee is reverted following a voluntary demotion.

WAC 357-28-050, as a result of discussions with stakeholders, it was determined that the language be changed in this section to address periodic increment date (PID). This section was originally filed as "Progression increase date" and has been changed to "Periodic increment date."

WAC 357-28-055, as a result of discussions with stakeholders, it was determined that the language be changed in this section from "progression increase" to "periodic increment date."

WAC 357-28-055(1), this subsection was originally filed with subsections (a) and (b). As a result of discussion with stakeholders it was determined that subsections (a) and (b) be moved to subsection (4).

WAC 357-28-055(2), as a result of discussions with stakeholders, it was determined that the language be changed in this subsection to change "progression increase" to "periodic increment." Removed the WAC reference in the last sentence.

WAC 357-28-055(3), as a result of discussions with stakeholders, it was determined that the language be changed in this subsection to change "progression increase" to "peri-

odic increment." Removed the WAC reference in the last sentence.

WAC 357-28-055(4), as a result of discussions with stakeholders, it was determined that this section be added with the original subsection (a) and (b) filed under subsection (1).

WAC 357-28-060, as a result of discussions with stakeholders, it was determined that the language be changed in this section to change "progression" to "increment." Also changed "progression increase" to "periodic increment."

WAC 357-28-065, as a result of discussions with stakeholders, it was determined that the language be changed in this section from "progression" to "increment."

WAC 357-28-065 (1) and (2), as a result of discussions with stakeholders, it was determined that the language be added to this section addressing general government and higher education employer's effective dates for increment increases.

WAC 357-28-070, as a result of discussions with stakeholders, it was determined that the language be changed in this section from "progression" and "progression increase" to "increment" and "periodic increment."

WAC 357-28-075 (1) and (2), as a result of discussions with stakeholders, it was determined that the language be changed in this section from "progression" and "progression increase" to "increment" and "periodic increment."

WAC 357-28-075(2), this section was originally filed with the word "successful" and since has changed to "satisfactory" as a result of discussion with stakeholders.

WAC 357-28-090, as a result of discussions with stakeholders, it was determined that the language be changed in this section to address "or other business related reasons."

WAC 357-28-095(1), as a result of discussions with stakeholders, it was determined that the language be added "as described" in subsection (2).

WAC 357-28-095(2), as a result of discussions with stakeholders, it was determined that the language be added in this section regarding lump sum recruitment or retention payments.

WAC 357-28-110, as a result of discussions with stakeholders, it was determined that the language be changed in this section to address the minimum increase for employee promotions.

WAC 357-28-115, as a result of discussions with stakeholders, it was determined that the language be changed in this section to address the minimum increase for employee reallocations that receive a higher salary range.

WAC 357-28-125, as a result of discussions with stakeholders, it was determined that the language be added in this section to address employee allocation to a new class.

WAC 357-28-130(2), as a result of discussions with stakeholders, it was determined that the language be changed in this subsection to address salary provisions established by the director.

WAC 357-28-150, as a result of discussions with stakeholders, it was determined that the language be changed in this section to address an employee's salary determined upon reversion.

WAC 357-28-155(2), this original subsection (2) was filed and has since been removed as a result of discussions with stakeholders.

WAC 357-28-190(4), as a result of discussions with stakeholders, it was determined that language be added in this subsection to include shift premium for a temporary assignment exceeding five days.

WAC 357-28-220, as a result of discussions with stakeholders, it was determined to remove both subsections since the original filing. Also removed the language addressing full-time employment.

WAC 357-28-250 (1) and (2), as a result of discussions with stakeholders, it was determined to add subsections (1) and (2) to address emergency response duty receiving over-time compensation.

WAC 357-28-252, as a result of discussions with stakeholders, it was determined that the language be added to this section to include "For a position."

WAC 357-28-255(2), as a result of discussions with stakeholders, it was determined that the language be changed in subsection. "Holidays with pay" was originally filed and has now changed to "All paid holidays."

WAC 357-28-265, as a result of discussions with stakeholders, it was determined that the language be changed in this section. "Holidays with pay" was originally filed and has now changed to "paid holidays."

WAC 357-28-295, as a result of discussions with stakeholders, it was determined that the language be added to this section addressing additional pay granted that is not part of the base salary.

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 57, 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 57, Amended 0, Repealed 0.

Date Adopted: July 29, 2004.

E. C. Matt
Director

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 05-02 issue of the Register.

WSR 05-01-206

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed December 21, 2004, 3:27 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: This chapter of rules pertain to appointment and reemployment for state employees.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 04-13-031 on June 9, 2004.

Changes Other than Editing from Proposed to Adopted Version: WAC 357-19-030, as a result of discussions with stakeholders, language has been changed in this section to add "or is elevated." Also WAC reference has been changed from WAC 357-52-080 to 357-46-110.

WAC 357-19-045, as a result of discussions with stakeholders, language was changed in this section to add "(or successor title)."

WAC 357-19-060, as a result of discussions with stakeholders, language was changed in this section to address if a trial service period may be extended.

WAC 357-19-080, as a result of discussions with stakeholders, new language was added in this section to address permanent employees accepting nonpermanent appointments during their trial service period. Added subsections (1)-(3). Subsection (3) was added to address counting time work in the nonpermanent appointment towards the trial service period, as a result of discussions with stakeholders.

WAC 357-19-095, as a result of discussions with stakeholders, language was changed in this section to address an employee failing to meet the employer's standards during the probationary period. WAC reference number has been changed from WAC 357-52-120 to 357-46-180.

WAC 357-19-100, as a result of discussions with stakeholders, language was changed in this section to address an employee failing to meet the employer's standards during the trial service period.

WAC 357-19-105, as a result of discussions with stakeholders, language was added in this section to address reversion of an employee during the last seven days of a trial service period.

WAC 357-19-115, as a result of discussions with stakeholders, language was changed in this section to address which employer and position an employee would revert to. In subsection (1) added "or elevation" and also added reference to WAC 357-01-210. In subsection (2) added reference to WAC 357-01-210.

WAC 357-19-160, as a result of discussions with stakeholders, language was added in this section to address elevation following a demotion.

WAC 357-19-165, as a result of discussions with stakeholders, language was changed in this section to address the difference between reassignment and transfer.

WAC 357-19-170, as a result of discussions with stakeholders, new language was added to this section, "related board."

WAC 357-19-180, as a result of discussions with stakeholders, new language was added to this section, "request to."

WAC 357-19-190(3), as a result of discussions with stakeholders, added new language to this subsection, "or elevation." In subsection (5) changed WAC reference from 357-19-460 to 357-19-225.

WAC 357-19-225(3), originally this subsection was filed with the reference of WAC 357-28-210. As a result of

discussions with stakeholders, this has been changed to reference WAC 357-28-165.

WAC 357-19-255, as a result of discussions with stakeholders, language has been added to this section to address length of time an employee must be at each step in an in-training plan.

WAC 357-19-295, as a result of discussions with stakeholders, language has been added to this section, "higher education."

WAC 357-19-315, as a result of discussions with stakeholders, language has been changed in this section from "their employment" to "the position."

WAC 357-19-325, as a result of discussions with stakeholders, the following language has been removed from this section, "that is in a new class."

WAC 357-19-330, as a result of discussions with stakeholders, language has been changed in this section to address the notification that employees and employers must give when an employee accepts an appointment to a project position. As a result of discussions with stakeholders, added language to address the alternative methods of notification.

WAC 357-19-340, originally this WAC was filed as "fifteen (15) calendar days notice." As a result of discussions with stakeholders this has been changed to "fourteen (14) calendar days notice."

WAC 357-19-388 and 357-19-410, as a result of discussions with stakeholders, language has been added to this WAC to addressing alternative methods of notification.

WAC 357-19-455, as a result of discussions with stakeholders, language was removed from this section addressing the reemployment definition.

WAC 357-19-470, as a result of discussions with stakeholders, language was changed in this WAC to address former employees seeking reemployment.

WAC 357-19-475(2), as a result of discussions with stakeholders, language has been added to this subsection addressing former employee.

WAC 57-19-505, as a result of discussions with stakeholders, language has been added to this section addressing the return-to-work initiative program.

WAC 357-19-535, as a result of discussions with stakeholders, language has been added to this section addressing related board.

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 90, 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 90, Amended 0, Repealed 0.

Date Adopted: July 29, 2004.

E. C. Matt
Director

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 05-02 issue of the Register.

WSR 05-01-209

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed December 21, 2004, 4:27 p.m., effective January 21, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Rule making is a result of the last amendment to the rule referenced to a \$25.00 fee was deleted although the regulation continued to indicate that a fee would be charged for manufactured home certificate of title elimination.

Citation of Existing Rules Affected by this Order: Amending 1 [WAC 308-56A-505].

Statutory Authority for Adoption: RCW 65.20.090.

Adopted under notice filed as WSR 04-21-049 on October 18, 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 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.

Date Adopted: December 21, 2004.

James A. Fellows
for Fred Stephens
Director

AMENDATORY SECTION (Amending WSR 04-08-081, filed 4/6/04, effective 5/7/04)

WAC 308-56A-505 Elimination of manufactured home certificate of ownership (title)—Eligibility. (1) **May I eliminate the certificate of ownership (title) on my manufactured home?** You may eliminate the certificate of ownership (title) on your manufactured home provided you own or are purchasing the manufactured home and the land to which it is affixed as defined in RCW 65.20.020 and 65.20.030.

(2) **How do I apply to eliminate the certificate of ownership on my manufactured home?** You must complete, record and submit a manufactured home application. The application to eliminate the certificate of ownership issued under chapter 46.12 RCW, and record ownership as real

property under chapter 65.20 RCW or to transfer ownership in real property to a title under chapter 46.12 RCW, must be signed by all persons having an interest in the land and the manufactured home as defined in RCW 65.20.020.

(3) **What conditions must be met before the certificate of ownership can be eliminated?** The following conditions must be met before the certificate of ownership will be eliminated:

(a) The manufactured home must be affixed or be in the process of being affixed to the land.

(b) The building permit office certification box on the elimination application must be completed by the issuing authority stating that the home was affixed or that a building permit has been issued for this purpose as described in RCW 65.20.040(3).

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

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

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

~~((f))~~ ~~(e)~~ After recording, the original or a certified copy of the elimination application and any other documents required by the department must be submitted to a vehicle licensing office to complete the elimination process with the appropriate fees. A confirmation letter is sent from the department confirming the elimination of the certificate of ownership.

~~((g))~~ ~~(f)~~ Failure to finalize the elimination process with a vehicle licensing office will render the elimination incomplete until such time the original or certified copy of the recorded application and any other documents required by the department are submitted to a vehicle licensing office with the appropriate fees.

(4) **How do I complete the elimination of my manufactured home certificate of ownership with the department?** ~~((You must submit the recorded manufactured home application))~~ After recording the original or a certified copy of the elimination application and any other documents required, it must be submitted to the department for processing ~~((and pay))~~ with payment of the applicable fees. After ~~((it))~~ the application has been processed, you will receive a confirmation letter from the department that your manufactured home certificate of ownership has been eliminated.

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

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

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

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

~~((defray))~~ cover the cost of processing documents and per-

forming services as ~~((required by chapter 65.20))~~ described in RCW 65.20.090.

WSR 05-01-210

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed December 21, 2004, 4:30 p.m., effective January 21, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Rule making is a result of legislation on SSB 6688 of the 58th legislative 2004 regular session. This rule establishes terms and conditions for the use of Helping Kids Speak special license plate allowing the public to obtain the plate.

Statutory Authority for Adoption: RCW 46.01.110.

Other Authority: RCW 46.16.316.

Adopted under notice filed as WSR 04-21-050 on October 18, 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 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.

Date Adopted: December 21, 2004.

James A. Fellows
for Fred Stephens
Director

NEW SECTION

WAC 308-96A-079 Helping Kids Speak special vehicle license plate series. (1) **When ownership of a vehicle issued "Helping Kids Speak license plate(s)" is sold, traded, or otherwise transferred, what happens to the plate(s)?** The special license plate owner may relinquish the plate(s) to the new vehicle owner or remove the plate(s) from the vehicle for transfer to a replacement vehicle. License plate transfer fees apply.

(2) **Will any new fees be charged when the Helping Kids Speak license plate(s) are transferred?** If the registration expiration date for the new vehicle is later than registration expiration date of the previous vehicle the fee for the Helping Kids Speak plate will be charged at the rate of one-twelfth of the annual Helping Kids Speak plate(s) fee for each exceeding month and partial month. If the new registration expiration date is sooner than the previous registration expi-

ration date, a refund will not be made for the remaining registration period.

(3) **May Helping Kids Speak license number plates be replaced with the same number if they become lost, defaced, or destroyed?** Yes. Upon the loss, defacement, or destruction of one or both Helping Kids Speak license plate(s), the owner must make application for new Helping Kids Speak or other license plate(s) and pay the fees described in RCW 46.16.270. See note following subsection (5) of this section.

(4) **Will Helping Kids Speak license plate(s) ever need replacing?** Yes, the Helping Kids Speak license plate(s) are subject to the mandatory vehicle license plate replacement schedule.

(5) **When replacing Helping Kids Speak license plate(s), is the same license plate number/letter combination issued?** Yes. If the vehicle owner requests and pays the fees described in RCW 46.16.233, the Helping Kids Speak license plate(s) may be replaced with the same number/letter combination as shown on the vehicle computer record.

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

WSR 05-01-221

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed December 22, 2004, 9:44 a.m., effective January 22, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 246-976-010 is an existing WAC. The words and phrases identified in this section clarify the meaning of existing language used within the EMS and trauma system, chapter 246-976 WAC. Recent amendments to sections within chapter 246-976 WAC have identified the need for additions, deletions and amendments to words and phrases within WAC 246-976-010. The proposed changes clarify existing language without changing the existing language's effect.

Citation of Existing Rules Affected by this Order: Amending WAC 246-976-010.

Statutory Authority for Adoption: Chapters 18.71, 18.73, and 70.168 RCW.

Adopted under notice filed as WSR 04-18-097 on September 1, 2004.

Changes Other than Editing from Proposed to Adopted Version: The phrase "Adolescence" will not be replaced with the phrase "Adolescent" as originally proposed. The word "prehospital" will be added into the definition of "Continuing Medical Education (CME) Method" to clarify that the definition applies only to prehospital providers. This is not a substantive change. The word "prehospital" was unintentionally left out.

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.

Date Adopted: December 21, 2004.

B. White
for Mary C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 00-08-102, filed 4/5/00, effective 5/6/00)

WAC 246-976-010 Definitions. Definitions in RCW 18.71.200, 18.71.205, 18.73.030, and 70.168.015 apply to this chapter. In addition, unless the context plainly requires a different meaning, the following words and phrases used in this chapter mean:

"ACLS" means advanced cardiac life support, a course developed by the American Heart Association.

"Activation of the trauma system" means mobilizing resources to care for a trauma patient in accordance with regional patient care procedures. When the prehospital provider identifies a major trauma patient, using approved prehospital trauma triage procedures, he or she notifies both dispatch and medical control from the field.

"Adolescence" means the period of physical and psychological development from the onset of puberty to maturity, approximately twelve to eighteen years of age.

"Advanced first aid," for the purposes of RCW 18.73.120, 18.73.150, and 18.73.170, means a course of at least twenty-four hours of instruction, which includes at least:

- CPR;
- Airway management;
- Trauma/wound care;
- Immobilization.

"Agency response time" means the interval from agency notification to arrival on the scene. It is the combination of activation and en route times defined under system response times in this section.

"Aid service" means an agency licensed by the department to operate one or more aid vehicles, consistent with regional and state plans.

"Airway technician" means a person who:

- Has been trained in an approved program to perform endotracheal airway management and other authorized aids to ventilation under written or oral authorization of an MPD or approved physician delegate; and
- Has been examined and certified as an airway technician by the department or by the University of Washington's school of medicine.

"ALS" means advanced life support.

"Ambulance service" means an agency licensed by the department to operate one or more ground or air ambulances. Ground ambulance service operation must be consistent with regional and state plans. Air ambulance service operation must be consistent with the state plan.

"Approved" means approved by the department of health.

"ATLS" means advanced trauma life support, a course developed by the American College of Surgeons.

"Attending surgeon" means a physician who is board-certified or board-qualified in general surgery, and who has surgical privileges delineated by the facility's medical staff. The attending surgeon is responsible for care of the trauma patient, participates in all major therapeutic decisions, and is present during operative procedures.

"Available" for designated trauma services described in WAC 246-976-485 through 246-976-890 means physically present in the facility and able to deliver care to the patient within the time specified. If no time is specified, the equipment or personnel must be available as reasonable and appropriate for the needs of the patient.

"BLS" means basic life support.

"Basic life support" means emergency medical services requiring basic medical treatment skills as defined in chapter 18.73 RCW.

"Board certified" or "board-certified" means that a physician has been certified by the appropriate specialty board recognized by the American Board of Medical Specialties. For the purposes of this chapter, references to "board certified" include physicians who are board-qualified.

"Board-qualified" means physicians who have graduated less than five years previously from a residency program accredited for the appropriate specialty by the accreditation council for graduate medical education.

"BP" means blood pressure.

"Certification" means the department recognizes that an individual has met predetermined qualifications, and authorizes the individual to perform certain procedures.

~~("CME" means continuing medical education.)~~

"Consumer" means an individual who is not associated with the EMS/TC system, either for pay or as a volunteer, except for service on the steering committee, licensing and certification committee, or regional or local EMS/TC councils.

"Continuing medical education (CME) method" (~~means ongoing~~) or "continuing medical education method" or "CME" or "CME method" is the completion of prehospital recertification education requirements after initial prehospital certification to maintain and enhance skill and knowledge. CME requires the successful completion of a written and practical skills examination to recertify.

"CPR" means cardiopulmonary resuscitation.

"Dispatch" means to identify and direct an emergency response unit to an incident location.

"Diversion" for trauma care means the EMS transport of a trauma patient past the usual receiving trauma service to another trauma service due to temporary unavailability of trauma care resources at the usual receiving trauma service.

"E-code" means external cause code, an etiology included in the International Classification of Diseases (ICD).

"ED" means emergency department.

"Emergency medical services and trauma care (EMS/TC) system" means an organized approach to providing personnel, facilities, and equipment for effective and coordinated medical treatment of patients with a medical emergency or injury requiring immediate medical or surgical intervention to prevent death or disability. The emergency medical service and trauma care system includes prevention activities, prehospital care, hospital care, and rehabilitation.

"EMS" means emergency medical services.

"EMS/TC" means emergency medical services and trauma care.

"EMT" means emergency medical technician.

"General surgeon" means a licensed physician who has completed a residency program in surgery and who has surgical privileges delineated by the facility.

"ICD" means the international classification of diseases, a coding system developed by the World Health Organization.

"ILS" means intermediate life support.

"Injury prevention" means any combination of educational, legislative, enforcement, engineering and emergency response initiatives used to reduce the number and severity of injuries.

"Interfacility transport" means medical transport of a patient between recognized medical treatment facilities requested by a licensed health care provider.

"Intermediate life support (ILS) technician" means a person who:

- Has been trained in an approved program to perform specific phases of advanced cardiac and trauma life support as specified in this chapter, under written or oral direction of an MPD or approved physician delegate; and

- Has been examined and certified as an ILS technician by the department or by the University of Washington's school of medicine.

"Intravenous therapy technician" means a person who:

- Has been trained in an approved program to initiate IV access and administer intravenous solutions under written or oral authorization of an MPD or approved physician delegate; and

- Has been examined and certified as an intravenous therapy technician by the department or by the University of Washington's school of medicine.

"IV" means intravenous.

"Licensing and certification committee (L&C committee)" means the emergency medical services licensing and certification advisory committee created by RCW 18.73.040.

"Local council" means a local EMS/TC council authorized by RCW 70.168.120(1).

"Local medical community" means the organized local medical society existing in a county or counties; or in the absence of an organized medical society, majority physician consensus in the county or counties.

"Medical control" means MPD authority to direct the medical care provided by certified EMS personnel in the pre-hospital EMS system.

"Medical control agreement" means a written agreement between two or more MPDs, using similar protocols that are consistent with regional plans, to assure continuity of patient care between counties, and to facilitate assistance.

"MPD" means medical program director.

"Must" means shall.

~~"Ongoing training and evaluation((("Otep) means a course of education authorized for first responders and EMTs in RCW 18.73.081 (3)(b))) program" or "ongoing training and evaluation program (OTEP)" or "OTEP" or "OTEP program" or "OTEP method" is a program of education for EMS personnel that is approved by the MPD and the department to meet the education requirements and core topic content for recertification. OTEP includes cognitive, affective and psychomotor evaluations following completion of each topic presentation to determine student competence of topic content.~~

"PALS" means pediatric advanced life support, a course developed by the American Heart Association.

"Paramedic" means a person who:

- Has been trained in an approved program to perform all phases of prehospital emergency medical care, including advanced life support, under written or oral authorization of an MPD or approved physician delegate; and

- Has been examined and certified as a paramedic by the department or by the University of Washington's school of medicine.

"Pediatric education requirement" or "PER" means the pediatric education and training standards required for certain specialty physicians and nurses who care for pediatric patients in designated trauma services as identified in WAC 246-976-886 and 246-976-887.

"Physician" means an individual licensed under the provisions of chapters 18.71 or 18.57 RCW.

"Physician with specific delineation of surgical privileges" means a physician with surgical privileges delineated for emergency/life-saving surgical intervention and stabilization of a trauma patient prior to transfer to a higher level of care. Surgery privileges are awarded by the facility's credentialing process.

"Postgraduate year" means the classification system for residents who are undergoing postgraduate training. The number indicates the year the resident is in during his/her postmedical school residency program.

"Practical skills examination" means a test conducted in an initial course, or a test or series of evaluations during a recertification period, to determine competence in each of the practical skills specified by the department.

"Prehospital agencies" means providers of prehospital care or interfacility ambulance transport.

"Prehospital index" means a scoring system used to activate a hospital trauma resuscitation team.

"Prehospital patient care protocols" means the written procedures adopted by the MPD under RCW 18.73.030(13) and 70.168.015(26) which direct the out-of-hospital emergency care of the emergency patient which includes the trauma care patient. These protocols are related only to delivery and documentation of direct patient treatment.

"Prehospital trauma care services" means agencies that are verified to provide prehospital trauma care.

"Prehospital trauma triage procedures" means the method used by prehospital providers to evaluate injured patients and determine whether to activate the trauma system from the field. It is described in WAC 246-976-930(2).

"Public education" means education of the population at large, targeted groups or individuals, in preventive measures and efforts to alter specific injury-related behaviors.

~~("Quality assurance (QA)" means an organized quality assessment and improvement program to audit and evaluate care provided in EMS/TC systems, with the goal of improving patient outcomes-)~~ "Quality improvement" or "QI" or "quality assurance" means a process/program to monitor and evaluate care provided in trauma services and EMS/TC systems.

"Regional council" means the regional EMS/TC council established by RCW 70.168.100.

"Regional patient care procedures (RPCP)" means procedures adopted by a regional council under RCW 18.73.030 (14) and 70.168.015(23), and approved by the department. Regional patient care procedures do not relate to direct patient care.

"Regional plan" means the plan defined in WAC 246-976-960 (1)(b) that has been approved by the department.

"Registered nurse" means an individual licensed under the provisions of chapter 18.79 RCW.

"Response area" means a service coverage zone identified in an approved regional plan.

"Rural" means unincorporated or incorporated areas with total populations less than ten thousand people, or with a population density of less than one thousand people per square mile.

~~("Senior EMT instructor (SEI)")~~ SEI(()) means an individual approved to be responsible for the quality of instruction and the conduct of basic life support training courses.

"Special competence" means that an individual has been deemed competent and committed to a medical specialty area with documented training, board certification and/or experience, which has been reviewed and accepted as evidence of a practitioner's expertise:

- For physicians, by the facility's medical staff;
- For registered nurses, by the facility's department of nursing;

- For physician assistants and advanced registered nurse practitioners, as defined in the facility's bylaws.

"Specialized training" means approved training of certified EMS personnel to use a skill, technique, or equipment that is not included in the standard course curriculum.

"State plan" means the emergency medical services and trauma care system plan described in RCW 70.168.015(7), adopted by the department under RCW 70.168.060(10).

"Steering committee" means the EMS/TC steering committee created by RCW 70.168.020.

"Suburban" means an incorporated or unincorporated area with a population of ten thousand to twenty-nine thousand nine hundred ninety nine or any area with a population density of one thousand to two thousand people per square mile.

"System response time" for trauma means the interval from discovery of an injury until the patient arrives at a designated trauma facility. It includes:

"Discovery time": The interval from injury to discovery of the injury;

"System access time": The interval from discovery to call received;

"911 time": The interval from call received to dispatch notified, including the time it takes the call answerer to:

- Process the call, including citizen interview; and
- Give the information to the dispatcher;

"Dispatch time": The interval from call received by the dispatcher to agency notification;

• "Activation time": The interval from agency notification to start of response;

• "En route time": The interval from the end of activation time to the beginning of on-scene time;

• "Patient access time": The interval from the end of en route time to the beginning of patient care;

• "On scene time": The interval from arrival at the scene to departure from the scene. This includes extrication, resuscitation, treatment, and loading;

• "Transport time": The interval from leaving the scene to arrival at a health care facility;

"Training agency" means an organization or individual that is approved to be responsible for specified aspects of training of EMS personnel.

"Training physician" means a physician delegated by the MPD and approved by the department to be responsible for specified aspects of training of EMS personnel.

"Trauma rehabilitation coordinator" means a person designated to facilitate early rehabilitation interventions and the trauma patient's access to a designated rehabilitation center.

"Trauma service" means the clinical service within a hospital or clinic that is designated by the department to provide care to trauma patients.

"Urban" means:

- An incorporated area over thirty thousand; or
- An incorporated or unincorporated area of at least ten thousand people and a population density over two thousand people per square mile.

"Wilderness" means any rural area not readily accessible by public or private maintained road.

WSR 05-01-237

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 03-09—Filed December 22, 2004, 11:33 a.m., effective January 22, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of this rule making is to adopt chapter 173-407 WAC. The purpose of this chapter is to recover permitting authority costs related to implementing the mitigation program, to clarify CO₂ emissions calculations, and to integrate mitigation program plans into the air quality permits using the order of approval process.

Statutory Authority for Adoption: RCW 70.94.892 and chapter 80.70 RCW.

Adopted under notice filed as WSR 04-21-070 on October 19, 2004.

Changes Other than Editing from Proposed to Adopted Version: 1. Change WAC 173-407-030(4) to: Modifying existing fossil-fueled thermal electric generating facilities.

2. Change WAC 173-407-030 (4)(c) to read: (c) The increase to the facility or units is the greater of the following measures:

(i) an increase of station-generating capability of more than 25 MWe; or (ii) an increase in CO₂ emissions output by 15% or more.

3. Replace "or similar analysis" in 173-407-050 (1)(e) with "unless a differing analysis is necessary or appropriate for the electric generating process and type of equipment." Also, in 173-407- (1)(e): (1) Add notation to referring to the source of information (AP-42) for fuel chart; (2) add "fossil" to other fuels; (3) add nonfossil fuels category to chart with a corresponding value of 00.00.

A final cost-benefit analysis is available by contacting David Reich, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6865, fax (360) 407-6989, e-mail DAVR461@ecy.wa.gov.

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 9, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, Amended 0, Repealed 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.

Date Adopted: December 21, 2004.

Linda Hoffman
Director

Chapter 173-407 WAC

CARBON DIOXIDE MITIGATION PROGRAM FOR FOSSIL-FUELED THERMAL ELECTRIC GENERATING FACILITIES

NEW SECTION

WAC 173-407-010 Policy and purpose. (1) It is the policy of the state to require mitigation of the emissions of carbon dioxide (CO₂) from all new and certain modified fossil-fueled thermal electric generating facilities with station-generating capability of more than 25 MWe.

(2) A fossil-fueled thermal electric generating facility is not subject to the requirements of chapter 173-401 WAC solely due to its emissions of CO₂.

(a) Emissions of other regulated air pollutants must be a large enough quantity to trigger those requirements.

(b) For fossil-fueled thermal electric generating facilities that are subject to chapter 173-401 WAC, the CO₂ mitigation

requirements are an applicable requirement under that regulation.

(3) A fossil-fueled thermal electric generating facility not subject to the requirements of chapter 173-401 WAC is subject to the requirements of the registration program in chapter 173-400 WAC.

NEW SECTION

WAC 173-407-020 Definitions. The definitions in this section are found in RCW 80.70.010 (2004) and apply throughout this chapter unless clearly stated otherwise. The definitions are reprinted below.

(1) "Applicant" has the meaning provided in RCW 80.50.020 and includes an applicant for a permit for a fossil-fueled thermal electric generation facility subject to RCW 70.94.152 and 80.70.020 (1)(b) or (d).

(2) "Authority" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

(3) "Carbon credit" means a verified reduction in carbon dioxide or carbon dioxide equivalents that is registered with a state, national, or international trading authority or exchange that has been recognized by the council.

(4) "Carbon dioxide equivalents" means a metric measure used to compare the emissions from various greenhouse gases based upon their global warming potential.

(5) "Cogeneration credit" means the carbon dioxide emissions that the council, department, or authority, as appropriate, estimates would be produced on an annual basis by a stand-alone industrial and commercial facility equivalent in operating characteristics and output to the industrial or commercial heating or cooling process component of the cogeneration plant.

(6) "Cogeneration plant" means a fossil-fueled thermal power plant in which the heat or steam is also used for industrial or commercial heating or cooling purposes and that meets federal energy regulatory commission standards for qualifying facilities under the Public Utility Regulatory Policies Act of 1978.

(7) "Commercial operation" means the date that the first electricity produced by a facility is delivered for commercial sale to the power grid.

(8) "Council" means the energy facility site evaluation council created by RCW 80.50.030.

(9) "Department" means the department of ecology.

(10) "Fossil fuel" means natural gas, petroleum, coal, or any form of solid, liquid, or gaseous fuel derived from such material to produce heat for the generation of electricity.

(11) "Mitigation plan" means a proposal that includes the process or means to achieve carbon dioxide mitigation through use of mitigation projects or carbon credits.

(12) "Mitigation project" means one or more of the following:

(a) Projects or actions that are implemented by the certificateholder or order of approval holder, directly or through its agent, or by an independent qualified organization to mitigate the emission of carbon dioxide produced by the fossil-fueled thermal electric generation facility. This term includes, but is not limited to, the use of energy efficiency measures, clean

and efficient transportation measures, qualified alternative energy resources, demand side management of electricity consumption, and carbon sequestration programs;

(b) Direct application of combined heat and power (cogeneration);

(c) Verified carbon credits traded on a recognized trading authority or exchange; or

(d) Enforceable and permanent reductions in carbon dioxide or carbon dioxide equivalents through process change, equipment shutdown, or other activities under the control of the applicant and approved as part of a carbon dioxide mitigation plan.

(13) "Order of approval" means an order issued under RCW 70.94.152 with respect to a fossil-fueled thermal electric generation facility subject to RCW 80.70.020 (1)(b) or (d).

(14) "Permanent" means that emission reductions used to offset emission increases are assured for the life of the corresponding increase, whether unlimited or limited in duration.

(15) "Qualified alternative energy resource" has the same meaning as in RCW 19.29A.090.

(16) "Station generating capability" means the maximum load a generator can sustain over a given period of time without exceeding design limits, and measured using maximum continuous electric generation capacity, less net auxiliary load, at average ambient temperature and barometric pressure.

(17) "Total carbon dioxide emissions" means:

(a) For a fossil-fueled thermal electric generation facility described under RCW 80.70.020 (1)(a) and (b), the amount of carbon dioxide emitted over a thirty-year period based on the manufacturer's or designer's guaranteed total net station generating capability, new equipment heat rate, an assumed sixty percent capacity factor for facilities under the council's jurisdiction or sixty percent of the operational limitations on facilities subject to an order of approval, and taking into account any enforceable limitations on operational hours or fuel types and use; and

(b) For a fossil-fueled thermal electric generation facility described under RCW 80.70.020 (1)(c) and (d), the amount of carbon dioxide emitted over a thirty-year period based on the proposed increase in the amount of electrical output of the facility that exceeds the station generation capability of the facility prior to the applicant applying for certification or an order of approval pursuant to RCW 80.70.020 (1)(c) and (d), new equipment heat rate, an assumed sixty percent capacity factor for facilities under the council's jurisdiction or sixty percent of the operational limitations on facilities subject to an order of approval, and taking into account any enforceable limitations on operational hours or fuel types and use.

NEW SECTION

WAC 173-407-030 Carbon dioxide mitigation program applicability. (1) **Statutory authority for a carbon dioxide mitigation program.** RCW 70.94.892(1) states that "For fossil-fueled electric generation facilities having more than twenty-five thousand kilowatts station generating capability but less than three hundred fifty thousand kilowatts station generation capability, except for fossil-fueled floating

thermal electric generation facilities under the jurisdiction of the energy facility site evaluation council pursuant to RCW 80.50.010, the department or authority shall implement a carbon dioxide mitigation program consistent with the requirements of chapter 80.70 RCW."

(2) **Statutory carbon dioxide mitigation program applicability requirements.** RCW 80.70.020 describes the applicability requirements and is reprinted below:

(1) *The provisions of this chapter apply to:*

(a) *New fossil-fueled thermal electric generation facilities with station-generating capability of three hundred fifty thousand kilowatts or more and fossil-fueled floating thermal electric generation facilities of one hundred thousand kilowatts or more under RCW 80.50.020 (14)(a), for which an application for site certification is made to the council after July 1, 2004;*

(b) *New fossil-fueled thermal electric generation facilities with station-generating capability of more than twenty-five thousand kilowatts, but less than three hundred fifty thousand kilowatts, except for fossil-fueled floating thermal electric generation facilities under the council's jurisdiction, for which an application for an order of approval has been submitted after July 1, 2004;*

(c) *Fossil-fueled thermal electric generation facilities with station-generating capability of three hundred fifty thousand kilowatts or more that have an existing site certification agreement and, after July 1, 2004, apply to the council to increase the output of carbon dioxide emissions by fifteen percent or more through permanent changes in facility operations or modification or equipment; and*

(d) *Fossil-fueled thermal electric generation facilities with station-generating capability of more than twenty-five thousand kilowatts, but less than three hundred fifty thousand kilowatts, except for fossil-fueled floating thermal electric generation facilities under the council's jurisdiction, that have an existing order of approval and, after July 1, 2004, apply to the department or authority, as appropriate, to permanently modify the facility so as to increase its station-generating capability by at least twenty-five thousand kilowatts or to increase the output of carbon dioxide emissions by fifteen percent or more, whichever measure is greater.*

(3) **New facilities.** Any fossil-fueled thermal electric generating facility is required to mitigate CO₂ emissions as described in chapter 80.70 RCW, if the facility meets the following criteria:

(a) An application was received after July 1, 2004;

(b) The station-generating capability is below 350 MWe and above 25 MWe;

(c) The facility is not a fossil-fueled floating thermal electric generation facility subject to regulation by the energy facility site evaluation council.

(4) **Modifying existing fossil-fueled thermal electric generating facilities.** A fossil-fueled thermal electric generating facility seeking to modify the facility or any electrical generating units is required to mitigate the increase of the emission of CO₂, as described in RCW 80.70.020, when the following occur:

(a) The application was received after July 1, 2004;

(b) The unmodified station generating capability is more than 25 MWe and less than 350 MWe;

(c) The increase to the facility or units is the greater of the following measures:

(i) An increase in station-generating capability of more than 25 MWe; or

(ii) An increase in CO₂ emissions output by 15% or more;

(d) The facility or the modification is not under the jurisdiction of the energy facility site evaluation council.

(5) **Examples of fossil-fueled thermal electric generation units.** The following are some examples of fossil-fueled thermal electric generating units:

(a) Coal, oil, natural gas, or coke fueled steam generating units (boilers) supplying steam to a steam turbine - electric generator;

(b) Simple cycle combustion turbine attached to an electric generator;

(c) Combined cycle combustion turbines (with and without duct burners) attached to an electric generator and supplying steam to a steam turbine - electric generator;

(d) Coal gasification units, or similar devices, where the synthesis gas produced is used to fuel a combustion turbine, boiler or similar device used to power an electric generator;

(e) Hydrocarbon reformer emissions where the hydrogen produced is used in a fuel cell.

NEW SECTION

WAC 173-407-040 Carbon dioxide mitigation program fees. (1) **Statutory authorization.** RCW 70.94.892 authorizes the department to determine, assess, and collect fees sufficient to cover costs to review and approve or deny the carbon dioxide mitigation plan components of an order of approval. The order of approval will specify costs to monitor conformance related to the carbon dioxide mitigation plan.

(2) **Fees.** The fees for the carbon dioxide mitigation program are described in this section and listed in the table below. The fees listed are added to the fees established in chapters 173-400 and 173-401 WAC, when the carbon dioxide mitigation plan requirements are triggered.

Activity	Fee
a. Application Review	\$65.00/hr ¹ not to exceed \$500.00
b. Mitigation Plan approval	
i. Payment to third party	\$100 ²
ii. Purchase of CO ₂ credits	\$65.00/hr ³
iii. Direct investment	\$65.00/hr ⁴
c. Routine Compliance Monitoring	
i. Payment to third party	\$100 ⁵ annually until full amount paid
ii. Purchase of CO ₂ credits	\$65.00/hr ⁶
iii. Applicant Controlled Project	\$65.00/hr ⁷

¹Estimated using an EE3 per hour rate with a cap.

²Small fee primarily to check math and that the source is using an EFSEC approved qualified organization.

PERMANENT

³Estimated EE3 per hour rate to check that the credits purchased will be verifiable and from a reputable trading or marketing organization.

⁴Estimated using an EE3 per hour rate.

⁵Same as rationale for ² above.

⁶Verify and confirm credits with the trading or marketing organization.

(3) The department or authority may use RCW 70.94.085 to structure a cost-reimbursement agreement with the applicant.

NEW SECTION

WAC 173-407-050 Calculating total carbon dioxide emissions to be mitigated. (1) **Step 1 is to calculate the total quantity of CO₂.** The total quantity of CO₂ is referred to as the **maximum potential emissions of CO₂.** The maximum potential emissions of CO₂ is defined as the annual CO₂ emission rate. The annual CO₂ emission rate is derived by the following formula unless a differing analysis is necessary or appropriate for the electric generating process and type of equipment:

$$CO_{2rate} = \frac{F_1 \times K_1}{2204.6} \times T_1 + \frac{F_2 \times K_2}{2204.6} \times T_2 + \frac{F_3 \times K_3}{2204.6} \times T_3 + \dots + \frac{F_n \times K_n}{2204.6} \times T_n$$

- CO_{2rate} = Maximum potential emissions in metric tons per year
- F_{1-n} = Maximum design fuel firing rate in MMBtu/hour calculated as manufacturer/designer's guaranteed total net station generating capability in MWe times the new equipment heat rate in Btu/MWe
- K_{1-n} = Conversion factor for the fuel(s) being evaluated in lb CO₂/mmBtu for fuel F_n
- T_{1-n} = Hours per year fuel F_n is allowed to be used. The default is 8760 hours unless there is a limitation on hours in an order of approval
- F_s = Maximum design supplemental fuel firing rate in MMBtu/hour
- K_s = Conversion factor for the supplemental fuel being evaluated in lb CO₂/MMBtu for fuel F_n given fuel
- T_s = Hours per year supplemental fuel F_n is allowed. The default is 8760 hours unless there is a limitation on hours in an order of approval

(a) When there are multiple new fossil-fueled electric generating units, the above calculation will be performed for each unit and the total CO₂ emissions of all units will be summed.

(b) When a unit or facility is allowed to use multiple fuels, the maximum allowed hours on the highest CO₂ producing fuels will be utilized for each fuel until the total of all hours per fuel add up to the allowable annual hours.

(c) When a new unit or facility is allowed to use multiple fuels without restriction in its approval order(s), this calculation will be performed assuming that the fuel with the highest CO₂ emission rate is used 100% of the time.

(d) When the annual operating hours are restricted for any reason, the total of all T_{1-n} hours equals the annual allowable hours of operation in the Order of Approval.

(e) Fuel to CO₂ conversion factors (derived from the EPA's AP-42, Compilation of Air Pollutant Emission Factors):

Fuel	K _n lb/MMBtu
#2 oil	158.16
#4 oil	160.96
#6 oil	166.67
Lignite	328.57
Sub-bituminous coal	282.94
Bituminous coal, low volatility	312.50
Bituminous coal, medium volatility	274.55

Fuel	K _n lb/MMBtu
Bituminous coal, high volatility	306.11
Natural gas	117.6
Propane	136.61
Butane	139.38
Petroleum coke	242.91
Coal coke	243.1
Other fossil-fuels	Calculate based on carbon content of the fossil fuel and application of the gross heat content (higher heating value) of the fuel
Nonfossil-fuels	00.00

(2) **Step 2 - Insert the annual CO₂ rate to determine the total carbon dioxide emissions to be mitigated.** The formula below includes specifications that are part of the total carbon dioxide definition:

$$\text{Total CO}_2 \text{ Emissions} = CO_{2rate} \times 30 \times 0.6$$

(3) **Step 3 - Determine and apply the cogeneration credit (if any).** Where the cogeneration unit or facility qualifies for cogeneration credit, the cogeneration credit is the annual CO₂ emission rate (in metric tons per year) and is calculated as shown below or similar method:

$$CO_{2credit} = \frac{H_s}{2204.6} (K_a) + .35$$

PERMANENT

- Where cogeneration credit = The annual CO₂ credit for cogeneration in metric tons/year.
- H_s = Annual heat energy supplied by the cogeneration plant to the "steam host" per the contract or other binding obligation/agreement between the parties in MMBtu/yr as substantiated by an engineering analysis.
- K_a = The time weighted average CO₂ emission rate constant for the cogeneration plant in lb CO₂/MMBtu supplied. The time weighted average is calculated similarly to the above method described in subsection (1) of this section.

$$\text{Cogeneration Credit} = \text{CO}_{2\text{credit}} \times 30$$

(4) Step 4 - Apply the mitigation factor.

(a) RCW 80.70.020(4) states that "Fossil-fueled thermal electric generation facilities that receive site certification approval or an order of approval shall provide mitigation for twenty percent of the total carbon dioxide emissions produced by the facility."

(b) The CO₂ emissions mitigation quantity is determined by the following formula:

$$\text{Mitigation Quantity} = \text{Total CO}_2 \text{ Emissions} \times 0.2 - \text{Cogeneration Credit}$$

- Mitigation quantity = The total CO₂ emissions to be mitigated in metric tons
- CO_{2rate} = The annual maximum CO₂ emissions from the generating facility in tons/year
- 0.2 = The mitigation factor in RCW 80.70.020(4)

(5) Additional restrictions for modifications to an existing facility not involving installation of new generating units. The quantity of CO₂ to be mitigated is calculated by the same methods used for the new generating units with the following restrictions:

(a) The quantity of CO₂ subject to mitigation is only that resulting from the modification and does not include the CO₂ emissions occurring prior to the modification.

(b) An increase in operating hours or other operational limitations established in an order of approval is not an exempt modification under this regulation. However, only emissions related to the increase in operating hours are subject to the CO₂ mitigation program requirements.

(c) The annual emissions (CO_{2 rate}) is the difference between the premodification condition and the postmodification condition, but using the like new heat rate for the combustion equipment.

(d) The cogeneration credit may be used, but only if it is a new cogeneration credit, not a cogeneration agreement or arrangement established prior to July 1, 2004, or used in a prior CO₂ mitigation evaluation.

⁷Review reports and document project progress.

through use of mitigation projects or carbon credits (RCW 80.70.010).

(2) **What are the mitigation plan options?** The options are identified in RCW 80.70.020(3), which states that "An applicant for a fossil-fueled thermal electric generation facility shall include one or a combination of the following carbon dioxide mitigation options as part of its mitigation plan:

- (a) Payment to a third party to provide mitigation;
- (b) Direct purchase of permanent carbon credits; or
- (c) Investment in applicant-controlled carbon dioxide mitigation projects, including combined heat and power (cogeneration)."

(3) **What are the requirements of the payment to a third party option?** The payment to a third party option requirements are found in RCW 80.70.020 (5) and (6). Subsection (5) identifies the mitigation rate for this option and describes the process for changing the mitigation rate. Subsection (6) describes the payment options.

The initial mitigation rate is **\$1.60 per metric ton** of carbon dioxide to be mitigated. If there is a cogeneration plant, the monetary amount is based on the difference between twenty percent of the total carbon dioxide emissions and the cogeneration credit. This rate will change when the energy facility site evaluation council adjusts it through the process described in RCW 80.70.020 (5)(a) and (b). The total payment amount = mitigation rate x mitigation quantity.

An applicant may choose between a **lump sum payment or partial payment over a period of five years**. The **lump sum payment** is described in RCW 80.70.020 (6)(a) and (b). The payment amount is the mitigation quantity multiplied by the per ton mitigation rate. The entire payment amount is due to the independent qualified organization no later than one hundred twenty days after the start of commercial operation.

The alternative to a one-time payment is a **partial payment** described in RCW 80.70.020 (6)(c). Under this alternative, twenty percent of the total payment is due to the independent qualified organization no later than one hundred

PERMANENT

NEW SECTION

WAC 173-407-060 Carbon dioxide mitigation plan requirements and options. (1) **Once the total carbon dioxide emissions mitigation quantity is calculated, what is next?** The facility must mitigate that level of carbon dioxide emissions. A CO₂ mitigation plan is required and must be approved as part of the order of approval. RCW 80.70.020 (2)(b) states that "For fossil-fueled thermal electric generation facilities not under jurisdiction of the council, the order of approval shall require an approved carbon dioxide mitigation plan." A mitigation plan is a proposal that includes the process or means to achieve carbon dioxide mitigation

twenty days after the start of commercial operation. A payment of the same amount (or an adjusted amount if the rate is changed under RCW 80.70.020 (5)(a)) is due on the anniversary date of the initial payment for the next four consecutive years. In addition, the applicant is required to provide a letter of credit or comparable security for the remaining 80% at the time of the first payment. The letter of credit (or comparable security) must also include possible rate changes.

(4) **What are the requirements of the permanent carbon credits option?** RCW 80.70.030 identifies the criteria and specifies that these credits cannot be resold without approval from the local air authority having jurisdiction or ecology where there is no local air authority. The permanent carbon credit criteria of RCW 80.70.030(1) is as follows:

(a) *Credits must derive from real, verified, permanent, and enforceable carbon dioxide or carbon dioxide equivalents emission mitigation not otherwise required by statute, regulation, or other legal requirements;*

(b) *The credits must be acquired after July 1, 2004; and*

(c) *The credits may not have been used for other carbon dioxide mitigation projects.*

(5) **What are the requirements for the applicant controlled mitigation projects option?** RCW 80.70.040 identifies the requirements for applicant controlled mitigation projects. Subsections (1) through (5) specify the criteria. Subsection (6) specifies that if federal requirements are adopted for carbon dioxide mitigation for fossil-fueled thermal electric generation facilities, ecology or the local air authority may deem the federal requirements equivalent and replace RCW 80.70.040 with the federal requirements.

The applicant controlled mitigation project must be:

(a) Implemented through mitigation projects conducted directly by, or under the control of, order of approval holder. (Section 1);

(b) Approved by the authority having jurisdiction or the department where there is no local air authority and incorporated as a condition of the proposed order of approval. (Section 2);

(c) Fully in place within a reasonable time after the start of commercial operation. Failure to implement an approved mitigation plan is subject to enforcement under chapter 70.94 RCW. (Section 3)

In addition, an order of approval holder may not use more than twenty percent of the total funds for the selection, monitoring, and evaluation of mitigation projects and the management and enforcement of contracts. (Section 4)

NEW SECTION

WAC 173-407-070 Carbon dioxide mitigation option statement and mitigation plan approval. (1) Applicants must provide the department or authority with a statement selecting the mitigation option(s) at the time the application is submitted.

(2) Applicants choosing to use the payment to a third party or the permanent carbon credit option must provide the department or the authority, as appropriate, with the documentation to show how the requirements will be satisfied before an order or approval will be issued.

(3) Applicants seeking to use the applicant controlled mitigation projects option must submit the entire mitigation plan to the department or the authority. The department or authority having jurisdiction will review the plan. Under RCW 70.94.892 (2)(b), the review criteria is based on whether the mitigation plan is consistent with the requirements of chapter 80.70 RCW.

(4) Upon completing the review phase, the department or the authority having jurisdiction must approve or deny the mitigation plan.

(5) Approved mitigation plans become part of the order of approval.

NEW SECTION

WAC 173-407-080 Enforcement. Applicants or facilities violating the carbon dioxide mitigation program requirements are subject to the enforcement provisions of chapter 70.94 RCW.

NEW SECTION

WAC 173-407-090 Severability. The provisions of this regulation are severable. If any provision is held invalid, the application of that provision to other circumstances and the remainder of the regulation will not be affected.



WSR 05-01-029
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-311—Filed December 3, 2004, 3:03 p.m., effective December 10, 2004, 12:01 p.m.]

Effective Date of Rule: December 10, 2004, 12:01 p.m.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-36000D; 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 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.

Date Adopted: December 3, 2004.

Philip Anderson
for Jeff Koenings
Director

NEW SECTION

WAC 220-56-36000D 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 10 through 11:59 p.m. December 12, 2004, razor clam digging is allowed in Razor Clam Area 1, Razor Clam Area 2 and that portion of Razor Clam Area 3 that is between the Grays Harbor North Jetty (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.

2. 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 13, 2004:

WAC 220-56-36000D Razor clams—Areas and seasons.

WSR 05-01-031
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE

[Filed December 3, 2004, 4:54 p.m., effective December 3, 2004]

Effective Date of Rule: Immediately.

Purpose: Establish a department procedural rule which outlines for affected parties how ballots received in an election will be handled if the eligible voter did not sign and date the ballot mailing envelope as part of the certification process specified on the envelope.

Statutory Authority for Adoption: RCW 15.65.047 and 15.66.055.

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 department is responsible for administering advisory votes, marketing order referenda and commodity commission board member elections. It received a request for a recount in an election where certain ballots were received without the Certificate of Eligibility having been completed by the voter. The department does not have procedural rules to address how those ballots should be handled and whether they should be included in a recount of ballots. This rule is adopted to specify how the department will handle uncertified ballots beginning as of the effective date of this 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 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.

Date Adopted: December 3, 2004.

Mary A. Martin-Toohey
Acting Director
for Valoria H. Loveland
Director

Procedural Rules for Administrative Function for Commodity Commissions Elections

[NEW SECTION]

WAC 16-07-001 Unsigned ballot envelopes: Advisory votes, referenda, and board member elections. The director of the department of agriculture is responsible for administering the voting processes for advisory votes, marketing order referenda and board member elections as required in chapters 15.65, 15.66, 15.24, 15.28, 15.44, 15.88, and 16.67 RCW.

(1) The Department will mail ballots to those eligible to vote in each election according to the terms of the applicable statute or marketing order. Each voter will be provided an official ballot, instructions for voting, a security envelope and a return ballot-mailing envelope with a "Certificate of Eligibility" (certification) printed on the reverse side of the envelope.

(2) After casting its vote in the election, an eligible voter must place the ballot in the security envelope. The security envelope is then to be placed in the ballot-mailing return envelope with the certification on the reverse side. To validate its ballot, the voter is required to complete, sign and date the certification.

(3) In the event a ballot is submitted to the Department and the certification is not signed and dated in accordance with the instructions contained on the outside of the ballot-mailing return envelope or the ballot is returned in a different envelope without a certification, the Department shall process the ballot and the ballot-mailing return envelope as follows, if the Department is able to ascertain the identity of the eligible voter from the envelope:

(a) The Department will not open the ballot-mailing return envelope, but will make a copy of the reverse side of the ballot-mailing return envelope with the printed certification. The original ballot-mailing return envelope will be held by the Department.

(b) The Department will provide the eligible voter with a copy of the ballot-mailing return envelope with the certification and require the voter to sign the copy of the certification and mail it back to the Department so that it is received not later than the date specified in the correspondence accompanying the certification.

(c) The Department shall advise the voter about the correct procedures for completing the unsigned certification and that, in order for the ballot to be counted, the voter must sign the copy of the certification, and mail it back to the Department so that it does not arrive later than the specified date.

(d) The eligible voter will be provided fourteen (14) calendar days from the United States mail date stamp to sign, date and return the certification to the Department in order for the voter to be counted.

(e) Should the voter not return the signed certification with the requested information within the specified time-frame, the original ballot-mailing envelope will not be opened nor will the ballot it contains be counted. The unopened ballot-mailing envelope will be set aside and retained in accordance with the appropriate records retention schedule.

(4) A record shall be kept of the date on which the Department mailed a copy of the certification to the eligible voter, the date on which the voter signed the certification and the date that the Department received the certification. That record will be retained in accordance with applicable records retention schedules for ballots.

(5) Only validated ballots will be included in a ballot count or recount.

(6) This rule applies to advisory votes, marketing order referenda, and board member elections as of the effective date of this rule and does not apply to an advisory vote, marketing order referendum, or board member election if the recount period specified in the applicable statute has expired.

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

**WSR 05-01-067
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-314—Filed December 9, 2004, 11:13 a.m., effective December 11, 2004]

Effective Date of Rule: December 11, 2004.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-52-07300M; 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 from licensed sea urchin and sea cucumber harvest vessels within 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. Prohibiting transport of nonlanded urchins from Districts 1 and 2 will prevent spoiling of product, promote accurate catch accounting, and provide for an orderly fishery. 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.

Date Adopted: December 9, 2004.

Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 220-52-07300N Sea urchins. Notwithstanding the provisions of WAC 220-52-073, effective December 11, 2004 until further notice, it is unlawful to take or possess sea urchins taken for commercial purposes except as provided for in this section:

(1) Green sea urchins: Sea Urchin Districts 3, 4, 6 and 7 are open only on Sundays and Mondays of each week. Sea Urchin Districts 1 and 2 are open December 19-24. The minimum size for green sea urchins is 2.25 inches (size in largest test diameter exclusive of spines).

(2) Red sea urchins: Sea Urchin Districts 1 and 2 are open only on Saturday through Tuesday of each week. Sea Urchin Districts 4 is open on December 22 and December 27. In Sea Urchin Districts 1 and 2 it is unlawful to harvest red sea urchins smaller than 4.0 inches or larger than 5.5 inches (size in largest test diameter exclusive of spines). In Sea Urchin Districts 4 it is unlawful to harvest red sea urchins smaller than 3.25 inches or larger than 5.0 inches (size in largest test diameter exclusive of spines).

(3) Red and green sea urchins harvested in Sea Urchin Districts 1 and 2 must be landed in Sea Urchin Districts 1 and 2.

(4) It is unlawful to dive for any purpose from a commercially licensed sea urchin or sea cucumber fishing vessel on December 16, 17, 30 and 31, except by written permission from the Director.

REPEALER

The following section of the Washington Administrative Code is repealed effective December 11, 2004:

WAC 220-52-07300M Sea urchins. (04-257)

**WSR 05-01-078
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-315—Filed December 10, 2004, 9:43 a.m., effective December 11, 2004]

Effective Date of Rule: December 11, 2004.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-07300M and 220-52-07300N; 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 from licensed sea urchin and sea cucumber harvest vessels within 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. Prohibiting transport of nonlanded urchins from Districts 1 and 2 will prevent spoiling of product, promote accurate catch accounting, and provide for an orderly fishery. 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.

Date Adopted: December 9, 2004.

Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 220-52-07300P Sea urchins. Notwithstanding the provisions of WAC 220-52-073, effective December 11, 2004 until further notice, it is unlawful to take or possess sea urchins taken for commercial purposes except as provided for in this section:

(1) Green sea urchins: Sea Urchin Districts 3, 4, 6 and 7 are open only on Sundays and Mondays of each week. Sea Urchin Districts 1 and 2 are open December 12-13 and December 19-24. The minimum size for green sea urchins is 2.25 inches (size in largest test diameter exclusive of spines).

(2) Red sea urchins: Sea Urchin Districts 1 and 2 are open only on Saturday through Wednesday of each week. Sea Urchin District 4 is open on December 22 and December 27. In Sea Urchin Districts 1 and 2 it is unlawful to harvest red sea urchins smaller than 4.0 inches or larger than 5.5 inches (size in largest test diameter exclusive of spines). In Sea Urchin District 4 it is unlawful to harvest red sea urchins

smaller than 3.25 inches or larger than 5.0 inches (size in largest test diameter exclusive of spines).

(3) Red and green sea urchins harvested in Sea Urchin Districts 1 and 2 must be landed in Sea Urchin Districts 1 and 2.

(4) It is unlawful to dive for any purpose from a commercially licensed sea urchin or sea cucumber fishing vessel on December 16, 17, 30 and 31, except by written permission from the Director.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-52-07300M Sea urchins. (04-257)

WAC 220-52-07300N Sea urchins. (04-314)

WSR 05-01-087
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-316—Filed December 10, 2004, 4:36 p.m., effective December 10, 2004]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04600S; 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 has determined that the crabmeat recovery rate is below the agreed rate that allows opening of the coastal season, the crabs are not ready for harvest, and the season opening should be delayed. The provisions of this rule are in conformity with agreed plans with the states of Oregon and California. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 10, 2004.

J. P. Koenings
Director

NEW SECTION

WAC 220-52-04600U Coastal crab fishery—Seasons and areas. Notwithstanding the provisions of WAC 220-52-046, effective immediately, it is unlawful for non-Indian commercial fishers to fish for, possess or take crab for commercial purposes, or place gear in coastal, Pacific Ocean, Grays Harbor, Willapa Bay, and Columbia River waters immediately through December 30, 2004 except that it is lawful to set baited crab gear beginning at 8:00 a.m. December 27, 2004.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-04600S Coastal crab fishery—Seasons and areas. (04-307)

WSR 05-01-088
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-313—Filed December 10, 2004, 4:37 p.m., effective January 1, 2005, 12:01 a.m.]

Effective Date of Rule: January 1, 2005, 12:01 a.m.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900Z; 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: Native redband rainbow trout begin entering the San Poil Arm of Lake Roosevelt during January prior to spawning in the San Poil River. This area currently does not close until February 1 under WDFW permanent regulations. The Colville Tribe has implemented a January 1 closure on sections of this area that are under its jurisdiction. The Washington Fish and Wildlife Commission will act on extending this closure under the permanent rule adoption process in February 2005 and will become effective January 2006. An emergency closure is necessary to protect this stock in January 2005 and to have consistent regulations with the Colville Tribe.

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.

Date Adopted: December 10, 2004.

J. P. Koenings
Director

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.

Date Adopted: December 10, 2004.

J. P. Koenings
Director

NEW SECTION

WAC 232-28-61900Z Exceptions to statewide rules—Lake Roosevelt. Notwithstanding the provisions of WAC 232-28-619, effective January 1 through January 31, 2005, it is unlawful to fish for gamefish in those waters of the San Poil Arm upstream from the outlet of French Johns Lake.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. February 1, 2005:

WAC 232-28-61900Z Exceptions to statewide rules—Lake Roosevelt.

**WSR 05-01-093
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-312—Filed December 13, 2004, 1:59 p.m., effective December 13, 2004]

Effective Date of Rule: Immediately.

Purpose: Amend wildlife rules.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-315.

Statutory Authority for Adoption: RCW 77.12.240.

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.

NEW SECTION

WAC 232-12-31500M 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) Kittitas County
- (5) Okanogan County
- (6) Pend Oreille County
- (7) Spokane County
- (8) Stevens County
- (9) Yakima County

**WSR 05-01-117
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-317—Filed December 15, 2004, 1:25 p.m., effective December 19, 2004, 4:00 p.m.]

Effective Date of Rule: December 19, 2004, 4:00 p.m.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-33000N; 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.

EMERGENCY

Reasons for this Finding: The recreational crab fishery closure in all of Puget Sound except Area 13 is necessary to meet allocation requirements. 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.

Date Adopted: December 15, 2004.

J. P. Koenings
Director
by Larry Peck

notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The recreational crab fishery closure in Marine Area 4 east of the Bonilla-Tatoosh line and Marine Area 5 is necessary to meet allocation requirements. 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.

Date Adopted: December 15, 2004.

Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 220-56-33000P Crab—Areas and seasons. Notwithstanding the provisions of WAC 220-56-330, effective 4:00 p.m. December 19, 2004, it is unlawful to fish for or possess crab taken for personal use in those waters of Marine Areas 4, 5, 6, 7, 8-1, 8-2, 9, 10, 11, and 12.

REPEALER

The following section of the Washington Administrative Code is repealed effective 4:00 p.m. December 19, 2004:

WAC 220-56-33000N Crab—Areas and seasons.
(04-251)

**WSR 05-01-118
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-321—Filed December 15, 2004, 3:37 p.m., effective December 15, 2004]

Effective Date of Rule: Immediately.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-33000P; 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

NEW SECTION

WAC 220-56-33000Q Crab—Areas and seasons. Notwithstanding the provisions of WAC 220-56-330, effective 4:00 p.m. December 19, 2004, it is unlawful to fish for or possess crab taken for personal use in those waters of Marine Area 4 east of the Bonilla Tatoosh line, and Marine Areas 5, 6, 7, 8-1, 8-2, 9, 10, 11, and 12.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-33000P Crab—Areas and seasons.
(04-317)

**WSR 05-01-123
EMERGENCY RULES
DEPARTMENT OF**

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed December 15, 2004, 3:45 p.m., effective January 1, 2005]

Effective Date of Rule: January 1, 2005.

Purpose: The purpose of these rules is to eliminate the direct payment to recipients for employment/day program services and return the funding for administering these programs to the counties.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-825-060, 388-825-064, 388-825-070, 388-825-075, 388-825-076, 388-825-077, 388-825-078, 388-

EMERGENCY

825-085, 388-825-086, 388-825-087, 388-825-090 and 388-825-095; and amending WAC 388-825-055, 388-825-103, 388-850-035, and 388-850-045.

Statutory Authority for Adoption: RCW 71A.12.030, 71A.12.120 [71A.12.120], 71A.14.040.

Other Authority: Chapter 71A.12 RCW.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: These rules are necessary to increase federal funding under Title XIX of the Social Security Act. 42 C.F.R. 447.10(d) and Section 1902 (a)(32) of the Social Security Act prohibit the state from claiming Federal Financial Participation (FFP) for payments directly to a recipient of Title XIX Medicaid. By returning this funding to the counties, who will pay the provider rather than the recipient directly, the state is able to claim FFP for these expenditures.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 4, Repealed 12; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 4, Repealed 12.

Date Adopted: December 8, 2004.

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 04-02-014, filed 12/29/03, effective 1/29/04)

WAC 388-825-055 Authorization of services. (1) The division's field services section shall be responsible for authorizing services agreed to by the person/family including, but not limited to:

- (a) Placement to and from residential habilitation centers;
- (b) Community residential services;
- (c) Family support services;
- (d) Nonresidential programs; and

~~((e) Employment/day programs when the person receives the funding directly from DDD to pay for the services, subject to the eligibility requirements in WAC 388-825-060 and the restrictions in WAC 388-825-065. Allowable employment/day program services are listed in WAC 388-850-035.))~~

(2) The division's authorization of state funded services shall be based on the services and funding available.

(a) Persons must meet the programmatic and financial eligibility requirements for the specific services;

(b) Funding for state paid services is available in the state operating budget; and

(c) SSP funding is not available to the client.

(3) The division will include the following persons when determining authorized services:

(a) The person;

(b) The person's parent or guardian and may include:

(i) The person's advocate; or

(ii) Other responsible parties.

(4) Per RCW 71A.16.010 the division shall offer adults the choice of admittance to a residential habilitation center if all of the following conditions exist:

(a) An RHC vacancy is available;

(b) Funding, specifically designated for this purpose in the state operating budget, is available for alternative community support services;

(c) The person or their family is requesting residential services;

(d) The person meets ICF/MR or nursing facility eligibility for the available RHC vacancy;

(e) The person is the most in need of residential services as determined by DDD after reviewing all persons determined eligible for ICF/MR or nursing facility level of care. DDD will make this selection based on the following criteria:

(i) The person is age eighteen or older;

(ii) The person's/family's health and safety is in jeopardy due to the lack of necessary residential support and supervision:

(A) Priority is given to eligible persons/families currently without necessary residential supports;

(B) Other eligible persons will be considered based on their risk of losing residential supports due to unstable or deteriorating circumstances.

(f) The person's alternative DDD funded community support services would cost seventy percent or more of the average RHC rate, assuming a minimum household size of three persons.

(5) If RHC capacity is not being used for permanent residents, the division will make these vacancies available for respite care or any other services the department determines are needed and allowable within the rules governing the use of federal funds.

(a) Admission of a child or adolescent to an RHC for respite care requires the written approval of the division director or designee.

(b) Respite care exceeding thirty days in a calendar year is subject to subsection (6) of this section.

(6) The division shall not make an emergency or temporary admission of a person to a residential habilitation center for thirty-one days or more without the written approval of the division director or the director's designee if the admission is not a choice provided under subsection (4) of this section.

(a) Children twelve years of age and younger shall not be admitted to an RHC.

(b) Admission of an adolescent to an RHC can only occur if:

(i) DDD determines that foster placement services cannot meet the emergency needs of the child/family; and

(ii) A voluntary placement plan is in place with DDD with the goal of community placement or family reunification; and

(iii) Progress towards placement planning is reported to the division director at least every ninety days.

(7) The division shall authorize county-funded services only when the service is included in a department contract and the person is not receiving funding directly from DDD for employment/day program services:

(a) The person is at least twenty-one years of age and is no longer attending school; or

(b) The person is age twenty and graduates prior to his/her July or August twenty-first birthday; or

(c) The child is two years of age or younger and eligible for early intervention services.

(8) The department shall require a person to participate in defraying the cost of services provided when mandated by state or federal regulation or statute.

AMENDATORY SECTION (Amending WSR 04-15-093, filed 7/16/04, effective 8/16/04)

WAC 388-825-103 When will I receive written notice of decisions made by DDD? You will receive written notice from DDD of the following decisions:

(1) The denial or termination of eligibility under WAC 388-825-030 and 388-825-035;

(2) The authorization, denial, reduction, or termination of services (~~or funds paid directly to you set forth in WAC 388-825-055~~) or the payment of SSP set forth in chapter 388-827 WAC that are authorized by DDD;

(3) The admission or readmission to, or discharge from a residential habilitation center.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-825-060 What are the eligibility requirements for persons who receive funds directly for employment/day programs?
- WAC 388-825-064 What are the restrictions on the use of the funds paid directly to persons for employment/day programs?
- WAC 388-825-070 What happens if I do not spend the funds paid directly to me for employment/day programs as specified in WAC 388-825-064?
- WAC 388-825-075 How much money will I receive?
- WAC 388-825-076 How often will I receive a direct payment check for my

employment/day program services?

WAC 388-825-077 Who will the warrant/check be sent to?

WAC 388-825-078 How will the warrant/check be sent?

WAC 388-825-085 What is a representative payee?

WAC 388-825-086 Who can be a representative payee for my DDD direct payment funds for employment/day program services?

WAC 388-825-087 What are the responsibilities of a representative payee?

WAC 388-825-090 When will DDD recover direct payment funds sent to me for employment/day program services?

WAC 388-825-095 Who is liable for repayment of an overpayment?

AMENDATORY SECTION (Amending WSR 04-02-014, filed 12/29/03, effective 1/29/04)

WAC 388-850-035 Services—Developmental disabilities. (1) A county may purchase and provide services listed under chapter 71A.14 RCW.

~~((a))~~ (2) The department shall pay a county for department authorized services provided to an eligible developmentally disabled person.

~~((b))~~ ~~DD eligible persons who receive funding from DDD directly for employment or day program services shall pay the county or a county contracted provider for services.~~

~~((2))~~ (3) A county may purchase or provide authorized services. Authorized services may include, but are not limited to:

- (a) Early childhood intervention services;
- (b) Employment services;
- (c) Community access services;
- (d) Residential services;
- (e) Individual evaluation;
- (f) Program evaluation;
- (g) County planning and administration; and
- (h) Consultation and staff development; ~~(i) Oversight of the DDD money sent directly to the DDD eligible person).~~

AMENDATORY SECTION (Amending WSR 04-02-014, filed 12/29/03, effective 1/29/04)

WAC 388-850-045 Funding formula—Developmental disabilities. (1) For the purposes of this section, "county" shall mean the legal subdivision of the state, regardless of any agreement with another county to provide developmental disabilities services jointly.

(2) The allocation of funds to counties shall be based on the following criteria:

EMERGENCY

(a) Each county shall receive a base amount of funds. The amount shall be based on the prior biennial allocation, including any funds from budget provisos from the prior biennium, and subject to the availability of state and federal funds;

(b) The distribution of any additional funds provided by the legislature or other sources shall be based on a distribution formula which best meets the needs of the population to be served as follows:

(i) On a basis which takes into consideration minimum grant amounts, requirements of clients residing in an ICF/MR or clients on one of the division's Title XIX home and community-based waivers, and the general population of the county, and special education enrollment as well as the population eligible for county-funded developmental disabilities services;

(ii) On a basis that takes into consideration the population numbers of minority groups residing within the county;

(iii) A biennial adjustment shall be made after these factors are considered; and

(iv) Counties not receiving any portion of additional funds pursuant to this formula shall not have their base allocation reduced due to application of this formula.

(c) Funding appropriated through legislative proviso, including vendor rate increases, shall be distributed to the population directed by the legislature utilizing a formula as directed by the legislature or using a formula specific to that population or distributed to identified people;

(d) The ability of the community to provide funds for the developmental disability program provided in chapter 71A.14 RCW may be considered with any or all of the above.

~~(3)((f))~~ A county may utilize seven or less percent of the county's allocated funds for county administrative expenses. A county may utilize more than seven percent for county administration with approval of the division director. A county electing to provide all services directly, in addition to county administration, is exempt from this requirement.

~~((b))~~ A county may receive funds for oversight of employment/day program services purchased by DDD clients with money sent directly to the client based on the following conditions:

~~(i)~~ The oversight funds for the recipients described below will be allocated at the same rate that the county received in their original 2001-2003 DDD county program agreement for administrative expenses for these same individuals. These funds will be calculated by using the date the recipient began receiving funds directly if the recipient:

~~(A)~~ Was born between September 1, 1979 and August 31, 1981; and

~~(B)~~ Received a county or county-contracted service between July 1, 2001 and June 30, 2002; and

~~(C)~~ Continues to receive a county or county-contracted service.

~~(ii)~~ Oversight funds for the recipients described below will be allocated at the same rate that the county received in their original 2001-2003 DDD county program agreement for administrative expenses for these same individuals. These funds will be calculated by using the date the recipient began receiving funds directly if the recipient:

~~(A)~~ Was born prior to September 1, 1979; and

~~(B)~~ Was authorized by DDD and the county for employment/day program services for December, 2002; and

~~(C)~~ Continues to receive a county or county-contracted service.

~~(iii)~~ The oversight funds for recipients described below shall equal up to seven percent of the amount of the funds received directly by the recipient, if the recipient:

~~(A)~~ Was born between September 1, 1979 and August 31, 1981; and

~~(B)~~ Received no county or county-contracted service prior to July 1, 2002; and

~~(C)~~ Received or will receive a county or county-contracted service between July 1, 2002 and June 30, 2003; and

~~(D)~~ Continues to receive a county or county-contracted service;))

(4) The department may withhold five or less percent of allocated funds for new programs, for statewide priority programs, and for emergency needs.

WSR 05-01-124

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed December 15, 2004, 3:47 p.m., effective January 1, 2005]

Effective Date of Rule: January 1, 2005.

Purpose: The rules expand the population eligible to receive the State Supplemental Payment (SSP) administered by the Division of Developmental Disabilities to include Supplemental Security Income (SSI) recipients who are under age eighteen at the time of their initial comprehensive assessment and reporting evaluation (CARE) assessment, and who received Medicaid personal care (MPC) between September 2003 and August 2004.

Citation of Existing Rules Affected by this Order: Amending WAC 388-827-0115 and 388-827-0145.

Statutory Authority for Adoption: RCW 71A.12.030, 71A.12.120 [71A.12.120].

Other Authority: Chapter 71A.12 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: These rules are necessary to prevent a substantial decrease in the funds available to meet individuals' need for respite care resulting from the CARE assessment.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: December 8, 2004.

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 04-15-094, filed 7/16/04, effective 8/16/04)

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 allow-

ance,
(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.

(4) For individuals on one of the HCBS waivers administered by DDD (Basic, Basic Plus, Core or Community Protection):

(a) You must have been eligible for or received SSI prior to April 1, 2004; and

(b) You were determined eligible for SSP prior to April 1, 2004.

(5) You received medicaid personal care (MPC) between September 2003 and August 2004; and

(a) You are under age eighteen at the time of your initial comprehensive assessment and reporting evaluation (CARE) assessment;

(b) You received or were eligible to receive SSI at the time of your initial CARE assessment;

(c) You are not on a home and community based services waiver administered by DDD; and

(d) You live with your family, as defined in WAC 388-825-020.

(6) If you meet all of the requirements listed in (5) above, your SSP will continue.

AMENDATORY SECTION (Amending WSR 04-02-015, filed 12/29/03, effective 1/29/04)

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.

(3) If you are eligible for SSP because you meet the criteria in WAC 388-827-0115(5), you will receive one hundred seventy dollars per month.

WSR 05-01-125
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)

[Filed December 15, 2004, 3:49 p.m., effective January 1, 2005]

Effective Date of Rule: January 1, 2005.

Purpose: To increase the categorically needy income level (CNIL), supplemental security income (SSI)-related standards and the medically needy one-person standard based on a change in federal rules effective January 1, 2005. Amending WAC 388-478-0070 Monthly income and countable resource standards for medically needy (MN), and 388-478-0080 SSI standards, SSI-related categorically needy income level (CNIL), and countable resource standards.

Citation of Existing Rules Affected by this Order: Amending WAC 388-478-0070 and 388-478-0080.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, and 74.09.530.

Other Authority: Section 1924 of the Social Security Act (42 U.S.C. 1396R-5).

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: Under section 1924 of the Social Security Act, implementation of the federal increase in standards is required to be effective January 1, 2005, in order to continue receiving federal funds.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 2, Repealed 0; **Federal Rules or Standards:** New 0, Amended 0, Repealed 0; or **Recently Enacted State Statutes:** New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; or **Other Alternative Rule Making:** New 0, Amended 2, Repealed 0.

Date Adopted: December 8, 2004.

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-10-116, filed 4/30/02, effective 5/31/02)

WAC 388-478-0070 Monthly income and countable resource standards for medically needy (MN) ~~((and medically indigent (MI) programs))~~. (1) Beginning January 1, ~~((2002))~~ 2005, the medically needy income level (MNIL) ~~((and MI monthly income standards are as follows))~~ is:

- (a) One person ~~\$(571.00))~~ 579.00
- (b) Two persons \$592

- (c) Three persons \$667
- (d) Four persons \$742
- (e) Five persons \$858
- (f) Six persons \$975
- (g) Seven persons \$1,125
- (h) Eight persons \$1,242
- (i) Nine persons \$1,358
- (j) Ten persons and more \$1,483

(2) The MNIL standard for a person who meets institutional status requirements is in WAC 388-513-1305(3).

(3) Countable resource standards for the MN and MI programs are:

- (a) One person \$2,000
- (b) Two persons \$3,000
- (c) For each additional family member add \$50

AMENDATORY SECTION (Amending WSR 04-16-107, filed 8/3/04, effective 9/3/04)

WAC 388-478-0080 Supplemental security income (SSI) standards; SSI-related categorically needy income level (CNIL); and countable resource standards. (1) The SSI payment standards, also known as the federal benefit rate (FBR), beginning January 1, ~~((2004))~~ 2005 are:

(a) Living alone (in own home or alternate care, does not include nursing homes or medical situations)

- Individual ~~\$(564))~~ 579
- Individual with an ineligible spouse ~~\$(564))~~ 579
- Couple ~~\$(846))~~ 869

(b) Shared living (in the home of another)

- Individual ~~\$(376))~~ 386
- Individual with an ineligible spouse ~~\$(376))~~ 386
- Couple ~~\$(564))~~ 579

(c) Living in an institution

- Individual \$30

(2) See WAC 388-478-0055 for the amount of the state supplemental payments (SSP) for SSI recipients.

(3) ~~((The SSI-related CNIL standard varies in area 1 and area 2 for a single person. Area 1 is defined as the following counties: King, Pierce, Snohomish, Thurston, and Kitsap. All other counties are area 2.))~~ The SSI-related CNIL standards are:

- | | ((Area 1)) | ((Area 2)) |
|-------------------------------------|--------------------------------------|------------------------|
| (a) Single person | \$(570.00)) <u>579.00</u> | \$(564.00)) |
| (b) Married couple - both eligible | ((846.00)) <u>869.00</u> | ((846.00)) |
| (c) Supplied shelter -single person | ((376.00)) <u>386.00</u> | ((376.00)) |

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(d) Supplied shelter couple	((564.00))	((564.00))
- both eligible	<u>579.00</u>	

(4) The countable resource standards for SSI and SSI-related CN medical programs are:

(a) One person	\$2,000
(b) A legally married couple	\$3,000

WSR 05-01-131
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-319—Filed December 16, 2004, 9:39 a.m., effective December 16, 2004]

Effective Date of Rule: Immediately.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-350 and 220-56-380.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This emergency regulation is needed to protect the limited clam resource at Rendsland Creek; surveys show that the clam population there will not support a season this year. Surveys indicate that the West Dewatto clam population has increased and the beach can be reopened for sport clamming. This regulation is also needed to open the oyster season at Dosewallips State Park prior to permanent WAC taking effect May 1. Surveys indicate that the oyster population at Dosewallips State Park will support a year-round season. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 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.

Date Adopted: December 15, 2004.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-56-35000U Clams other than razor clams—Areas and seasons. Notwithstanding the provisions of WAC 220-56-350, effective immediately until further notice, it is unlawful to take, dig for and possess clams, cockles, and mussels taken for personal use from the following public tidelands except during the open periods specified herein:

(1) Rendsland Creek: CLOSED.

(2) West Dewatto (DNR 44-A): Open January 1 through April 15.

NEW SECTION

WAC 220-56-38000H Oysters—Areas and seasons. Notwithstanding the provisions of WAC 220-56-380, effective immediately until further notice, it is unlawful to take, dig for and possess oysters taken for personal use from the following public tidelands except during the open periods specified herein:

(1) Dosewallips State Park: Open January 1 until further notice.

WSR 05-01-160

EMERGENCY RULES

DEPARTMENT OF AGRICULTURE

[Filed December 20, 2004, 3:56 p.m., effective December 20, 2004]

Effective Date of Rule: Immediately.

Purpose: Revises the department's emergency procedural rule which outlines for affected parties how ballots received in elections for advisory votes, marketing order referenda, and board member selection will be handled if the eligible voter did not sign and date the ballot mailing envelope as part of the certification process specified on the envelope.

Statutory Authority for Adoption: RCW 15.65.047 and 15.66.055.

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 department is responsible for administering elections for advisory votes, marketing order referenda, and commodity commission board member selection. It received a request for a recount in an election where certain ballots were received without the certificate of eligibility having been completed by the voter. The department did not have procedural rules to address how those ballots should be handled and whether they should be included in a recount of ballots. The department adopted emergency rule WSR 05-01-031 on December 3, 2004, to specify how the ballots contained in unsigned ballots envelopes could be validated by the voter. However, the department has revised its emergency rule following the December 14, 2004, Washington Supreme Court decision in *McDonald v. Reed* that clarified the meaning of the word "recount" to mean the pro-

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cess of retabulating only those ballots that had been previously counted. This rule is adopted to specify how the department will handle uncertified ballots beginning as of the effective date of this rule and supercedes emergency rule WSR 05-01-031 adopted on December 3, 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 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.

Date Adopted: December 20, 2004.

Mary A. Martin Toohey
for Valoria H. Loveland
Director

Procedural Rules for Administrative Function for Commodity Commissions Elections

NEW SECTION

WAC 16-07-001 Unsigned ballot envelopes: Advisory votes, referenda, and board member elections. The director of the department of agriculture is responsible for administering elections for advisory votes, marketing order referenda and board member selection as required in chapters 15.65, 15.66, 15.24, 15.28, 15.44, 15.88, and 16.67 RCW.

(1) The Department will mail ballots to those eligible to vote in each election according to the terms of the applicable statute or marketing order. Each voter will be provided an official ballot, instructions for voting, a security envelope and a return ballot-mailing envelope with a "Certificate of Eligibility" (certification) printed on the reverse side of the envelope.

(2) After casting its vote in the election, an eligible voter must place the ballot in the security envelope. The security envelope is then to be placed in the ballot-mailing return envelope with the certification on the reverse side. To validate its ballot, the voter is required to complete, sign and date the certification.

(3) In the event a ballot is submitted to the Department and the certification is not signed and dated in accordance with the instructions contained on the outside of the ballot-mailing return envelope or the ballot is returned in a different envelope without a certification, the Department shall process the ballot and the ballot-mailing return envelope as follows, if the Department is able to ascertain the identity of the eligible voter from the envelope:

(a) The Department will not open the ballot-mailing return envelope, but will make a copy of the reverse side of

the ballot-mailing return envelope with the printed certification. The original ballot-mailing return envelope will be held by the Department.

(b) The Department will provide the eligible voter with a copy of the ballot-mailing return envelope with the certification and require the voter to sign the copy of the certification and mail it back to the Department so that it is received not later than the date specified in the correspondence accompanying the certification.

(c) The Department shall advise the voter about the correct procedures for completing the unsigned certificate and that, in order for the ballot to be counted, the voter must sign the copy of the certification, and mail it back to the Department so that it does not arrive later than the specified date.

(d) The eligible voter must sign, date and return the certification to the Department within fourteen (14) calendar days from the United States mail date stamp for the voter's ballot to be validated.

(e) If Department does not receive the signed certification with the requested information within the specified timeframe, the original ballot-mailing envelope will not be opened nor will the ballot in contains be counted. The unopened ballot-mailing envelope will be set aside and retained in accordance with the appropriate records retention schedule.

(4) A record shall be kept of the date on which the department mailed a copy of the certification to the eligible voter, the date on which the voter signed the certification and the date the Department received the certification. That record will be retained in accordance with applicable records retention schedules for ballots.

(5) Only validated ballots will be included in a ballot count.

(6) This rule applies to elections and run-offs required by statute that are conducted after the effective date of this rule. However, subsection (3) and (4) do not apply in an election once any election ballots have been counted or in a run-off election once any run-off election ballots have been counted.

(7) This rule does not apply if the recount period specified in the applicable state has expired.

**WSR 05-01-176
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-322—Filed December 21, 2004, 11:5 a.m., effective December 21, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amend wildlife rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 232-12-021.

Statutory Authority for Adoption: RCW 77.12.240.

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: Recent scientific results published in emerging infectious diseases confirms the infective agents of chronic wasting disease (CWD) can transfer from decomposing carcasses into the environment. The research conducted by scientists from Colorado and Wyoming showed that those infective agents in the soil can infect healthy deer. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 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.

Date Adopted: December 21, 2004.

Evan Jacoby for

Jeff Koenings

Director

NEW SECTION

WAC 232-12-02100A Importation and retention of dead nonresident wildlife. Notwithstanding the provisions of WAC 232-12-021, effective immediately it is unlawful:

(1) To import or possess deer or elk, or parts thereof, harvested in Colorado, Wyoming, Utah, New Mexico Wisconsin, Illinois, South Dakota, Nebraska, and Saskatchewan, with the following exceptions:

(a) Meat that has been deboned in the state or province where it was harvested and is imported as boned out meat;

(b) Skulls and antlers, antlers attached to the skull plate, or upper canine teeth (buglers, whistlers, ivories) from which all soft tissue has been removed;

(c) Hides or capes without heads attached;

(d) Tissue imported for use by a diagnostic or research laboratory;

(e) Finished taxidermy mounts. Violation of this subsection (1) is punishable under RCW 77.15.290.

(2) To fail to notify the department within twenty-four hours if an importer or receiver of deer or elk is notified by a state or province that a harvested animal has tested positive for chronic wasting disease. Violation of this subsection is an infraction punishable under RCW 77.15.160.

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 05-01-176A
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-325—Filed December 21, 2004, 2:08 p.m., effective January 1, 2005]

Effective Date of Rule: January 1, 2005.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-04000W; 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 2 fisheries in the Washington and Oregon Eulachon Management Plan for the Columbia River. There are both positive and negative indicators for run strength in 2005. Abundance is expected to be moderate to strong and consistent with Level 2 fisheries. Rule is consistent with Columbia River compact action of December 16, 2004. 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.

Date Adopted: December 21, 2004.

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-33-04000W Smelt—Areas and seasons. Notwithstanding the provisions of WAC 220-33-040, effective January 1, 2005 through March 31, 2005, 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: Mondays and Thursdays

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 Lewis River mainstem and North Fork downstream from the overhead power lines near Eagle Island.

Dates: 6:00 p.m. Sunday to 6:00 a.m. Monday

6:00 p.m. Wednesday to 6:00 a.m. Thursday

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 220-33-04000W Smelt—Areas and seasons.

**WSR 05-01-177
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-324—Filed December 21, 2004, 2:09 p.m., effective January 1, 2005, 12:01 a.m.]

Effective Date of Rule: January 1, 2005, 12:01 a.m.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-27000W; 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 2 fisheries in the Washington and Oregon Eulachon Management Plan for the Columbia River. There are both positive and negative indicators for run strength in 2005. Abundance is expected to be moderate to strong and consistent with Level 2 fisheries. Rule is consistent with Columbia River joint hearing of December 16, 2004. 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.

Date Adopted: December 21, 2004.

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-27000W Smelt—Areas and seasons
Notwithstanding the provisions of WAC 220-56-270, WAC 220-56-240, WAC 220-56-275, effective January 1, 2005 through March 31, 2005, 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

Open Dates: 7 days/week

Hours: 24 hours per day

Daily limit: 25 pounds, possession limit 25 pounds

Gear: Dipnets

2) **Area:** Grays River, Cowlitz River, Kalama River and Lewis River

Open Dates: Tuesdays and Saturdays

Hours: 6:00 a.m. to 10:00 p.m. daily

Daily limit: 10 pounds

Gear: Dipnets

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. April 1, 2005:

WAC 220-56-27000W Smelt—Areas and seasons.

**WSR 05-01-219
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed December 22, 2004, 6:57 a.m., effective January 1, 2005]

Effective Date of Rule: January 1, 2005.

Purpose: To clarify income and resource allocations for the COPES (community options program entry system) waiver services program, including court-ordered guardianship and attorney fees in those allocations; and correct erroneous statement regarding SSI (supplemental security income) clients' income being used to participate in their cost of care. Also includes provision in subsection (9) stating

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total client income cannot exceed the special income allowance (SIL), which is included in the federal waiver but was unintentionally left out of the WAC.

The permanent rule-making process is underway. The permanent rule has been proposed under WSR 04-24-077 and the public hearing is scheduled for January 4, 2005.

Citation of Existing Rules Affected by this Order: Amending WAC 388-515-1505.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.575.

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 rule is not in compliance with federal rule 42 C.F.R. 435.735, and compliance with federal rule is necessary for the continued receipt of federal funds.

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.

Date Adopted: December 15, 2004.

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-05-003, filed 2/7/02, effective 3/10/02)

WAC 388-515-1505 Community options program entry system (COPEs). This section describes the financial eligibility requirements for waiver services under the community options program entry system (COPEs) and the rules used to determine a client's participation in the total cost of care.

(1) To be eligible for COPEs a client must:

(a) Be eighteen years of age or older;

(b) Meet the disability criteria of the Supplemental Security Income (SSI) program as described in WAC 388-503-0510(1);

(c) Require the level of care provided in a nursing facility as described in WAC ~~((388-71-0700))~~ 388-72A-0055;

(d) Be residing in a medical facility as defined in WAC 388-513-1301, or likely be placed in one within the next thirty days in the absence of ~~((waived))~~ waiver services described in WAC 388-71-0410 and 388-71-0415;

(e) Have attained institutional status as described in WAC 388-513-1320;

(f) Be determined in need of waived services and be approved for a plan of care as described in WAC ~~((388-71-0435))~~ 388-72A-0055;

(g) Be able to live at home with community support services and ~~((chooses))~~ choose to remain at home, or live in a department-contracted:

(i) Enhanced adult residential care (EARC) facility;

(ii) Licensed adult family home (AFH); or

(iii) Assisted living (AL) facility.

(h) Not be subject to a penalty period of ineligibility for the transfer of an asset as described in WAC 388-513-1364, 388-513-1365 and 388-513-1366; and

(i) Meet the resource and income requirements described in subsections (2), (3) and (4).

(2) Refer to WAC 388-513-1315 for rules used to determine nonexcluded resources and income.

(3) Nonexcluded resources above the standard described in WAC 388-513-1350(1):

(a) Are allowed during the month of an application or eligibility review ~~((if)), when ((excess resources are added to nonexcluded income,))~~ the combined total ~~((is not over))~~ of excess resources and nonexcluded income does not exceed the special income level (SIL).

(b) Are reduced by incurred medical expenses (for definition, see WAC 388-519-0110(10)) that are not subject to third-party payment and for which the client is liable, including:

(i) Health insurance and Medicare premiums, deductions, and co-insurance charges; and

(ii) Necessary medical care recognized under state law, but not covered under the state's Medicaid plan.

(c) Not allocated to participation must be at or below the resource standard, otherwise the client is ineligible.

~~(((((a))))))~~ (4) Nonexcluded income must be at or below the SIL and is allocated in the following order:

~~((A))~~ (a) ~~((Must be at or below the SIL;~~

~~((B))~~ (b) ~~((Is allocated in the following order:~~

~~((+))~~ (i) An earned income deduction of the first sixty-five dollars plus one-half of the remaining earned income;

~~((+))~~ (b) Maintenance and personal needs allowances as described in subsection (6), (7), and (8) of this section;

~~((+++))~~ (c) Guardianship fees and administrative costs including any attorney fees paid by the guardian only as allowed by chapter ~~((388-079))~~ 388-79 WAC;

~~((++))~~ (d) Income garnished for child support or withheld pursuant to a child support order:

~~((A))~~ (i) For the time period covered by the maintenance amount; and

~~((B))~~ (ii) Not deducted under another provision in the post-eligibility process.

~~((+))~~ (e) Monthly maintenance needs allowance for the community spouse not to exceed that in WAC 388-513-1380 (6)(b) unless a greater amount is allocated as described in subsection (5) of this section. This amount:

~~((A))~~ (i) Is allowed only to the extent that the client's income is made available to the community spouse; and

~~((B))~~ (ii) Consists of a combined total of both:

~~((+))~~ (A) An amount added to the community spouse's gross income to provide a total equal to the amount allocated in WAC 388-513-1380 (6)(b); and

~~((H))~~ **(B)** Excess shelter expenses. For the purposes of this section, excess shelter expenses are the actual required maintenance expenses for the community spouse's principal residence ~~((of))~~. These expenses are:

- ~~((*)~~ **(I)** Rent;
- ~~((*)~~ **(II)** Mortgage;
- ~~((*)~~ **(III)** Taxes and insurance;
- ~~((*)~~ **(IV)** Any maintenance care for a condominium or cooperative; and
- ~~((*)~~ **(V)** The food assistance standard utility allowance (for LTC services this is set at the standard utility allowance (SUA) for a four-person household), provided the utilities are not included in the maintenance charges for a condominium or cooperative;
- ~~((*)~~ **(VI)** LESS the standard shelter allocation listed in WAC 388-513-1380 (7)(a).

~~((H))~~ **(f)** A monthly maintenance needs amount for each minor or dependent child, dependent parent or dependent sibling of the community or institutionalized spouse based on the living arrangement of the dependent. If the dependent:

~~((*)~~ **(i)** Resides with the community spouse, the amount is equal to one-third of the community spouse income allocation as described in WAC 388-513-1380 (6)(b)(I)(A) that exceeds the dependent family member's income;

~~((*)~~ **(ii)** Does not reside with the community spouse, the amount is equal to the MNIL for the number of dependent family members in the home less the income of the dependent family members. Child support received from an absent parent is the child's income;

~~((*)~~ **(g)** Incurred medical expenses described in subsection (3)(b) not used to reduce excess resources.

(5) The amount allocated to the community spouse may be greater than the amount in subsection ~~((4)(b)(i+))~~ **(4)(e)** only when:

(a) A court enters an order against the client for the support of the community spouse; or

(b) A hearing officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress.

(6) A client who receives SSI does not use income to participate in the cost of personal care, but does use SSI income to participate in paying costs of board and room. ~~((Other income an SSI client receives is used to participate in the cost of personal care.))~~ When such a client ~~((who))~~ lives:

(a) At home, the client retains a maintenance needs amount equal to the following:

- (i) Up to one hundred percent of the one-person Federal Poverty Level (FPL), if the client is:
 - (A) Single; or
 - (B) Married, and is:
 - (I) Not living with the community spouse; or
 - (II) Whose spouse is receiving long-term care (LTC) services outside of the home.
- (ii) Up to one hundred percent of the one-person FPL for each client, if both spouses are receiving COPEs services;
- (iii) Up to the one-person MNIL if the client is living with a community spouse who is not receiving LTC services.

(b) In an EARC, AFH, or AL the client:

(i) Retains a personal needs allowance (PNA) of fifty-eight dollars and eighty-four cents; ~~((and))~~

(ii) Pays ~~((remaining SSI income to))~~ the facility for the cost of ~~((board and))~~ room and board. Room and board is the SSI Federal Benefit Rate (FBR) minus fifty-eight dollars and eighty-four cents; and

(iii) Retains the remainder of the income.

(7) An SSI-related client living:

(a) At home, retains a maintenance needs amount equal to the following:

(i) Up to one hundred percent of the one-person ~~((Federal Poverty Level-))~~ FPL ~~((3))~~, if the client is:

(A) Single; or

(B) Married, and is:

(I) Not living with the community spouse; or

(II) Whose spouse is receiving long-term care (LTC) services outside of the home.

(ii) Up to one hundred percent of the one-person FPL for each client, if both spouses are receiving COPEs services;

(iii) Up to the one-person medically needy income level (MNIL) for a married client who is living with a community spouse who is not receiving COPEs.

(b) In an ARC, EARC, AFH, or AL retains a maintenance needs amount equal to the ~~((one-person MNIL))~~ SSI FBR and:

(i) Retains a ~~((PNA taken from the MNIL))~~ personal needs allowance (PNA) of fifty-eight dollars and eighty-four cents from the maintenance needs; and

(ii) Pays the remainder of the ~~((MNIL to the))~~ maintenance needs to the facility for the cost of board and room.

(8) A client who is eligible for the general assistance expedited Medicaid disability (GAX) program does not participate in the cost of personal care. When such a client ~~((who))~~ lives:

(a) At home, the client retains the cash grant amount authorized under the general assistance program; ~~((of))~~

(b) In an AFH, ~~((EARC, or AL,))~~ the client retains a PNA of thirty-eight dollars and eighty-four cents, and pays remaining income and GAX grant to the facility for the cost of board and room; or

(c) In an EARC or AL, the client only receives a PNA of thirty-eight dollars and eighty-four cents and retains it.

(9) The total of the following amounts cannot exceed the SIL:

(a) Maintenance and personal needs allowances as described in subsections (6), (7), and (8);

(b) Earned income deduction of the first sixty-five dollars plus one-half of the remaining earned income in subsection (4)(a); and

(c) Guardianship fees and administrative costs in subsection (4)(c).

~~((9))~~ **(10)** The client's remaining income after the allocations described in subsections (4) through (8) is the client's participation in the total cost of care.

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.

EMERGENCY

WSR 05-01-228
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-323—Filed December 22, 2004, 10:36 a.m., effective January 1, 2005, 12:01 a.m.]

Effective Date of Rule: January 1, 2005, 12:01 a.m.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 232-28-61900A; and amending WAC 232-28-619 and 220-56-282.

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 rule modifies the sturgeon retention season by allowing sturgeon retention three days per week in the Columbia River and tributaries above the Wauna power lines and modifies the minimum size limit for sturgeon for the Columbia River and tributaries below Wauna power lines. This rule is consistent with decisions of the Columbia River joint state hearing of December 16, 2004, and also with the 2003-2005 sturgeon fishery management plan and maintains concurrent regulations between Washington and Oregon. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 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.

Date Adopted: December 21, 2004.

Evan Jacoby
 for Jeff Koenings
 Director

NEW SECTION

WAC 232-28-61900A Exceptions to statewide rules—Columbia River sturgeon. Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. January 1, 2005 through January 31, 2005, it is unlawful to retain sturgeon caught in those waters of the Columbia River and tributaries from the Wauna powerlines upstream to Bonneville Dam, except on Thursdays, Fridays and Saturdays.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. February 1, 2005:

WAC 232-28-61900A	Exceptions to statewide rules—Columbia River sturgeon.
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NEW SECTION

WAC 220-56-28200G Sturgeon—Areas, seasons, limits and unlawful acts. Notwithstanding the provisions of WAC 220-56-282 and WAC 232-28-619, effective 12:01 a.m. January 1, 2005 until further notice, the minimum size limit for sturgeon retention is 42 inches in the Columbia River and tributaries from the Wauna powerlines downstream to the Columbia River mouth.

**AGENCY RULES COORDINATORS
Designations as of 12/27/2004**

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	Sue Bellevue	(360) 586-3733	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
Bates Technical College	Cindy DeGrosse	(253) 680-7100	1101 S Yakima Avenue Tacoma, WA 98405-4895
Bellevue Community College	Debra Ross	(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	Ellen Drumheller	(360) 586-7022	P.O. Box 40933 Olympia, WA 98504-0933
Blind, Washington State School for the	Dean O Stenehjerm	(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	Judy Miller	(509) 963-2156	400 E University Way 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

MISC.

Community Economic Revitalization Board	Kate Rothschild	(360) 725-4058	P.O. Box 42525 Olympia, WA 98504-2525
Community, Trade and Economic Development, Department of	Jean Ameluxen	(360) 725-2806	PO Box 48350 Olympia, WA 98504-8350
Conservation Commission	Vicki Flynn	(360) 407-6202	P.O. Box 47721 Olympia, WA 98504-7721
Corrections, Department of	John R Nispel	(360) 586-2160	P.O. Box 41114 Olympia, WA 98504-1114
County Road Administration Board	Karen Pendleton	(360) 753-5989	P.O. Box 40913 Olympia, WA 98504-0913
Criminal Justice Training Commission	Sharon Tolton	(206) 835-7345	P.O. Box 40905 Olympia, WA 98504-0905
Dairy Products Commission	Celeste Piette	(425) 672-0687	4201 198th Street SW, Suite 101 Lynnwood, WA 98036
Deaf, Washington State School for the	Chuck McCarthy	(360) 696-6525	611 Grand Boulevard, S26 Vancouver, WA 98661-4918
Eastern Washington University	Laurie Flinn Connelly	(509) 359-2371	214 Showalter Hall Cheney, WA 99000-2444
Ecology, Department of	Jerry Thielen	(360) 407-7551	P.O. Box 47600 Olympia, WA 98504-7600
Edmonds Community College	Kathy Beem	(425) 640-1647	20000 68th Avenue W Lynnwood, WA 98036
Education, State Board of	Larry Davis	(360) 725-6025	P.O. Box 47206 Olympia, WA 98504-7206
Educator Standards Board, Professional	Esther Baker	(360) 725-6277	P.O. Box 47236 Olympia, WA 98504-7236
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	Susan Putzier	(360) 902-8764	P.O. Box 41200 Olympia, WA 98504-1200
Financial Management, Office of	Roselyn Marcus	(360) 902-0568	P.O. Box 43113 Olympia, WA 98504-3113
Fish and Wildlife, Department of	Evan Jacoby	(360) 902-2930	P.O. Box 43147 Olympia, WA 98504-3147
Forensic Investigations Council	Nancy Isham	(360) 753-2175	206 10th Avenue SE Olympia, WA 98501
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

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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
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
Home Care Quality Authority	Jackie Myers	(360) 725-2635	P.O. Box 40940 Olympia, WA 98504-0940
Horse Racing Commission	Robert J. Lopez	(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	Kacy Scott	(360) 725-7041	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 Willamette Drive NE Lacey, WA 98516
Judicial Conduct, Commission on	David Akana	(360) 753-4585	P.O. Box 40928 Olympia, WA 98504-0928
Labor and Industries, Department of	Carmen Moore	(360) 902-4206	P.O. Box 44001 Olympia, WA 98504-4001
Lake Washington Technical College	Vice President	(425) 739-8100	11605 132nd Avenue NE Kirkland, WA 98034-8506

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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
Lottery, Washington State	Ceil Buddeke	(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	Kenneth J Latsch	(360) 570-7320	P.O. Box 40919 Olympia, WA 98504-0919
Public Instruction, Superintendent of	Ben Gravely	(360) 725-6142	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

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Washington State Register, Issue 05-01

Renton Technical College	Carol Werner	(425) 235-5846	3000 NE Fourth Street Renton, WA 98056-4195
Retirement Systems, Department of	Leslie Saeger	(360) 664-7291	P.O. Box 48380 Olympia, WA 98504-8380
Revenue, Department of	Alan Lynn	(360) 570-6125	P.O. Box 47467 Olympia, WA 98504-7467
Salaries for Elected Officials, Washington Citizens' Commission on	Carol Sayer	(360) 407-0785	P.O. Box 43120 Olympia, WA 98504-3120
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	Joanne Warner	(206) 546-4764	16101 Greenwood Avenue N Seattle, WA 98133-5696
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-Deardorff	(206) 543-9199	4014 University Way N.E. Seattle, WA 98105-6203
Utilities and Transportation Commission	Karen Caille	(360) 664-1136	P.O. Box 47250 Olympia, WA 98504-7250
Veterans Affairs, Department of	Heidi Audette	(360) 725-2154	P.O. Box 41150 Olympia, WA 98504-1150
Volunteer Firefighters and Reserve Officers, Board for	Brigette K Smith	(360) 753-7318	P.O. Box 40945 Olympia, WA 98504-0945
Walla Walla Community College	Irma Leonetti	(509) 527-4274	500 Tausick Way Walla Walla, WA 99362-9267
Washington State Patrol	Kimberly J Bush	(360) 753-0762	P.O. Box 42600 Olympia, WA 98504-2600

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Washington State University	Ralph Jenks	(509) 335-2004	P.O. Box 641225 Pullman, WA 99164-1225
Wenatchee Valley College	Janet Franz	(509) 664-6400	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
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 04-19 through 04-24**

<u>Type of Activity</u>	<u>New</u>	<u>Amended</u>	<u>Repealed</u>
ACCOUNTANCY, BOARD OF			
<u>Type of Activity</u>	<u>New</u>	<u>Amended</u>	<u>Repealed</u>
Number of Rules Proposed for Permanent Adoption	0	37	0
ADMINISTRATIVE HEARINGS, OFFICE OF			
<u>Type of Activity</u>	<u>New</u>	<u>Amended</u>	<u>Repealed</u>
Number of Rules Proposed for Permanent Adoption	3	0	0
AGRICULTURE, DEPARTMENT OF			
<u>Type of Activity</u>	<u>New</u>	<u>Amended</u>	<u>Repealed</u>
Number of Permanent Rules Adopted	9	8	7
Number of Rules Proposed for Permanent Adoption	15	36	11
Number of Sections Adopted at Request of a Nongovernmental Entity	2	2	1
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	7	0	6
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	1	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	4	2	1
Number of Sections Adopted on the Agency's own Initiative	5	3	6
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	9	8	7
Number of Sections Adopted using Pilot Rule Making	0	0	0
BELLINGHAM TECHNICAL COLLEGE			
<u>Type of Activity</u>	<u>New</u>	<u>Amended</u>	<u>Repealed</u>
Number of Rules Proposed for Permanent Adoption	0	11	0
BUILDING CODE COUNCIL			
<u>Type of Activity</u>	<u>New</u>	<u>Amended</u>	<u>Repealed</u>
Number of Rules Adopted as Emergency Rules	2	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	2	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	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

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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

CENTRALIA COLLEGE

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	22	51	29
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	2	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	1	0	0
Number of Sections Adopted on the Agency's own Initiative	2	9	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

CRIMINAL JUSTICE TRAINING COMMISSION

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Rules Proposed for Permanent Adoption	2	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	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

ECOLOGY, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	13	59	0
Number of Rules Proposed for Permanent Adoption	18	38	1
Number of Rules Withdrawn	1	13	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	13	34	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	28	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	10	33	5
Number of Rules Proposed for Permanent Adoption	0	3	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0

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Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	18	5
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	1	0
Number of Sections Adopted on the Agency's own Initiative	2	33	2
Number of Sections Adopted using Negotiated Rule Making	9	38	5
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

EDUCATOR STANDARDS BOARD, PROFESSIONAL

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	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	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

EMPLOYMENT SECURITY DEPARTMENT

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	5	0
Number of Rules Adopted as Emergency Rules	43	23	26
Number of Rules Proposed for Permanent Adoption	12	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	1	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	44	28	26
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	44	28	26
Number of Sections Adopted using Pilot Rule Making	0	0	0

ENERGY FACILITY SITE EVALUATION COUNCIL

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	53	139	44
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	61	139	43
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	61	139	43
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
FINANCIAL INSTITUTIONS, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	1	3	0
Number of Rules Withdrawn	1	0	0
FINANCIAL MANAGEMENT, OFFICE OF			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	1	31	1
FISH AND WILDLIFE, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	12	1
Number of Rules Adopted as Emergency Rules	72	0	68
Number of Rules Proposed for Permanent Adoption	2	28	8
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	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	71	12	67
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
FOREST PRACTICES BOARD			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	1	12	0
GAMBLING COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	8	0
Number of Rules Proposed for Permanent Adoption	0	6	0
Number of Rules Withdrawn	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	6	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	9	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	9	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	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	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

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Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	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

GROWTH MANAGEMENT HEARINGS BOARDS

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	11	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	8	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	11	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	3	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

HEALTH CARE AUTHORITY

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	5	0
Number of Rules Proposed for Permanent Adoption	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	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	1	5	0
Number of Sections Adopted in Order to Comply with Federal Statute	1	5	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	5	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	1	5	0
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	22	46	23
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	6	41	4
Number of Rules Withdrawn	2	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	3	28	23
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	2	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	2	0
Number of Sections Adopted on the Agency's own Initiative	19	37	1
Number of Sections Adopted using Negotiated Rule Making	0	5	0
Number of Sections Adopted using Other Alternative Rule Making	3	26	1
Number of Sections Adopted using Pilot Rule Making	0	0	0

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Type of Activity	New	Amended	Repealed
HIGHER EDUCATION COORDINATING BOARD			
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	7	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
HIGHLINE COMMUNITY COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	22	5
Number of Rules Proposed for Permanent Adoption	0	22	5
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	22	5
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	22	5
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
HOME CARE QUALITY AUTHORITY			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	13	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	12	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	0	0	0
Number of Sections Adopted using Negotiated Rule Making	13	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
HORSE RACING COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	11	16	3
Number of Rules Adopted as Emergency Rules	10	2	0
Number of Rules Proposed for Permanent Adoption	1	8	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	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	19	7	1

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Type of Activity	New	Amended	Repealed
Number of Sections Adopted on the Agency's own Initiative	1	11	2
Number of Sections Adopted using Negotiated Rule Making	1	9	1
Number of Sections Adopted using Other Alternative Rule Making	10	7	2
Number of Sections Adopted using Pilot Rule Making	0	0	0

INDUSTRIAL INSURANCE APPEALS, BOARD OF

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	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

INSURANCE COMMISSIONER, OFFICE OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	16	2	0
Number of Rules Proposed for Permanent Adoption	22	18	21
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	16	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	16	2	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	16	2	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

INTERAGENCY COMMITTEE, OFFICE OF THE

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	13	8	0

JAIL INDUSTRIES BOARD

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	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	3	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

MISC.

Type of Activity	New	Amended	Repealed
LABOR AND INDUSTRIES, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	78	47	35
Number of Rules Adopted as Emergency Rules	2	6	0
Number of Rules Proposed for Permanent Adoption	10	99	4
Number of Sections Adopted at Request of a Nongovernmental Entity	3	12	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	66	27	35
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	5	16	0
Number of Sections Adopted on the Agency's own Initiative	72	24	35
Number of Sections Adopted using Negotiated Rule Making	1	6	0
Number of Sections Adopted using Other Alternative Rule Making	66	27	35
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	2	7	0
Number of Rules Adopted as Emergency Rules	1	1	0
Number of Rules Proposed for Permanent Adoption	22	28	2
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	1	6	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	1	0
Number of Sections Adopted on the Agency's own Initiative	2	8	0
Number of Sections Adopted using Negotiated Rule Making	1	1	0
Number of Sections Adopted using Other Alternative Rule Making	0	6	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
LIQUOR CONTROL BOARD			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	7	15	2
Number of Rules Proposed for Permanent Adoption	17	3	6
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	3	8	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	2	10	2
Number of Sections Adopted on the Agency's own Initiative	3	9	2
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	5	17	2
Number of Sections Adopted using Pilot Rule Making	0	0	0
MARINE EMPLOYEES' COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	48	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	52	0

MISC.

Type of Activity	New	Amended	Repealed
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

NATURAL RESOURCES, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	0	9

PARKS AND RECREATION COMMISSION

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	1	17	1
Number of Rules Withdrawn	1	0	0

PERSONNEL, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	6	0
Number of Rules Proposed for Permanent Adoption	2	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	6	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	6	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	6	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

PILOTAGE COMMISSIONERS, BOARD OF

Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	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	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

PUBLIC DISCLOSURE COMMISSION

Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	0	0	1
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	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	1
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	7	52	9
Number of Rules Adopted as Emergency Rules	1	0	0
Number of Rules Proposed for Permanent Adoption	3	39	9
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	2	20	3
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	4	0	0
Number of Sections Adopted on the Agency's own Initiative	4	53	9
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	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	1	0
Number of Rules Adopted as Emergency Rules	1	0	0
Number of Rules Proposed for Permanent Adoption	1	18	3
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	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	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

SECRETARY OF STATE

Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	45	30	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	29	21	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	14	3	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	14	3	0
Number of Sections Adopted on the Agency's own Initiative	12	0	0
Number of Sections Adopted using Negotiated Rule Making	45	27	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
SOCIAL AND HEALTH SERVICES, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	48	122	15
Number of Rules Adopted as Emergency Rules	159	48	17
Number of Rules Proposed for Permanent Adoption	11	94	2
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	48	90	10
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	147	32	15
Number of Sections Adopted in Order to Comply with Federal Statute	7	18	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	7	27	7
Number of Sections Adopted on the Agency's own Initiative	1	11	0
Number of Sections Adopted using Negotiated Rule Making	0	2	0
Number of Sections Adopted using Other Alternative Rule Making	208	163	32
Number of Sections Adopted using Pilot Rule Making	0	0	0
TOXICOLOGIST, STATE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	16	0	27
Number of Rules Adopted as Emergency Rules	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	16	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	16	1	27
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	16	0	27
TRANSPORTATION IMPROVEMENT BOARD			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	3	0
Number of Rules Proposed for Permanent Adoption	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	3	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	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
TRANSPORTATION, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	1	0

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Type of Activity	New	Amended	Repealed
UNIVERSITY OF WASHINGTON			
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	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	1
Number of Sections Adopted using Pilot Rule Making	0	0	0
UTILITIES AND TRANSPORTATION COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	2	0
Number of Rules Proposed for Permanent Adoption	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	0	2	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
VETERANS AFFAIRS, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	13	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	13	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
WASHINGTON STATE PATROL			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	11	0
Number of Rules Proposed for Permanent Adoption	28	30	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	11	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	11	0

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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	11	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

TOTALS FOR THE QUARTER:

Number of Permanent Rules Adopted	342	748	206
Number of Rules Adopted as Emergency Rules	336	114	112
Number of Rules Proposed for Permanent Adoption	195	649	90
Number of Rules Withdrawn	6	18	0
Number of Sections Adopted at Request of a Nongovernmental Entity	5	29	1
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	268	500	138
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	162	74	15
Number of Sections Adopted in Order to Comply with Federal Statute	22	26	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	135	103	64
Number of Sections Adopted on the Agency's own Initiative	276	438	176
Number of Sections Adopted using Negotiated Rule Making	70	88	6
Number of Sections Adopted using Other Alternative Rule Making	367	325	107
Number of Sections Adopted using Pilot Rule Making	16	0	27

WSR 05-01-005
NOTICE OF PUBLIC MEETINGS
OFFICE OF THE
INTERAGENCY COMMITTEE

(Interagency Committee for Outdoor Recreation)
 [Memorandum—November 30, 2004]

January 6, 2005	Regular Meeting	Seattle Area
February 10 and 11, 2005	Regular Meeting	Olympia or TBD
April 14 and 15, 2005	Regular Meeting	TBD
May 12, 2005	Workshop/Tour with Interagency Committee for Outdoor Recreation	TBD
June 9 and 10, 2005	Regular Meeting	TBD
July 18-19, 2005	Regular Meeting	TBD
October 27-28, 2005	Regular Meeting	TBD
December 1 and 2, 2005	Regular Meeting	TBD

At a regular meeting on November 18, 2004, the Interagency Committee for Outdoor Recreation adopted the following meeting schedule:

January 26, 2005	Workshop	Seattle
March 10-11, 2005	Regular Meeting	Olympia or TBD
May 12, 2005	Workshop/Tour with Salmon Recovery Funding Board	TBD
July 7-8, 2005	Regular Meeting	TBD
September 15-16, 2005	Regular Meeting	TBD
November 15, 2005	Regular Meeting	Olympia

WSR 05-01-007
NOTICE OF PUBLIC MEETINGS
OFFICE OF THE
INTERAGENCY COMMITTEE
 (Governor's Forum on Monitoring)
 [Memorandum—November 30, 2004]

At a regular meeting on November 29, 2004, the Governor's Forum on Monitoring adopted the following meeting schedule:

February 2, 2005	Regular Meeting	Olympia
April 13, 2005	Regular Meeting	TBD
July 19, 2005	Regular Meeting	TBD
October 5, 2005	Regular Meeting	Olympia

WSR 05-01-006
NOTICE OF PUBLIC MEETINGS
OFFICE OF THE
INTERAGENCY COMMITTEE
 (Salmon Recovery Funding Board)
 [Memorandum—November 30, 2004]

At a regular meeting on October 28, 2004, the Salmon Recovery Funding Board adopted the following meeting schedule:

WSR 05-01-009
NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY
(Public Employees Benefits Board)
[Memorandum—November 29, 2004]

2005 PEBB Board Meeting Schedule

All meetings are held on Tuesdays and begin at 1:30 p.m. (unless otherwise noted).

1.	March 8, 2005 1:30-4:30 p.m. Location: Lacey Community Center 6729 Pacific Avenue S.E. Lacey, WA
2.	April 12, 2005 1:30-4:30 p.m. Location: Lacey Community Center 6729 Pacific Avenue S.E. Lacey, WA
3.	May 17, 2005 1:30-4:30 Location: TBD
4.	June 28, 2005 1:30-4:30 Location: TBD
5.	July 12, 2005 - Tentative 1:30-4:30 p.m. Location: TBD
6.	July 26, 2005 - Tentative 1:30-4:30 p.m. Location: TBD
7.	August 2, 2005 - Tentative 1:30-4:30 p.m. Location: TBD
8.	October 18, 2005 (planning session retreat) 8:30 a.m.-4:00 p.m. Location: TBD
9.	November 22, 2005 (telephone) 1:30-4:30 p.m.

If you are a person with a disability and need a special accommodation, please contact Theresa Rush, (360) 923-2811.

WSR 05-01-010
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE
[Filed December 1, 2004, 3:58 p.m.]

ISSUANCE OF INTERPRETIVE STATEMENT

This announcement of the issuance of this interpretive statement is being published in the Washington State Register pursuant to the requirements of RCW 34.05.230(4).

The Department of Revenue has issued the following excise tax advisory: **ETA 2019.08.245 Applicability of RCW 82.08.0289 residential telephone service exemption to cellular telephone service.**

RCW 82.08.0289 provides an exemption from the retail sales tax for the sale of network telephone service, other than toll service, to residential customers. This excise tax advisory explains that RCW 82.08.0289 does not exempt the sale of cellular telephone service to customers who may use their cellular phone service at their residence or who subscribe to a calling plan marketed or otherwise designated as "residential" in nature.

A copy of this document is available via the internet at <http://www.dor.wa.gov/content/laws/eta/eta.aspx> or a request for copies may be directed to Roseanna Hodson, Interpretations and Technical Assistance Unit, P.O. Box 47453, Olympia, WA 98504-7453, phone (360) 570-6119, fax (360) 586-5543.

Alan R. Lynn
Rules Coordinator

WSR 05-01-011
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE
[Filed December 1, 2004, 3:59 p.m.]

CANCELLATION OF INTERPRETIVE STATEMENT

This announcement of the cancellation of this interpretive statement is being published in the Washington State Register pursuant to the requirements of RCW 34.05.230(4).

The Department of Revenue has cancelled the following excise tax advisory: **ETA 535.04.240 Alternative credit computation formula Seasonal employment manufacturers.**

This advisory explains how an employer who regularly operates only on a seasonal basis determines if the 15% employment increase requirement to receive the business and occupation (B&O) tax credit provided in chapter 82.62 RCW is met. This advisory is no longer needed. This issue is addressed in ETA 2018 (Alternative credit computation formula - Seasonal employment manufacturers).

A copy of this document is available via the internet at <http://www.dor.wa.gov/content/laws/eta/eta.aspx> or a request for copies may be directed to Roseanna Hodson, Interpretations and Technical Assistance Unit, P.O. Box 47453, Olympia, WA 98504-7453, phone (360) 570-6119, fax (360) 586-5543.

Alan R. Lynn
Rules Coordinator

WSR 05-01-020
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY
[Memorandum—December 2, 2004]

Natural Resource Damage Assessment Committee
January-December 2005 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 2005 will be held on the second Wednesday of each month as follows:

<u>Date</u>	<u>Room Number</u>
January 12	ROA-34
February 9	ROA-34
March 9	ROA-34
April 13	ROA-34
May 11	ROA-34
June 8	ROA-34
July 13	ROA-34
August 10	R1S-16
September 14	ROA-34
October 12	ROA-34
November 9	ROA-34
December 14	ROA-34

Meetings start at 9:00 a.m. at the Department of Ecology, Headquarters Building, 300 Desmond Drive S.E., Lacey, WA.

For more information, contact Dale Davis at (360) 407-6972, dald461@ecy.wa.gov.

WSR 05-01-022
NOTICE OF PUBLIC MEETINGS
STATE BOARD OF EDUCATION
[Memorandum—December 1, 2004]

Date/Locations for the
2005 State Board of Education Meetings

January 12-14, 2005
New Market Vocational Skills Center
7299 New Market Street S.W.
Tumwater, WA 98501-6536
(360) 570-4500

March 16-18, 2005
Educational Service District 113
601 McPhee Road S.W.
Olympia, WA 98502-5080
(360) 586-2933

May 11-13, 2005
Hyak Lodge
P.O. Box 17
Snoqualmie Pass, WA 98068-0017
(425) 434-5955

June 16-17, 2005
North Thurston School District
Boardroom
305 College Street N.E.
Lacey, WA 98516-5390
(360) 412-4400

August 24-26, 2005
Mt. Tahoma High School
6229 South Tyler Street
Tacoma, WA 98409-2522
(253) 571-1961

October 26-28, 2005
Educational Service District 123
3918 West Court Street
Pasco, WA 99301
(509) 547-8441

WSR 05-01-023
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
NATURAL RESOURCES
(Board of Natural Resources)
[Memorandum—December 1, 2004]

Special Meeting

DATE January 18, 2005
TIME 9:00 a.m.
LOCATION NRB-Room 172

If you have any questions regarding the special meeting, please call Sasha Lange at (360) 902-1103.

WSR 05-01-024
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE
[Memorandum—December 3, 2004]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, December 16, 2004, 9:00 - 11:00 a.m., in the College Services Board Room on the Bellingham Technical College campus. Call 752-8334 for information.

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WSR 05-01-025
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
AFRICAN AMERICAN AFFAIRS
 [Memorandum—December 3, 2004]

Meeting Schedule 2005	
November 19, 2004	Conference Call
January 21-22, 2005	Bremerton
February 11, 2005	Olympia
May 20, 2005	Conference Call
July 15-16, 2005	Yakima/Tri-Cities
September 16-17, 2005	Tacoma
November 18, 2005	Conference Call
January, 2006	Seattle

WSR 05-01-032
NOTICE OF PUBLIC MEETINGS
WALLA WALLA
COMMUNITY COLLEGE
 [Memorandum—December 3, 2004]

Publication of Notice of Regularly Scheduled Meetings of the Board of Trustees of Walla Walla Community College, Community College District No. 20

The following schedule of regular meetings of the board of trustees of Walla Walla Community College for 2005 was adopted at their meeting on November 17, 2004. Time of the meetings will be 9:30 a.m. unless otherwise advised.

2005 MEETING SCHEDULE FOR
 WALLA WALLA COMMUNITY COLLEGE
 BOARD OF TRUSTEES
 WWCC Board Room

Meeting times are at 9:30 a.m. unless otherwise advised.

Wednesday	January 19, 2005	
Wednesday	February 16, 2005	
Wednesday	March 16, 2005	
Wednesday	April 20, 2005	10 a.m....Clarkston
Wednesday	May 18, 2005	
Wednesday	June 29, 2005	
Wednesday	July 20, 2005	(optional)
Wednesday	August 17, 2005	(optional)
Wednesday	September 21, 2005	
Wednesday	October 19, 2005	
Wednesday	November 16, 2005	
Wednesday	December 21, 2005	

WSR 05-01-033
NOTICE OF PUBLIC MEETINGS
WALLA WALLA
COMMUNITY COLLEGE
 [Memorandum—December 3, 2004]

The Walla Walla Community College board of trustees (District 20) will not hold a meeting during the month of December. The regular meeting of the board of trustees was scheduled for December 8, 2004.

If you have any questions, you can contact Irma Leonetti at (509) 527-4274 or irma.leonetti@wwcc.edu.

WSR 05-01-034
NOTICE OF PUBLIC MEETINGS
PIERCE COLLEGE
 [Memorandum—December 3, 2004]

The board of trustees of Community College District Number Eleven (Pierce College) would like to announce a **special board meeting**. This meeting is to discuss the creation of a chancellor's office in the district.

Meeting Date/Location	Time
Wednesday, December 8, 2004 Tacoma Club 1201 Pacific Avenue Tacoma, WA 98402	10:00 a.m.

WSR 05-01-037
RULES OF COURT
STATE SUPREME COURT
 [December 6, 2004]

IN THE MATTER OF THE ADOPTION) ORDER
 OF THE AMENDMENT TO APR 5 AND) NO. 25700-A-800
 APR 18)

The Washington State Bar Association having recommended the adoption of the proposed amendments to APR 5 and APR 18, and a majority of the Court having approved the proposed amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed amendments as attached hereto are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2005.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 29, 2005. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or Lisa.Bausch@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

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DATED at Olympia, Washington this 2nd day of December 2004.

For the Court

Gerry L. Alexander

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendments to Admission to Practice Rule (APR) 5 concerning preadmission education requirement

Submitted by the Board of Governors of the Washington State Bar Association

Purpose: The suggested amendment to APR 5 is intended to implement the first recommendation of the WSBA Professional Development Implementation Committee adopted by the Board of Governors in September 2004 that applicants who have passed the bar examination, or who qualify for admission without passing the bar examination, must complete an education course in a curriculum and under circumstances approved by the Board of Governors before they qualify for admission. The Board further recommends that these courses be offered at no cost to participants.

Specifics for the program will be developed once the rule change has been adopted. WSBA staff will develop the curriculum, recruit faculty, and coordinate with other groups who are currently presenting similar orientations. The four hours of instruction will cover material in subject areas such as civility and professionalism, orientation to local practice issues and materials, basic law office and practice management, balance and lifestyle issues, and networking.

Materials will be prepared for all registrants, consisting of information relating to each of the subjects to be covered. These materials will be tailored to the jurisdiction where the program is being offered and will contain appropriate court rules, forms, and directories. It is recommended that attendance at the orientation should be in person, but given scheduling, distance, and availability factors, it is also deemed that viewing the program as an audio/video presentation will be acceptable.

An effective date of January 1, 2006, is requested for these changes.

APR 5

RECOMMENDATION FOR ADMISSION; ORDER ADMITTING TO PRACTICE; PAYMENT OF MEMBERSHIP FEE; OATH OF ATTORNEY; RESIDENT AGENT

(a) Recommendation for Admission. The Board of Governors shall recommend to the Supreme Court the admission or rejection of each applicant who has passed the bar examination and who has complied with the preadmission education requirement set forth in this rule. A recommendation for admission shall be based upon the Board of Governors determination, after investigation, that the applicant appears to be of good moral character and in all respects qualified to engage in the practice of law. All recommendations of the Board of Governors shall be accompanied by the applicant's

application for examination and any other documents deemed pertinent by the Board of Governors or requested by the Supreme Court. The recommendation and all accompanying documents and papers shall be kept by the Clerk of the Supreme Court in a separate file which shall not be a public record.

(b) Preadmission Education Requirement. Before an applicant who has passed the bar examination, or who qualifies for admission without passing the bar examination, may be admitted, the applicant must complete a minimum of 4 hours education in a curriculum and under circumstances approved by the Board of Governors.

(c) Order Admitting to Practice. After examining the recommendation and accompanying papers transmitted by the Board of Governors, the Supreme Court may enter such order in each case as it deems advisable. For those applicants it deems qualified, the Supreme Court shall enter an order admitting them to the practice of law, conditioned upon such applicants:

(1) Taking and filing with the Clerk of the Supreme Court the Oath of Attorney within 1 year from the date the bar examination results are made public, except for good cause shown; and

(2) Paying to the Bar Association its membership fee for the current year; and

(3) Designating a resident agent if required to do so by section (e).

(d) Oath of Attorney. The Oath of Attorney must be taken before a judge elected or appointed to an elected position, sitting in open court, in the state of Washington. In the event a successful applicant is outside the state of Washington and the Chief Justice is satisfied that it is impossible or impractical for the applicant to take the oath before a judge elected or appointed to an elected position in this state, the Chief Justice may, upon proper application setting forth all the circumstances, designate a person authorized by law to administer oaths, before whom the applicant may appear and take said oath.

(e) Contents of Oath. The oath which all applicants shall take is as follows:

OATH OF ATTORNEY

State of Washington, County of _____ ss.

I, _____, do solemnly declare:

1. I am fully subject to the laws of the State of Washington and the laws of the United States and will abide by the same.

2. I will support the constitution of the State of Washington and the constitution of the United States.

3. I will abide by the Rules of Professional Conduct approved by the Supreme Court of the State of Washington.

4. I will maintain the respect due to the courts of justice and judicial officers.

5. I will not counsel, or maintain any suit, or proceeding, which shall appear to me to be unjust, or any defense except as I believe to be honestly debatable under the law, unless it is in defense of a person charged with a public offense. I will employ for the purpose of maintaining the causes confided to me only those means consistent with truth and honor. I will

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never seek to mislead the judge or jury by any artifice or false statement.

6. I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with the business of my client unless this compensation is from or with the knowledge and approval of the client or with the approval of the court.

7. I will abstain from all offensive personalities, and advance no fact prejudicial to the honor or reputation of a party or witness unless required by the justice of the cause with which I am charged.

8. I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay unjustly the cause of any person.

(signature)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 19__.

Judge

((e)) (f) Nonresident Lawyers; Resident Agent. There shall be no requirement that an applicant or a member of the Bar Association be a resident or a bona fide resident in the state of Washington. Every active member of the Bar Association who does not live or maintain an office in the state of Washington shall file with the Bar Association the name and address of an agent within this state for the purpose of receiving service of process or of any other document required or permitted by statute or court rule to be served or delivered to a resident lawyer. Service or delivery to such agent shall be deemed service upon or delivery to the lawyer.

GR 9 COVER SHEET

Suggested Amendments to Admission to Practice Rule (APR) 18 concerning preadmission education requirement

Submitted by the Board of Governors of the Washington State Bar Association

Purpose: The suggested amendment to APR 18 is intended to implement the first recommendation of the WSBA Professional Development Implementation Committee adopted by the Board of Governors in September 2004 as it relates to reciprocal admissions. A concurrent amendment is proposed for APR 5 which will require all applicants who have passed the bar examination, or who qualify for admission without passing the bar examination, must complete an education course in a curriculum and under circumstances approved by the Board of Governors before they qualify for admission. The Board further recommends that these courses be offered at no cost to participants.

An effective date of January 1, 2006, is requested for these changes.

APR 18

ADMISSION OF LAWYERS LICENSED IN OTHER STATES OR TERRITORIES OF THE UNITED STATES OR THE DISTRICT OF COLUMBIA TO PRACTICE LAW IN WASHINGTON

(a) Purpose. This rule prescribes the procedure, conditions, and limitations for admission of lawyers from other states or territories of the United States or the District of Columbia, except as provided in rule 3. Lawyers from other states or territories or the District of Columbia will be admitted in Washington pursuant to this rule under procedures and conditions that, in the judgment of the Washington State Supreme Court, are substantially similar to the procedures and conditions under which the other licensing state or territory or the District of Columbia allows the admission of licensed Washington lawyers to their states.

(b) Qualifications. Before a lawyer licensed to practice law in another state or territory of the United States or the District of Columbia qualifies for admission to the practice of law in the State of Washington, the lawyer must:

(1) Present satisfactory proof of both admission to the practice of law, together with current good standing, in another state or territory of the United States or the District of Columbia, and active legal experience as a lawyer or counselor at law at the time of the application;

(2) Possess the good moral character and fitness requisite for a member of the Bar of the State of Washington;

(3) Execute under oath and file with the Bar Association two copies of an application in such form as may be required by the Board of Governors; and

(4) File with the application a certificate from the authority in such other state or territory or the District of Columbia having final jurisdiction over professional discipline, certifying as to the applicant's admission to practice, and the date thereof, and as to the good standing of such lawyer or counselor at law or the equivalent; and

(5) Provide with the application such other evidence of the applicant's educational and professional qualifications, good moral character and fitness and compliance with the requirements of this rule as the Board of Governors may require; and

(6) Establish to the satisfaction of the Board of Governors that the state or territory or the District of Columbia that licensed the lawyer applicant allows the admission of licensed Washington lawyers under terms and conditions substantially similar to those set forth in these rules, provided that if the state or territory or the District of Columbia that licensed the lawyer applicant requires Washington lawyers to complete or meet other conditions or requirements, the applicant must meet a substantially similar requirement for admission in Washington; and

(7) Pay upon the filing of the application the fee established for such admission which shall be at least equal to that required pursuant to rule 3(d)(2) to be paid by a lawyer applicant to take the bar examination.

(c) Procedure.

(1) The Board of Governors shall approve or disapprove applications for admission of lawyers admitted to the practice of law in other states or territories of the United States or the District of Columbia. The Board may require additional proof of any facts stated in the application. In the event of the

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failure or refusal of the applicant to furnish any information or proof, or to answer any inquiry of the Board pertinent to the pending application, the Board may deny the application. Upon approval of the application by the Board of Governors, the Board shall recommend to the Supreme Court the admission of the applicant for the purposes herein stated. The Supreme Court may enter an order admitting to practice those applicants it deems qualified, conditioned upon such applicant:

(i) Completing a minimum of 4 hours approved preadmission education pursuant to rule 5(b); and

(ii) Taking and filing with the Clerk of the Supreme Court the Oath of Attorney pursuant to rule 5; and

(iii) (ii) Paying to the Bar Association its membership fee for the current year in the maximum amount required of active members; and

(iii) (iv) Filing with the Bar Association in writing his or her address in the State of Washington, together with a statement that the applicant has read the Rules of Professional Conduct and Rules for Enforcement of Lawyer Conduct, is familiar with their contents and agrees to abide by them.

(2) Upon the entry of an order of admission, the filing of the required materials and payment of the membership fee, the applicant shall be admitted to the practice of law in the State of Washington as specified by this rule.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 05-01-038
RULES OF COURT
STATE SUPREME COURT

[December 6, 2004]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO APR 12) NO. 25700-A-801
REGULATIONS 9, 10 AND 12, CON-)
TINUING EDUCATION REGULATIONS)
102, 111, 112 RENUMBERING NEW 113,)
114, 115, 116 AND 117, APR 15 PROCE-)
DURAL RULES 5, 6 AND 7 AND GR 25)
REGULATION 6)

The Washington State Bar Association having recommended the adoption of the proposed amendments to APR 12 Regulations 9, 10 and 12, Continuing Education Regulations 102, 111, 112, Renumbering New 113, 114, 115, 116 and 117, APR 15 Procedural Rules 5, 6 and 7 and GR 25 Regulation 6, and the Court having determined that the proposed amendments will aid in the prompt and orderly administration of justice and further determined that the 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(1), the amendments will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 2nd day of December 2004.

Alexander, C. J.

Johnson, J.

Bridge, J.

Madsen, J.

Chambers, J.

Sanders, J.

Owens, J.

Ireland, J.

Fairhurst, J.

PROPOSED AMENDMENTS

REGULATIONS OF THE APR 12 LIMITED PRACTICE BOARD

REGULATION 1: IN GENERAL [No change.]

REGULATION 2: APPLICATIONS [No change.]

REGULATION 3: APPROVAL OR DENIAL OF APPLICATION [No change.]

REGULATION 4: DENIAL OF APPLICATION—RIGHT OF APPEAL [No change.]

REGULATION 5: ADMINISTRATION OF EXAMINATION. [No change.]

REGULATION 6: EXAMINATION STANDARDS AND NOTIFICATION OF RESULTS [No change.]

REGULATION 7: REAPPLICATION FOR EXAMINATION [No change.]

REGULATION 8: CERTIFICATION OF RESULTS TO SUPREME COURT; OATH [No change.]

REGULATION 9: ANNUAL FEE

A. Except as set forth in section B of this Regulation, every Limited Practice Officer shall pay an annual fee of \$85.00, which is due July 1 of each year. Failure to pay the annual fee shall subject the LPO to suspension from limited practice as a Limited Practice Officer. If the LPO fails to comply with conditions for reinstatement pursuant to Regulation 10 within 9 months of the date of suspension, the license of the suspended LPO will be revoked.

B. The prorated annual fee for LPOs who pass the qualifying examination given in the spring and who request active status prior to July 1 of that same calendar year shall be \$40. LPOs shall pay the annual fee set forth in Regulation 10(A) to retain their active status after June 30 of the calendar year of their admission.

C. An LPO shall provide his or her residential address to the Board at the time of payment of the annual fee.

REGULATION 10: REINSTATEMENT AFTER SUSPENSION FOR NONPAYMENT OF ANNUAL FEE. An LPO who is suspended pursuant to Regulation 9(A) shall be reinstated if the LPO has within nine (9) months of the date of suspension:

1. submitted an application for reinstatement in the form prescribed by the Board;

2. the LPO continues continued to meet the qualifications set out in APR 12 and these Regulations; and

3. paid a sum equal to the amount of all delinquent annual fees, not to exceed the equivalency of double the

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~~amount of three year's fees, plus the then current year's fees,~~ and any investigation fees as may be determined by the Board.

REGULATION 11: FINANCIAL RESPONSIBILITY [No change.]

REGULATION 12: CONTINUING EDUCATION

Every LPO shall attend a minimum of ten (10) hours of approved continuing education during each calendar year. Two (2) hours of the required ten (10) hours of continuing education shall be on liability issues. If an LPO completes more than ten (10) credit hours in a given calendar year, the excess credit, up to ten credits, may be carried forward and applied to such LPO's education requirements for the next calendar year.

Every LPO shall submit proof of compliance with the continuing education attendance requirements by filing an Affidavit of Attendance as prescribed by the Continuing Education Regulations of the Limited Practice Board. Failure to comply with the continuing education requirements will subject the LPO to suspension of license as a Limited Practice Officer. If the suspended LPO fails to comply with conditions for reinstatement pursuant to Continuing Education Regulations of the Limited Practice Board within nine (9) months of the date of suspension, the license of the suspended LPO will be revoked.

REGULATION 13: INACTIVE STATUS [No change.]

REGULATION 14: VOLUNTARY CERTIFICATION CANCELLATION [No change.]

REGULATION 15: CHANGE IN STATUS [No change.]

REGULATION 16: LPO NAME, SIGNATURE, AND NUMBER REQUIRED ON DISCLOSURE FORM [No change.]

REGULATION 17: RECORDS DISCLOSURE [No change.]

REGULATION 18. NOTICE AND FILING; ADMINISTRATION [No change.]

REGULATION 19. AMENDMENT. [No change.]

PROPOSED AMENDMENTS

CONTINUING EDUCATION REGULATIONS OF THE LIMITED PRACTICE BOARD

REGULATION 101 Definitions [No change.]

REGULATION 102 Continuing Education Requirement

As provided for in Regulation 12 of the Regulations of the APR 12 Limited Practice Board, each active and inactive Limited Practice Officer shall complete a minimum of ten (10) credit hours of approved education during each calendar year, except as exempted by Regulation 114. Two (2) hours of the required ten (10) hours of continuing education per year must be on liability issues. These classes must be approved by the Board and must be taken annually. If an LPO completes more than ten (10) such credit hours in a given calendar year, the excess credit, up to ten (10) credits, may be carried forward and applied to such LPO's education requirement for the next calendar year. Liability credit hours may be carried forward as liability credits or regular credits. Failure to comply with the provisions of this Regulation and Regulation 12 of the Regulations of the APR 12 Limited

Practice Board each calendar year shall subject the Limited Practice Officer to suspension or revocation of license as an LPO.

REGULATION 103 Credits/Computation [No change.]

REGULATION 104 Standards for Approval [No change.]

REGULATION 105 Procedure for Approval of Continuing Education Activities [No change.]

REGULATION 106 Delegation [No change.]

REGULATION 107 Staff Determinations and Review [No change.]

REGULATION 108 Submission of Information—Reporting of Attendance [No change.]

REGULATION 109 Submission of Information—Credit for Teaching or Participating [No change.]

REGULATION 110 Extensions, Waivers, Modifications [No change.]

REGULATION 111 Non-compliance—Board Procedures

An LPO who has not complied with the educational or reporting requirements of APR 12 and these regulations by April 30 of each year may be ~~removed (or conditionally removed) from the roll of certified LPO's and ordered~~ suspended until in compliance with the regulations.

To effect such ~~removal~~ suspension, the Committee shall send to the non-complying LPO by certified mail, directed to the LPO's last known address as maintained on the records of the Board, a written notice of non-compliance. The notice shall advise such LPO of the pendency of ~~removal~~ suspension proceedings, and the provisions for revocation of license, unless within ten (10) days of receipt of such notice such LPO completes and returns to the Committee an accompanying form of petition, to which supportive affidavit(s) may be attached for extension of time for, or waiver of, compliance with the requirements of APR 12 and these regulations or for a ruling by the Committee of substantial compliance with the requirements.

A. If such petition is not filed, such lack of action shall be deemed acquiescence by the LPO in the finding of non-compliance. The Committee shall report such fact to the Board with the Committee's recommendations for appropriate action. The Board shall take such action as it deems appropriate.

B. If such petition is filed, the Committee may, at its discretion, approve the same without hearing or may enter into an agreement on terms with such LPO as to time and other requirements for achieving compliance with APR 12 and these regulations.

C. If the Committee does not approve such petition or enter into such agreement, the affected LPO may request a hearing before the Board. At the discretion of the Chair of the Board, the hearing may be held before the entire Board or panel thereof. The Board or panel thereof shall enter written findings of fact and an appropriate order, a copy of which shall be transmitted by certified mail to the LPO affected at the address of such member on file with the Board. Any such

order shall be final and, in case of an adverse determination, shall be transmitted to the Supreme Court.

REGULATION 112. Reinstatement of LPOs Suspended from Practice for Failure to Comply with the Continuing Education Requirement

(A) An LPO who is suspended from practice for failure to comply with the Continuing Education Requirement must make up the deficiency and fully comply with the provisions APR 12 and these Regulations before he or she can be reinstated to active or inactive status.

(B) Once a suspended LPO has complied with the immediately preceding provisions of this Regulation, the Board shall notify the Supreme Court that the suspended LPO has satisfied the requirements of APR 12 and these Regulations.

REGULATION ~~112~~ 113 Appeals to the Supreme Court [No change.]

REGULATION ~~113~~ 114 Reactivation of Inactive Members [No change.]

REGULATION ~~114~~ 115 Exemptions [No change.]

REGULATION ~~115~~ 116 Rulemaking Authority [No change.]

REGULATION ~~116~~ 117 Confidentiality [No change.]

**LAWYERS' FUND FOR CLIENT PROTECTION (APR 15)
PROCEDURAL RULES**

RULE 5. ELIGIBLE CLAIMS

A. Eligibility. [No change].

B. Time Limitations. Any application must be made within three years from the date on which discovery of the loss was made or reasonably should have been made by the applicant, and in no event more than three years from the date the lawyer dies, is disbarred, is disciplined for misappropriation of funds, or is criminally convicted for matters relating to the applicant's loss, provided that the Committee or Trustees in their discretion may waive any limitations period for excusable neglect or other good cause.

C. Dishonest Conduct. [No change].

D. Excluded Losses. [No change].

E. Special and Unusual Circumstances. [No change].

F. Unjust Enrichment. [No change].

G. Exhaustion of Remedies. The Committee may consider whether an applicant has made reasonable attempts to seek reimbursement of a loss before taking action on an application. This may include, but is not limited to, the following:

- (1) Filing a claim with an appropriate insurance carrier;
- (2) Filing a claim on a bond, when appropriate;
- (3) Filing a claim with any and all banks which honored a financial instrument with a forged endorsement;

(4) As a prelude to possible suit under part (5) below, demanding payment ~~in~~ from any business associate or employer who may be liable for the actions of the dishonest lawyer; or

(5) Commencing appropriate legal action against the lawyer or against any other party or entity who may be liable for the applicant's loss.

**LAWYERS' FUND FOR CLIENT PROTECTION (APR 15)
PROCEDURAL RULES**

RULE 6. PROCEDURES

A. Ineligibility. [No change].

B. Investigation and Report. [No change].

C. Notification of Lawyer. [No change].

D. Testimony. [No change].

E. Finding of Dishonest Conduct. [No change].

F. Evidence and Burden of Proof. [No change].

G. Pending Disciplinary Proceedings. [No change].

H. Exhaustion of Remedies. The Committee may direct an applicant to see reimbursement of a loss before making a recommendation to the Trustees on an application. This may include, but is not limited to, the following:

- (1) File a claim with the lawyer's insurance carrier;
- (2) File a claim on a bond, when appropriate;
- (3) File a claim with any and all banks which honored a financial instrument with a forged endorsement;
- (4) Request payment in writing from any lawyer who was a partner of the dishonest lawyer at the time of the dishonest conduct; or any lawyer who was a principal of the professional corporation in which the dishonest lawyer was an employee or member; or against the employer of the dishonest lawyer; or

(5) Commence appropriate legal action against the lawyer or against any third party or entity who may be liable for the applicant's loss.

I H. Public Participation. Public participation at Committee meetings shall be permitted only by prior permission granted by the Committee chairperson.

J I. Committee Action.

(1) Actions of the Committee Which Are Final Decisions. A decision by the Committee on an application for payment of ~~\$10,000~~ \$25,000 or less — whether such decision be to make payment, to deny payment, to defer consideration, or for any action other than payment of more than ~~\$10,000~~ \$25,000 — shall be final and without right of appeal to the Trustees.

(2) Actions of the Committee Which Are Recommendations to the Trustees. A decision by the Committee (a) on an application for more than ~~\$10,000~~ \$25,000, or (b) involving a payment of more than ~~\$10,000~~ \$25,000 (regardless of the amount stated in the application), is not final and is a recommendation to the Trustees which shall have sole authority for final decisions in such cases.

**LAWYERS' FUND FOR CLIENT PROTECTION (APR 15)
PROCEDURAL RULES**

RULE 7. ADJUDICATION BY TRUSTEES

A. A recommendation by the Committee (a) concerning applications for more than ~~\$10,000~~ \$25,000, or (b) that payments of more than ~~\$10,000~~ \$25,000 be made to applicants regarding any one lawyer, shall be reported to the Trustees which may, in its discretion, adopt, modify, disapprove or take any other appropriate action on the Committee's recommendation.

B. A decision of the Trustees shall be final and there shall be no right of appeal from that decision.

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SUGGESTED AMENDMENTS TO PRACTICE OF LAW BOARD REGULATIONS AS APPROVED BY THE PRACTICE OF LAW BOARD.

AMENDMENTS TO REGULATION 6(C), (E), (F), and (H)

**PRACTICE OF LAW BOARD
REGULATIONS**

(approved by Practice of Law Board 12/13/02; as amended 2/14/03; approved by the Supreme Court 7/22/03)

REGULATION 1. PURPOSE. [No change].

REGULATION 2. PRACTICE OF LAW. [No change].

REGULATION 3. ESTABLISHMENT OF THE BOARD. [No change].

REGULATIONS 4. CONFLICT OF INTEREST. [No change].

REGULATION 5. ADVISORY OPINIONS. [No change].

REGULATION 6. COMPLAINTS.

A. Filing Complaints. Complaints alleging the unauthorized or unlicensed practice of law shall be submitted to the POL Board, in writing, in a form and manner prescribed by the POL Board.

B. Investigation. The POL Board may, on its own initiative and without any complaint being made to it, investigate any condition, situation or activity involving the unauthorized or unlicensed practice of law of which it becomes aware in the same manner as if a complaint had been made under section A above.

C. Initial Review of Complaints. Upon receipt of a complaint, the Board Administrator shall conduct an initial review to determine whether it is within the jurisdiction of the POL Board or may be subject to deferral. If not within the jurisdiction of the POL Board or if it is subject to deferral, the Board administrator shall advise the complainant that the matter will not be opened as a complaint, and the reasons. The complainant may submit additional information. All such items will be placed on the next POL Board agenda for review and any action deemed appropriate by the POL Board. If the complaint is deemed to be within the jurisdiction of the POL Board and not subject to deferral, ~~the administrator shall assign the complaint to a committee of the POL Board consisting of at least two Members (Investigating Committee), designating one of the Members as the chair~~ the complaint will be opened for investigation.

D. Request for Response. If a complaint is opened for investigation, a copy shall be sent to the respondent with a request to respond within 20 days, and with notice that if the respondent does not respond, the complaint shall be considered without a response.

E. Report and Written Agreement. ~~The Investigating Committee shall, with the assistance of the Board Administrator or the Board Administrator's designee, review the complaint and response, any additional information and documents, and interview~~ The complainant and respondent shall be interviewed and undertake such other and further review or investigation may be conducted as is deemed appropriate by the Investigating Committee chair. The Investigating Committee shall exert its best effort to complete the investigation within two weeks (14 calendar days) after assignment

~~and submit a~~ A written report and recommendation will be submitted to the Board, by transmitting it to the Board Administrator and the Members. All Members shall have one week (5 working days) to submit comments respecting the report by transmitting them to the Board Administrator and the Members. If the report recommends dismissal of the complaint and there are no adverse comments from the Members within the comment period, the report ~~of the Investigating Committee and recommendation~~ shall be deemed adopted by the POL Board and the chairperson shall immediately notify the complainant and the respondent, in writing, of the dismissal and the matter shall be closed. If one or more Members disagree with the recommendation ~~of the Investigating Committee~~ for dismissal, the matter shall be placed on the agenda of the next meeting of the POL Board for action by the POL Board. If the report ~~of the Investigating Committee~~ concludes that there has been an unauthorized or unlicensed practice of law, the matter shall be placed on the agenda of the next POL Board meeting for action.

F. POL Board Review. If upon POL Board review of a ~~matter investigated on its own initiative or upon review required in either of the ways described in section D above report and recommendation~~, the POL Board concludes that there has been no unauthorized or unlicensed practice of law, the complaint shall be dismissed and the chairperson shall so notify the complainant and the respondent, in writing, and shall close the file. If the POL Board concludes that there has been unauthorized or unlicensed practice of law, the POL Board shall proceed in the following manner:

(1) The POL Board shall attempt through the Chairperson or his or her designee to persuade the respondent to enter into a written agreement to refrain from the objectionable conduct in the future. Such written agreement shall be prepared by the Chairperson or his or her designee and may include a stipulation as to penalties in the event of continued unauthorized or unlicensed practice of law which is the subject matter of the agreement or violation of other terms of the agreement.

(2) If the respondent will not enter into a written agreement as set forth in (1) above, the POL Board may attempt to arrive at any other satisfactory disposition as determined by the POL Board. In attempting to arrive at a satisfactory disposition, the POL Board may, at a regular or special POL Board meeting, or by a designated committee, conduct an informal conference with the respondent, which conference may, in the discretion of the chairperson or designated committee chair, be recorded electronically or reported by a certified court reporter. At such informal conference, the respondent may be represented by counsel, but the informal conference shall not be public, nor shall rules of evidence apply. If the informal conference was held by a designated committee, the chair shall render a report, in writing, to the POL Board at the next POL Board meeting for action. If the POL Board determines that the respondent has engaged in the unauthorized or unlicensed practice of law, the POL Board shall endeavor to have the respondent enter into a written agreement to refrain from the objectionable conduct in the future, in the same manner as provided in (1) above. If, however, the respondent declines to enter into a written agreement, the

POL Board may refer the matter to the appropriate law enforcement or other agency in accordance with GR 25(h).

G. Pending Controversy. Notwithstanding the foregoing, the POL Board may defer an investigation in any matter that, to its knowledge, is the subject of or might affect a case or controversy pending in any court or administrative [attorney disciplinary] proceeding.

H. Notice of Board Action.

(1) Notice to Parties. The chairperson shall provide notice to any complainant who has not been previously notified of dismissal and each respondent, other than a respondent who has entered into a written agreement, of POL Board action with respect to the complaint or self-initiated investigation within ten days of POL Board action. All such notices of POL Board action shall inform the recipients of the right to petition for review by the Supreme Court as prescribed in GR 25(g). ~~Such notice shall also be published, in the discretion of the POL Board, in the Washington State Bar News or posted on the WSBA website.~~

(2) Publication of Notice: The POL Board may, in its discretion, publish notice of Board action on a complaint alleging the unauthorized practice of law in the Washington State Bar News, on the WSBA website, or elsewhere as it deems appropriate. The Board Administrator has discretion in drafting notices for publication, and they should include sufficient information to adequately inform the public of the reasons for the Board's action and conclusions.

REGULATION 7. PETITIONS FOR REVIEW. [No change].

REGULATION 8. RECOMMENDATIONS TO THE SUPREME COURT. [No change].

Reviser's note: The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 05-01-039
RULES OF COURT
STATE SUPREME COURT
 [December 6, 2004]

IN THE MATTER OF THE ADOPTION) ORDER
 OF THE AMENDMENT TO ER 501(f)) NO. 25700-A-802

The Court having recommended the adoption of the proposed amendment to ER 501(f), and having determined that the proposed amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9(1), the amendment will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 2nd day of December 2004.

	Alexander, C. J.
Johnson, J.	Bridge, J.
Madsen, J.	Chambers, J.
Sanders, J.	Owens, J.
Ireland, J.	Fairhurst, J.

RULE 501
GENERAL RULE

The following citations are to certain statutes and case law that make reference to privileges or privileged communications. This list is not intended to create any privilege, nor to abrogate any privilege by implication or omission.

- (a) Attorney-Client. (Reserved. See RCW 5.60.060(2).)
- (b) Clergyman or Priest. (Reserved. See RCW 5.60.060(3), 26.44.060, 70.124.060.)
- (c) Dispute Resolution Center. (Reserved. See RCW 7.75.050.)
- (d) Counselor. (Reserved. See RCW 18.19.180.)
- (e) Higher Education Procedures. (Reserved. See RCW 28B.19.120(4).)
- (f) Husband-Wife. (Reserved. See RCW 5.60.060(1), 26.20.071, ~~26.21.170~~ 26.21.355(8).)
- (g) Interpreter in Legal Proceeding. (Reserved. See RCW 2.42.160; GR 11.1(e).)
- (h) Journalist. (Reserved. See *Senear v. Daily Journal-American*, 97 Wn.2d 148, 641 P.2d 1180 (1982); *State v. Rinaldo*, 102 Wn.2d 749, 689 P.2d 392 (1984).)
- (i) Optometrist-Patient. (Reserved. See RCW 18.53-200, 26.44.060.)
- (j) Physician-Patient. (Reserved. See RCW 5.60.060(4), 26.26.120, 26.44.060, 51.04.050, 69.41.020, 69.50.403, 70.124.060, 71.05.250.)
- (k) Psychologist-Client. (Reserved. See RCW 18.83-110, 26.44.060, 70.124.060.)
- (l) Public Assistance Recipient. (Reserved. See RCW 74.04.060.)
- (m) Public Officer. (Reserved. See RCW 5.60.060(5).)
- (n) Registered Nurse. (Reserved. See RCW 5.62.010, 5.62.020, 5.62.030.)

Comment 501
 (1988 Amendment)

This rule was initially left reserved. The 1988 amendment added references to statutory privileges for the guidance and convenience of both judges and practitioners.

Only the name of the privilege was given, with the text reserved and a statutory reference provided. The qualified journalist's privilege, though found in case law and based on common law rather than the constitution, was included as well. The amendment allowed ready reference to the more common privileges by the bench and bar without eliminating a less often used privilege by accidental omission from the list.

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[Adopted effective September 1, 1988; amended effective September 1, 1992.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The typographical error in the above material occurred in the copy filed by the State Supreme Court and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 05-01-040
RULES OF COURT
STATE SUPREME COURT
[December 6, 2004]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENT TO GR 16) NO. 25700-A-803

The Bench-Bar-Press Committee having recommended the adoption of the proposed amendment to GR 16, and the Court having determined that the proposed amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

- (a) That the amendment as attached hereto is adopted.
(b) That pursuant to the emergency provisions of GR 9(1), the amendment will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 2nd day of December 2004.

Alexander, C. J.
Johnson, J. Bridge, J.
Madsen, J. Chambers, J.
Sanders, J. Owens, J.
Ireland, J. Fairhurst, J.

GR 16 CAMERAS IN THE COURTROOM
COURTROOM PHOTOGRAPHY AND RECORDING BY THE NEWS MEDIA

(a) Broadcasting, televising, recording, and taking photographs in the courtroom is authorized during sessions of the court, including recesses between session, under the following conditions: Video and audio recording and still photography by the news media are allowed in the courtroom during and between sessions, provided

- (1) that permission shall have first been expressly granted by the judge under such conditions as the judge may prescribe; and
(2) The that media personnel will not, by their appearance or conduct, distract participants or impair the dignity of the proceedings in the proceedings or otherwise adversely affect the dignity and fairness of the proceedings.

(b) The judge shall exercise reasonable discretion in prescribing conditions and limitations with which media personnel shall comply.

(c) If the judge finds that sufficient reasons exist to warrant limitations on courtroom photography or recording, the judge shall make particularized findings on the record at the time of announcing the limitations. This may be done either orally or in a written order. In determining what, if any, limitations should be imposed, the judge shall be guided by the following principles:

(1) Open access is presumed; limitations on access must be supported by reasons found by the judge to be sufficiently compelling to outweigh that presumption;

(2) Prior to imposing any limitations on courtroom photography or recording, the judge shall, upon request, hear from any party and from any other person or entity deemed appropriate by the judge; and

(3) Any reasons found sufficient to support limitations on courtroom photography or recording shall relate to the specific circumstances of the case before the court rather than reflecting merely generalized views.

Comment

While the Illustrative Broadcast Guidelines and Illustrative Print Media Guidelines formerly contained in Code of Judicial Conduct Canon 3(A)(7) are not adopted as a part of this rule, they may continue to serve the bench, bar and press as examples of how cameras in the courtroom may be addressed.

Comment

Before 1991 when GR 16 on "Cameras in the Courtroom" was first adopted, the subject had only been addressed in the Code of Judicial Conduct's Canon 3(A)(7). The intent of the 1991 change was to make clear both that cameras were fully accepted in Washington courtrooms and also that broad discretion was vested in the court to decide what, if any, limitations should be imposed. In subsequent experience, both judges and the media have perceived a need for greater guidance as to how that judicial discretion should be exercised in a particular case. This 2003 amendment to GR 16 is intended to fill that practical need.

While not providing much guidance for the court's exercise of discretion, the Canon did contain some "illustrative guidelines" on how media personnel should conduct themselves while covering the courts. Although these guidelines were no longer a part of the rule once GR 16 was adopted, they continued to be published in the accompanying Comment. Some portions of those guidelines have now become outdated and others are superseded by language in the new GR 16. Because there continues to be potential value in some of the remaining guidelines, they will be here set out in redacted form:

ILLUSTRATIVE BROADCAST GUIDELINES

1. Officers of Court. The judge has the authority to direct whether broadcast equipment may be taken within the courtroom. Broadcast newsmen should advise the bailiff prior to the start of a court session that they desire to electronically record and/or broadcast live from within the courtroom. The bailiff may have prior instructions from the judge as to where

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the broadcast reporter and/or camera operator may position themselves. In the absence of any directions from the judge or bailiff, the position should be behind the front row of spectator seats by the least used aisleway or other unobtrusive but viable location.

2. *Pooling.* Unless the judge directs otherwise, no more than one television camera should be taking pictures in the courtroom at any one time. Where coverage is by both radio and television, the microphones used by television should also serve for radio and radio should be permitted to feed from the television sound system. Multiple radio feeds, if any, should be provided by a junction box. It should be the responsibility of each broadcast news representative present at the opening of each session of court to achieve an understanding with all other broadcast representatives as to who will function at any given time, or, in the alternative, how they will pool their photographic coverage. This understanding should be reached outside the courtroom and without imposing on the judge or court personnel.

Broadcast coverage outside the courtroom should be handled with care and discretion, but need not be pooled.

3. *Broadcast Equipment.* All running wires used should be securely taped to the floor. All broadcast equipment should be handled as inconspicuously and quietly as reasonably possible. Sufficient film and/or tape capacities should be provided to obviate film and/or tape changes except during court recess. No camera should give any indication of whether it is or is not operating such as a red light on some studio cameras. No additional lights should be used without the specific approval of the presiding judge and then only as the judge may specifically approve as may be needed in the case of appellate hearings.

4. *Decorum.* Broadcast representatives' dress should not set them apart unduly from other trial spectators. Camera operators should not move tripod-mounted cameras except during court recesses. All broadcast equipment should be in place and ready to function no less than 15 minutes before the beginning of each session of court.

ILLUSTRATIVE PRINT MEDIA GUIDELINES

1. The judge has authority to direct whether photographs may be taken within the courtroom. The photographer should advise the bailiff, prior to the start of a court session, that photographs are desired. The bailiff may have prior instructions from the judge as to where the photographer may be positioned. In the absence of any directions from the judge or bailiff, the photographer should remain behind the front row of spectator seats.

2. Unless the judge directs otherwise, no more than one still picture photographer is to be taking pictures in the courtroom at any one time. It is the responsibility of each photographer present at the opening of each session of court to achieve an understanding with all other photographers present as to which will function at any given time, or, in the alternative, how they will pool their photographic coverage. This understanding must be reached outside the courtroom and without imposing on the judge or court personnel.

3. The photographers' dress and equipment should not set them apart unduly from other trial spectators. Cameras which operate without flash and with a minimum of noise should be utilized.

4. The photographer's movements in and out of the courtroom and while taking pictures should be unobtrusive. The photographer should not, for example, assume body positions inappropriate for spectators.

ILLUSTRATIVE BROADCAST GUIDELINES

1. *Officers of Court.* Broadcast newsperson should advise the bailiff prior to the start of a court session that they desire to electronically record and/or broadcast live from within the courtroom. The bailiff may have prior instructions from the judge as to where the broadcast reporter and/or camera operator may position themselves. In the absence of any directions from the judge or bailiff, the position should be behind the front row of spectator seats by the least used aisleway or other unobtrusive but viable location.

2. *Pooling.* Unless the judge directs otherwise, no more than one television camera should be taking pictures in the courtroom at any one time. It should be the responsibility of each broadcast news representative present at the opening of each session of court to achieve an understanding with all other broadcast representatives as to how they will pool their photographic coverage. This understanding should be reached outside the courtroom and without imposing on the judge or court personnel.

3. *Broadcast Equipment.* All running wires used should be securely taped to the floor. All broadcast equipment should be handled as inconspicuously and quietly as reasonably possible. Sufficient film and/or tape capacities should be provided to obviate film and/or tape changes except during court recess. No additional lights should be used without the specific approval of the presiding judge.

4. *Decorum.* Camera operators should not move tripod-mounted cameras except during court recess. All broadcast equipment should be in place and ready to function no less than 15 minutes before the beginning of each session of court.

An accompanying set of "Illustrative Print Media Guidelines" contained substantially the same provisions from print media personnel. The only additional matters addressed were that still photographers should use cameras operating quietly and without a flash and they should not "assume body positions inappropriate for spectators."

Reviser's note: The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 05-01-041
RULES OF COURT
STATE SUPREME COURT
[December 6, 2004]

IN THE MATTER OF THE ADOPTION) ORDER
OF NEW CrR 4.11, NEW CrRLJ 4.11, AND) NO. 25700-A-804
AMENDMENTS TO CrR 4.6 AND CrRLJ)
4.6)

The Washington State Bar Association having recommended the adoption of proposed New CrR 4.11, New CrRLJ 4.11 and amendments to CrR 4.6 and CrRLJ 4.6, and the

MISC.

Court having approved the proposed new rules and amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed new rules and amendments as attached hereto are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2005.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the supreme Court by either U.S. Mail or Internet E-Mail by no later than April 29, 2005. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or Lisa.Bausch@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 2nd day of December 2004.

For the Court
Gerry L. Alexander
CHIEF JUSTICE

GR 9 COVER SHEET

**Proposal to Adopt a New Criminal Rule 4.11
Concerning Recording of Witness Interviews**

**Submitted by the Board of Governors of the Washington
State Bar Association**

Purpose: The proposed new rule clarifies that counsel in criminal cases, or their designees, may record witness interviews "by openly using an audiotape or other means of verbatim recording, including a court reporter." Recording will facilitate trial preparation in criminal cases where, under most circumstances, depositions either are not allowed or are not a financially viable option. In addition, a recording or transcript provides a more accurate record of witness statements for use at trial if the witness's testimony differs from the prior recorded statement. This should ameliorate problems encountered in proving a prior inconsistent statement by calling an investigator or other person who took notes and in cross examination regarding the integrity of the note taker and/or the accuracy of the notes.

The Board of Governors previously considered several earlier versions of this rule.

In 2003, an earlier version of the rule was remanded to the WSBA Court Rules and Procedures Committee to address concerns expressed regarding youth and victims of crime. The Committee concluded that a separate rule or exclusion should not be crafted to address particular crimes or categories of victims. Rather, the Committee drafted additional language regarding notice of the intent to record interviews of complaining witnesses and alleged victims and a provision proscribing dissemination of the tapes and transcripts of such statements. The proposed rule also provides

that a witness is entitled to a copy of the recording or a transcript, if made.

At the request of the Board of Governors, the Committee also drafted subsection (b) to ensure that witnesses know on whose behalf the interview is conducted and of their right to obtain a copy of the recording and transcript, if made.

A previous version of this rule was rejected because it provided that a witness could not object to the recording of the interview, and that recordings made consistent with the rule would "not be a violation of RCW 9.73.030." The Committee considered the statute at length and concluded that the recording of a witness statement as provided in this rule is not a "private conversation" under the statute. The word "openly" was inserted specifically to provide that surreptitious recording of an interview was not permissible. If the witness does not wish to give a recorded statement, the interviewer has the choice to continue without a verbatim recording or to seek a deposition under CrR 4.6. (See the companion suggested amendment to that rule.)

**CrR 4.11 INTERVIEWS OF WITNESSES
[proposed new rule]**

(a) **Recording of Witness Interviews.** Counsel for any party, or counsel's designee, may conduct witness interviews by openly using an audiotape or other means of verbatim recording, including a court reporter. Complaining witnesses, alleged victims, and opposing counsel shall receive 5 days' notice of the intent to record interviews of complaining witnesses and/or alleged victims. The notice shall state the method of recording. Copies of the tapes and transcripts of interviews of complaining witnesses and alleged victims shall not be disseminated by any party except as reasonably necessary to conduct the party's case. If requested, counsel shall promptly provide all other parties and the witness with a copy of the recording and transcript, if made. If the interview is recorded by a court reporter, any party or the witness may order a transcript thereof at the expense of the party or witness who orders the transcript. This rule shall not affect any other legal rights of the witness.

(b) **Preliminary Statement.** At the commencement of any recorded witness interview, the person conducting the interview shall confirm on the audiotape or recording that the witness has been provided the following information: (1) the name, address, and telephone number of the person conducting the interview; (2) the identity of the party represented by the person conducting the interview; and (3) that the witness may obtain a copy of the recording and transcript, if made.

GR 9 COVER SHEET

**Proposal to Adopt a New Criminal Rule for Courts of
Limited Jurisdiction 4.11 Concerning Recording of Wit-
ness Interviews**

**Submitted by the Board of Governors of the Washington
State Bar Association**

(C) **Purpose:** The new rule is proposed for the same reasons as stated in the purpose statement for proposed new CrR 4.11.

MISC.

CrRLJ 4.11 INTERVIEWS OF WITNESSES
[proposed new rule]

(a) Recording of Witness Interviews. Counsel for any party, or counsel's designee, may conduct witness interviews by openly using an audiotape or other means of verbatim recording, including a court reporter. Complaining witnesses, alleged victims, and opposing counsel shall receive 5 days' notice of the intent to record interviews of complaining witnesses and/or alleged victims. The notice shall state the method of recording. Copies of the tapes and transcripts of interviews of complaining witnesses and alleged victims shall not be disseminated by any party except as reasonably necessary to conduct the party's case. If requested, counsel shall promptly provide all other parties and the witness with a copy of the recording and transcript, if made. If the interview is recorded by a court reporter, any party or the witness may order a transcript thereof at the expense of the party or witness who orders the transcript. This rule shall not affect any other legal rights of the witness.

(b) Preliminary Statement. At the commencement of any recorded witness interview, the person conducting the interview shall confirm on the audiotape or recording that the witness has been provided the following information: (1) the name, address, and telephone number of the person conducting the interview; (2) the identity of the party represented by the person conducting the interview; and (3) that the witness may obtain a copy of the recording and transcript, if made.

GR 9 COVER SHEET

Proposal to Amend Criminal Rule 4.6
Concerning Depositions

Submitted by the Board of Governors of the Washington State Bar Association

Purpose: The amendment to section (a) is a companion to proposed new CrR 4.11. It would allow a party to request that the court order a deposition when a witness "does not agree to allow his or her interview by, or statement to, either counsel to be recorded by audiotape or other means of verbatim recording." Currently, the party must show that the witness "refuses to discuss the case with either counsel." Ordering a deposition is discretionary with the court, as the rule uses the language "may upon motion of a party..."

Even if the witness fails to agree to allow recording, the party seeking the deposition must still show that "such testimony is material and that it is necessary to take the witness's deposition in order to prevent a failure of justice."

CrR 4.6 DEPOSITIONS

[companion to proposed new CrR 4.11]

(a) When Taken. Upon a showing that a prospective witness may be unable to attend or prevented from attending a trial or hearing or if a witness refuses to discuss the case with either counsel or does not agree to allow his or her interview by, or statement to, either counsel to be recorded by audiotape or other means of verbatim recording, including a court reporter, and that his such testimony is material and that it is necessary to take his the witness's deposition in order to

prevent a failure of justice, the court at any time after the filing of an indictment or information may upon motion of a party and notice to the parties order that ~~his~~ the witness's testimony be taken by deposition and that any designated books, papers, documents or tangible objects, not privileged, be produced a the same time and place.

(b) - (e) Unchanged.

GR 9 COVER SHEET

Proposal to Amend Criminal Rule for Courts of Limited Jurisdiction 4.6
Concerning Depositions

Submitted by the Board of Governors of the Washington State Bar Association

Purpose: The amendment to section (a) is a companion to proposed new CrRLJ 4.11. It is proposed for the same reasons as stated in the purpose statement for the proposed amendment to CrR 4.6(a).

ATTACHMENT 5

CrRLJ 4.6 DEPOSITIONS

[companion to proposed new CrRLJ 4.11]

(a) When Taken. Upon a showing that a prospective witness may be unable to attend or prevented from attending a trial or hearing or if a witness refuses to discuss the case with either lawyer or does not agree to allow his or her interview by, or statement to, either lawyer to be recorded by audiotape or other means of verbatim recording, including a court reporter, and that ~~his or her~~ such testimony is material and that it is necessary to take ~~his or her~~ the witness's deposition in order to prevent a failure of justice, the court at any time after the filing of a complaint or citation and notice may upon motion of a party and notice to the parties order that ~~his or her~~ the witness's testimony be taken by deposition and that any designated books, papers, documents or tangible objects, not privileged, be produced a the same time and place.

(b) - (e) Unchanged.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 05-01-042

RULES OF COURT

STATE SUPREME COURT

[December 6, 2004]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENT TO APR 3) NO. 25700-A-805

The Washington State Bar Association having recommended the adoption of the proposed amendment to APR 3, and the Court having approved the proposed amendment for publication;

Now, therefore, it is hereby

MISC.

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed amendment as attached hereto is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2005.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 29, 2005. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or Lisa.Bausch@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 2nd day of December 2004.

For the Court
 Gerry L. Alexander

 CHIEF JUSTICE

GR 9 COVER SHEET

SUGGESTED AMENDMENT
ADMISSION TO PRACTICE RULES (APR)
APR 3. APPLICANTS TO TAKE THE BAR EXAMINATION

Submitted by the Board of Governors of the Washington State Bar Association

Purpose: Adopting this Admission to Practice Rule (APR) amendment will benefit the Washington legal, business and academic communities. The ability of international businesses to operate effectively from Washington, as part of the global economy, depends upon their ability to employ attorneys with comprehensive transnational and international legal knowledge and technical expertise in areas such as information technology, bio-technology and intellectual property rights. Permitting foreign attorneys who have received an LL.M. from an ABA-accredited law school to sit for the bar examination in Washington would remove procedural roadblocks to retaining that expertise within the State.

Washington has a long history and reputation as a center for high quality transnational and international legal education. Although the State's leading law schools recruit and educate outstanding foreign attorneys in their LL.M. programs, ineligibility to take the Washington Bar discourages enrollment in an LL.M. program in Washington and deters such outstanding attorneys from remaining in Washington after graduation. At present, the admission to practice rules in Washington allow such foreign attorneys to take the bar exam only after completion of the law clerk program or, in the case of common-law trained attorneys, after three years' practice in their home jurisdiction. The result is that, foreign attorneys who seek to work in Washington State, or who are recruited to do so, typically take the New York Bar Exam, which has an admission rule similar to this proposed amendment, as a prerequisite for employment. The proposed change addresses this anomalous situation enabling this small group of highly qualified, sought-after foreign attorneys, to take the bar examination in the State of Washington.

Most foreign attorneys taking an LL.M. program in the U.S. seek training in U.S. law as well as advanced education in a specialized field such as intellectual property. There is no uniform curriculum for LL.M. programs, but the overwhelming number of LL.M. programs requires completion of mandatory courses such as "Introduction to U.S. Law" and "Legal Analysis and Writing". Beyond these courses, students typically choose to take, or are required by the law school to take, a range of JD courses in U.S. law such as secured transactions, corporations, antitrust, bankruptcy, sales and administrative law.

The proposed rule change to APR 3 does not seek to prescribe a minimum number of U.S. law courses within the LL.M., on the basis that both LL.M. program design and the realities of practice require foreign attorneys to take more than the minimum required.

Allowing highly capable foreign attorneys with U.S. LL.M. degrees the opportunity to sit for the Washington bar examination would directly benefit Washington business, the legal profession and our higher education institutions. Adoption of these revisions to APR 3 will eliminate what has amounted to an unfair burden on this group of highly skilled and motivated students and practitioners, enabling them to sit for the Bar and, upon successful completion of its rigorous requirements, to practice law and contribute to Washington State.

SUGGESTED AMENDMENT
ADMISSION TO PRACTICE RULES (APR)
APR 3. APPLICANTS TO TAKE THE BAR EXAMINATION

(a) **Prerequisite for Admission.** [No change]

(b) **Qualification for Bar Examination.** To qualify to sit for the bar examination, a person must present satisfactory proof of either (i) graduation from a law school approved by the Board of Governors, or (ii) completion of the law clerk program prescribed by these rules, or (iii) admission to the practice of law by examination, together with current good standing, in any state or territory of the United States or the District of Columbia or any jurisdiction where the common law of England is the basis of its jurisprudence, and active legal experience for at least 3 of the 5 years immediately preceding the filing of the application. "Active legal experience" shall mean experience either in the active practice of law, or as a teacher at an approved law school, or as a judge of a court of general or appellate jurisdiction, or any combination thereof, in a state or territory of the United States or in the District of Columbia or in any jurisdiction where the common law of England is the basis of its jurisprudence or (iv) successful completion of legal studies in a country other than the United States from a law school that is recognized by a competent accrediting agency in that country as qualified and approved, and successful completion of an LL.M. program consisting of at least 20 credit hours or the equivalent in an American Bar Association approved law school in the United States.

(c) **Exceptions.** [No change]

(d) **Forms; fees; filing.** [No change]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The typographical error in the above material occurred in the copy filed by the State Supreme Court and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 05-01-043
RULES OF COURT
STATE SUPREME COURT
 [Filed December 6, 2004, 9:49 a.m.]

IN THE MATTER OF THE ADOPTION) ORDER
 OF THE AMENDMENTS TO CRLJ 26) NO. 25700-A-806
 AND CrRLJ 3.2)

The District and Municipal Court Judges' Association having recommended the adoption of the proposed amendments to CRLJ 26 and CrRLJ 3.2, and the Court having approved the proposed amendments for publication;

Now, therefore, it is hereby
 ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed amendments as attached hereto are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2005.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 29, 2005. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or Lisa.Bausch@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 2nd day of December 2004.

For the Court
 Gerry L. Alexander

 CHIEF JUSTICE

GR 9 COVER SHEET
CIVIL RULES FOR COURTS OF LIMITED JURISDICTION (CRLJ)
RULE 26. DISCOVERY

Purpose: Two changes are proposed to the discovery rules for the courts of limited jurisdiction. First of all, the number of depositions of persons other than parties that a party may take as a matter of right would be increased from one to two.

It is also proposed that parties be allowed to serve up to 15 requests for admissions on other parties without prior permission of the court. The requests for admissions would be required to follow the requirements of CR 36, which sets forth the procedure for admissions in the superior court. At present, parties in the courts of limited jurisdiction have no right to serve requests for admission on other parties. Requests for admissions are a very useful tool in narrowing the factual issues in dispute between parties prior to trial.

These changes would broaden the accessibility of the district courts to civil litigation. Having more civil cases

filed in the district court helps relieve congestion in the superior courts. Allowing additional discovery in district court cases should not result in an additional burden on the courts, and may result in more efficiency, since the parties will be able to conduct additional discovery as a matter of right, rather than having to request permission from the court.

Suggested Changes
CIVIL RULES FOR COURTS OF LIMITED JURISDICTION (CRLJ)
RULE 26. DISCOVERY

Discovery in courts of limited jurisdiction shall be permitted as follows:

(a) **Specification of Damages.** A party may demand a specification of damages under RCW 4.28.360.

(b) **Interrogatories and Requests for Production.**

(1) The following interrogatories may be submitted by any party:

(A) State the amount of general damages being claimed.

(B) State each item of special damages being claimed and the amount thereof.

(C) List the name, address, and telephone number of each person having any knowledge of facts regarding liability.

(D) List the name, address and telephone number of each person having any knowledge of facts regarding the damages claimed.

(E) List the name, address, and telephone number of each expert you intend to call as a witness at trial. For each expert, state the subject matter on which the expert is expected to testify. State the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

(2) In addition to section (b)(1), any party may serve upon any other party not more than two sets of written interrogatories containing not more than 20 questions per set without prior permission of the court. Separate sections, paragraphs or categories contained within one interrogatory shall be considered separate questions for the purpose of this rule. The interrogatories shall conform to the provisions of CR 33.

(3) The following requests for production may be submitted by any party:

(A) Produce a copy of any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of any judgment which may be entered in this action, or to indemnify or reimburse the payments made to satisfy the judgment.

(B) Produce a copy of any agreement, contract or other document upon which this claim is being made.

(C) Produce a copy of any bill or estimate for items for which special damage is being claimed.

(4) In addition to section (b)(3), any party may submit to any other party a request for production of up to five separate sets of groups of documents or things without prior permission of the court. The requests for production shall conform to the provisions of CR 34.

(c) **Depositions.**

(1) A party may take the deposition of any other party, unless the court orders otherwise.

MISC.

(2) Each party may take the deposition of ~~one~~ two additional persons without prior permission of the court. The deposition shall conform to the provisions of CR 30.

(d) Requests for Admission

(1) A party may serve upon any other party up to 15 written requests for admission without prior permission of the court. Separate sections, paragraphs or categories contained within one request for admission shall be considered separate requests for purposes of this rule.

(2) The requests for admission shall conform to the provisions of CR 36.

(e) Other Discovery at Discretion of Court. No additional discovery shall be allowed, except as the court may order. The court shall have discretion to decide whether to permit any additional discovery. In exercising such discretion the court shall consider (1) whether all parties are represented by counsel, (2) whether undue expense or delay in bringing the case to trial will result and (3) whether the interests of justice will be promoted.

(f) How Discovery to Be Conducted. Any discovery authorized pursuant to this rule shall be conducted in accordance with Superior Court Civil Rules 26 through 37, as governed by CRLJ 26.

(g) Time for Discovery. Twenty-one days after the service of the summons and complaint, or counterclaim, or cross-complaint, the served party may demand the discovery set forth in sections (a)—(e) ~~(d)~~ (e) of this rule, or request additional discovery pursuant to section ~~(d)~~ (e) of this rule. Unless agreed by the parties and with the permission of the court, all discovery shall be completed within 60 days of the demand, or 90 days of service of the summons and complaint, or counterclaim, or cross complaint, whichever is longer.

GR 9 COVER SHEET
CrRLJ 3.2 (o), (r) - (u)
RELEASE OF ACCUSED

Purpose: In 2003, the legislature increased the public safety and education assessment (PSEA) from 60% and 30% to 70% and 35%, pursuant to RCW 3.62.090. The suggested rule changes in CrRLJ 3.2 (r) through (u) increase the amount shown for the PSEA for the forfeitable offenses listed in the rule to correspond to the statute.

The suggested rule change in subsection (o) deletes a reference to a section of the Washington Administrative Code that has been repealed.

CRIMINAL RULES FOR COURTS OF LIMITED JURISDICTION
(CrRLJ)
RULE 3.2 RELEASE OF ACCUSED

If the court does not find, or a court has not previously found, probable cause, the accused shall be released without conditions:

(a) through (n) [No change.]

(o) Bail in Criminal Offense Cases—Mandatory Appearance.

(1) When required to reasonably assure appearance in court, bail for a person arrested for the following criminal offenses listed in this rule or comparable ordinances shall be the amount listed in this rule. In an individual case and after hearing the court for good cause recited in a written order may set a different bail amount.

(2) A court may adopt a local rule requiring that persons subjected to custodial arrest for a certain class of offenses be held until they have appeared before a judge.

(3) Forfeiture of bail shall not constitute a final disposition for a mandatory offense or comparable ordinance without a written order of the court showing the reasons. The order may be a simple docket entry. If the court allows forfeiture of bail for a mandatory offense, it may accept bail in an amount no less than that set forth in these rules as full payment including all statutory assessments.

		Bail
1.	Driving while under the influence; physical control (RCW 46.61.502; 46.52.100; 46.61.504)	\$500
2.	Driving while under the influence—nonhighway vehicle or snowmobile (RCW 46.09.120(2))	\$500
3.	Operating nonhighway vehicle or snowmobile so as to endanger human life, etc. (RCW 46.09.130; 46.10.130)	\$500
4.	No valid driver's license (without identification) (RCW 46.20.021)	\$475
5.	Unlawful possession or use of a driver's license (RCW 46.20.0921)	\$100
6.	Driving while license suspended or revoked in the first, second and third degrees (RCW 46.20.342)	\$500
7.	Violating occupational license restrictions (RCW 46.20.410)	\$200
8.	Financial responsibility suspension (RCW 46.29.610, .620)	\$100
9.	Transporting dangerous articles (RCW 46.48.175)	\$500
10.	Unattended hit and run (RCW 46.52.010)	\$250
11.	Attended hit and run (RCW 46.52.020)	\$500
12.	Reports of repairs, concealing evidence (RCW 46.52.090)	\$500
13.	Confidentiality of driving records (RCW 46.52.130)	\$500
14.	Failure to obey police officer, flagger, or fire fighter (RCW 46.61.015)	\$250
15.	Failure to cooperate with or give information to police officer (RCW 46.61.020)	\$100
16.	Failure to stop and give information (RCW 46.61.022)	\$100
17.	Reckless driving (RCW 46.61.500)	\$500
18.	Racing (RCW 46.61.530)	\$500
19.	Leaving children unattended (RCW 46.61.685)	\$250
20.	Failure to respond or appear (RCW 46.64.020)	\$250
21.	Unfair motor vehicle business practices (RCW 46.70.170)	\$250
22.	Unlawful operation of for hire vehicles (RCW 46.72.100)	\$250
23.	Motor vehicle wreckers (RCW 46.80.170)	\$500
24.	Driving training schools (RCW 46.82.390)	\$250
25.	First Degree Negligent Driving (RCW 46.61.525)	\$250

(p) through (q) [No change.]

(r) Forfeitable Wildlife and Fisheries Offenses. The following offenses shall be forfeitable as a final disposition, in the amounts listed, to include statutory assessments:

MISC.

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:

RCW	WAC	TITLE	BAIL	70% PSEA	35% PSEA	TOTAL
77.15.120.1		Take endangered fish or wildlife, 2nd degree (Mandatory appearance, GM)	\$263	\$184.10	\$92.05	\$540
	232-12-275	Wildlife rehabilitation	\$79	\$55.30	\$27.65	\$162
77.15.120.2		Take endangered fish or wildlife, 1st degree (Mandatory appearance, F)	\$1,316	\$921.20	\$460.60	\$2,698
77.15.130		Take protected fish or wildlife (M)	\$132	\$92.40	\$46.20	\$271
	232-12-064	Live wildlife	\$263	\$184.10	\$92.05	\$540
	232-12-117	Raptor marking	\$79	\$55.30	\$27.65	\$162
	232-12-121	Raptor reporting	\$79	\$55.30	\$27.65	\$162
	232-12-129	Captive raptor propagation	\$79	\$55.30	\$27.65	\$162
	232-12-275	Wildlife rehabilitation	\$79	\$55.30	\$27.65	\$162
77.15.140		Take unclassified fish or wildlife (M)	\$53	\$37.10	\$18.55	\$109
	232-12-055	Hunter orange	\$53	\$37.10	\$18.55	\$109
	232-12-064	Live wildlife	\$263	\$184.10	\$92.05	\$540
	232-12-077	Possession without statement	\$79	\$55.30	\$27.65	\$162
	232-12-242	Hunt wildlife during deer or elk season	\$132	\$92.40	\$46.20	\$271
	232-12-275	Wildlife rehabilitation	\$79	\$55.30	\$27.65	\$162
77.15.150		Use poisons or explosives (Mandatory appearance, GM)	\$789	\$552.30	\$276.15	\$1,618
77.15.160.1		Catch record card (I)	\$39	\$27.30	\$13.65	\$80
77.15.160.2		Use barbed hooks (I)	\$39	\$27.30	\$13.65	\$80
77.15.160.3		Rule of commission or director designated as infraction (I)	\$39	\$27.30	\$13.65	\$80
77.15.170.1		Wastage 2nd degree (M)	\$132	\$92.40	\$46.20	\$271
77.15.170.2		Wastage 1st degree (Mandatory appearance, GM)	\$263	\$184.10	\$92.05	\$540
77.15.180.1		Interfere with fishing/hunting gear 2nd degree (M)	\$184	\$128.80	\$64.40	\$378
77.15.180.3		Interfere with fishing/hunting gear 1st degree (Mandatory appearance, GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.190		Trapping violations (M) (Includes pamphlet violations)	\$53	\$37.10	\$18.55	\$109
	232-12-024	Sealing pelts	\$79	\$55.30	\$27.65	\$162
	232-12-24402	Colville Reservation – hunting or trapping	\$184	\$128.80	\$64.40	\$378
77.15.210		Obstruct taking of fish or wildlife (Mandatory appearance, GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.220		Posting signs (M)	\$132	\$92.40	\$46.20	\$271
77.15.230		Use of department lands (M)	\$132	\$92.40	\$46.20	\$271
	232-12-177	Vehicle operation on department lands	\$53	\$37.10	\$18.55	\$109
	232-12-187	Access area use	\$53	\$37.10	\$18.55	\$109
	232-12-254	Litter on department lands	\$53	\$37.10	\$18.55	\$109
77.15.240		Use of dog (M)	\$132	\$92.40	\$46.20	\$271
77.15.250.1		Release of fish or wildlife (Mandatory appearance, GM)	\$263	\$184.10	\$92.05	\$540
77.15.250.2		Release of deleterious exotic fish or wildlife (Mandatory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.15.260.1		Trafficking 2nd degree (GM)	\$184	\$128.80	\$64.40	\$378
77.15.260.2		Trafficking 1st degree (Mandatory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.15.270		False reporting (GM)	\$184	\$128.80	\$64.40	\$378
77.15.280		Report fish or wildlife harvest (M)	\$53	\$37.10	\$18.55	\$109
77.15.290.1		Transport of fish or wildlife 2nd degree (M)	\$184	\$128.80	\$64.40	\$378
	232-12-021	Importation of wildlife	\$184	\$128.80	\$64.40	\$378
	232-12-061	Fail to tag	\$184	\$128.80	\$64.40	\$378
	232-12-224	Off-reservation possession of wildlife	\$184	\$128.80	\$64.40	\$378
RCW	WAC	TITLE	BAIL	70% PSEA	35% PSEA	TOTAL
77.15.290.2		Transport of fish or wildlife 1st degree (Mandatory appearance, GM)	\$789	\$552.30	\$276.15	\$1,618

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	232-12-021	Importation of wildlife	\$184	\$128.80	\$64.40	\$378
	232-12-061	Fail to tag	\$184	\$128.80	\$64.40	\$378
	232-12-224	Off – reservation possession of wildlife	\$184	\$128.80	\$64.40	\$378
77.15.300		Hydraulic project activity (Mandatory appearance, GM)	\$789	\$552.30	\$276.15	\$1,618
77.15.310		Fish guard on water diversion (Mandatory appearance, GM)	\$789	\$552.30	\$276.15	\$1,618
77.15.320		Fishway (Mandatory appearance, GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.330		Hunting or fishing contest (M)	\$132	\$92.40	\$46.20	\$271
	232-12-041	Field trial permit	\$79	\$55.30	\$27.65	\$162
	232-12-168	Fishing contests conditions	\$79	\$55.30	\$27.65	\$162
	232-12-169	Hunting contests conditions	\$79	\$55.30	\$27.65	\$162
77.15.340		Game farm operation (GM)	\$263	\$184.10	\$92.05	\$540
	232-12-031	Game farm invoice	\$79	\$55.30	\$27.65	\$162
77.15.350		Aquatic farms – inspection and disease control (M)	\$263	\$184.10	\$92.05	\$540
77.15.360		Interfere with department operations (GM)	\$263	\$184.10	\$92.05	\$540
77.15.370.1.a		Recreational fishing 1st degree (GM)	\$184	\$128.80	\$64.40	\$378
77.15.370.1.b		Fish in fishway (GM)	\$263	\$184.10	\$92.05	\$540
77.15.370.1.c		Shoot, gaff, snag fish (GM)	\$263	\$184.10	\$92.05	\$540
77.15.380		Recreational fishing 2nd degree (M)	\$53	\$37.10	\$18.55	\$109
	220-20-025.1	Razor clam beds, driving on	\$39	\$27.30	\$13.65	\$80
	220-20-025.2	Crab, soft shell	\$39	\$27.30	\$13.65	\$80
		+\$10 each crab over 1	\$0	\$0	\$0	\$0
	220-56-145.1	Dolly Vardon/bull trout or sturgeon mutilation	\$79	\$55.30	\$27.65	\$162
		+\$50 each fish over 1	\$0	\$0	\$0	\$0
	220-56-145.2	Recreational salmon, mutilation	\$79	\$55.30	\$27.65	\$162
		+\$50 each fish over 1	\$0	\$0	\$0	\$0
	220-56-145.3	Recreational bottomfish, mutilation	\$53	\$37.10	\$18.55	\$109
		+\$50 each fish over 1	\$0	\$0	\$0	\$0
	220-56-180.8	Recreational salmon, possession, each fish	\$79	\$55.30	\$27.65	\$162
	220-56-190.1-6	Recreational salmon, over limit, each fish	\$79	\$55.30	\$27.65	\$162
	220-56-190.7	Recreational salmon, illegal size	\$79	\$55.30	\$27.65	\$162
		+\$50 each fish over 1	\$0	\$0	\$0	\$0
	220-56-191	Recreational salmon, Puget Sound, undersize	\$79	\$55.30	\$27.65	\$162
		+\$50 each fish over 1	\$0	\$0	\$0	\$0
	220-56-191.1-9	Recreational salmon, Puget Sound, over limit, each fish	\$79	\$55.30	\$27.65	\$162
	220-56-215	Recreational salmon, snagged, each fish	\$79	\$55.30	\$27.65	\$162
	220-56-220	Recreational salmon, eggs	\$132	\$92.40	\$46.20	\$271
	220-56-235	Recreational bottomfish, over limit	\$53	\$37.10	\$18.55	\$109
		+\$25 each fish over 1	\$0	\$0	\$0	\$0
	220-56-240.1	Recreational sturgeon, size or limit (Mandatory appearance)	\$263	\$184.10	\$92.05	\$540
	220-56-240.2	Recreational forage fish, over limit	\$39	\$27.30	\$13.65	\$80
		+\$2 each pound of fish over 10lbs.	\$0	\$0	\$0	\$0
	220-56-245	Recreational bottomfish, halibut, over limit, each fish	\$79	\$55.30	\$27.65	\$162
	220-56-255	Recreational bottomfish, halibut, undersize, each fish	\$79	\$55.30	\$27.65	\$162
	220-56-295.1	Recreational sturgeon, remove roe (Mandatory appearance)	\$526	\$368.20	\$184.10	\$1,079
	220-56-310.1	Recreational clams, over limit	\$39	\$27.30	\$13.65	\$80
		+\$2 each clam over limit	\$0	\$0	\$0	\$0
	220-56-310.2	Recreational razor clam, over limit, 1-15	\$26	\$18.20	\$9.10	\$54
		+\$10 each clam over 30	\$0	\$0	\$0	\$0
	220-56-310.3	Recreational geoduck, over limit	\$53	\$37.10	\$18.55	\$109
		+\$50 each geoduck over 4	\$0	\$0	\$0	\$0
	220-56-310.4	Recreational clams, horse clams over limit	\$39	\$27.30	\$13.65	\$80
		+\$25 each clam over 8	\$0	\$0	\$0	\$0

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RCW	WAC	TITLE	BAIL	70% PSEA	35% PSEA	TOTAL
	220-56-310.5	Recreational oysters, over limit +\$10 each oyster over 19	\$26 \$0	\$18.20 \$0	\$9.10 \$0	\$54
	220-56-310.6	Recreational scallops, over limit Rock scallops +\$10 each over 13	\$39 \$0	\$27.30 \$0	\$13.65 \$0	\$80
	220-56-310.7	Recreational scallops, over limit sea scallops +\$10 each over 13	\$39 \$0	\$27.30 \$0	\$13.65 \$0	\$80
	220-56-310.8	Recreational scallops, over limit pink scallops +\$10 each full pound or quart over first limit	\$39 \$0	\$27.30 \$0	\$13.65 \$0	\$80
	220-56-310.9	Recreational shrimp, over limit +\$50 each full limit over 2 limits	\$39 \$0	\$27.30 \$0	\$13.65 \$0	\$80
	220-56-310.10	Recreational octopus, over limit +\$50 each octopus over 3	\$53 \$0	\$37.10 \$0	\$18.55 \$0	\$109
	220-56-310.11	Recreational abalone, possess +\$150 each abalone over 1	\$79 \$0	\$55.30 \$0	\$27.65 \$0	\$162
	220-56-310.12	Recreational crawfish, over limit +\$25 each full limit over 2 limits	\$39 \$0	\$27.30 \$0	\$13.65 \$0	\$80
	220-56-310.13	Recreational squid, over limit +\$50 for any amount over 10 pounds above limit	\$39 \$0	\$27.30 \$0	\$13.65 \$0	\$80
	220-56-310.14	Recreational sea cucumber, over limit +\$10 each over 26	\$39 \$0	\$27.30 \$0	\$13.65 \$0	\$80
	220-56-310.15	Recreational red sea urchin, over limit +\$10 each urchin over 19	\$39 \$0	\$27.30 \$0	\$13.65 \$0	\$80
	220-56-310.16	Recreational purple sea urchin, over limit +\$10 each urchin over 19	\$39 \$0	\$27.30 \$0	\$13.65 \$0	\$80
	220-56-310.17	Recreational green urchin, over limit +\$10 each urchin over 37	\$39 \$0	\$27.30 \$0	\$13.65 \$0	\$80
	220-56-310.18	Recreational Dungeness crab, over limit, 1-6 crabs +\$25 each crab over 6	\$39 \$0	\$27.30 \$0	\$13.65 \$0	\$80
	220-56-310.19	Recreational red rock crab, over limit, 1-6 crabs +\$25 each crab over 6	\$39 \$0	\$27.30 \$0	\$13.65 \$0	\$80
	220-56-310.20	Recreational mussels, over limit +\$50 each full 10lbs. over 20lbs.	\$39 \$0	\$27.30 \$0	\$13.65 \$0	\$80
	220-56-310.21	Recreational barnacles, over limit +\$50 each full 10lbs. over 2 limits	\$39 \$0	\$27.30 \$0	\$13.65 \$0	\$80
	220-56-310.23	Recreational King or box crab, possess +\$150 each over 1	\$79 \$0	\$55.30 \$0	\$27.65 \$0	\$162
	220-56-335	Recreational crab, 1-6 crabs +\$25 each crab over 6	\$39 \$0	\$27.30 \$0	\$13.65 \$0	\$80
	220-56-355.2	Recreational geoduck, neck only +\$50 each neck over 1	\$53 \$0	\$37.10 \$0	\$18.55 \$0	\$109
	220-56-355.3	Recreational clams, undersize +\$2 each clam over 1	\$39 \$0	\$27.30 \$0	\$13.65 \$0	\$80
	220-56-365	Recreational razor clam, fail to retain	\$39	\$27.30	\$13.65	\$80
	220-56-385	Recreational oysters, retain shell +\$10 each shell over 1	\$26 \$0	\$18.20 \$0	\$9.10 \$0	\$54
	220-56-400	Recreational abalone, possess +\$150 each over 1 abalone	\$79 \$0	\$55.30 \$0	\$27.65 \$0	\$162
	232-12-064	Live wildlife	\$263	\$184.10	\$92.05	\$540
	232-12-077	Possession without statement	\$79	\$55.30	\$27.65	\$162
	232-12-151	Fly fishing rules	\$79	\$55.30	\$27.65	\$162
	232-12-164	Fishing near dams	\$132	\$92.40	\$46.20	\$271
77.15.390		Seaweed (M)	\$53	\$37.10	\$18.55	\$109
77.15.400.1		Wild birds 2nd degree (M)	\$79	\$55.30	\$27.65	\$162
	232-12-044	Game bird marking requirements	\$79	\$55.30	\$27.65	\$162
	232-12-047	Unlawful firearm	\$79	\$55.30	\$27.65	\$162
	232-12-055	Hunter orange	\$53	\$37.10	\$18.55	\$109
	232-12-061	Fail to tag	\$184	\$128.80	\$64.40	\$378
	232-12-064	Live wildlife	\$263	\$184.10	\$92.05	\$540
	232-12-068	Nontoxic shot	\$53	\$37.10	\$18.55	\$109

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RCW	WAC	TITLE	BAIL	70% PSEA	35% PSEA	TOTAL
	232-12-077	Possession without statement	\$79	\$55.30	\$27.65	\$162
	232-12-24402	Colville Reservation – hunting or trapping	\$184	\$128.80	\$64.40	\$378
	232-12-264	Bait game birds	\$263	\$184.10	\$92.05	\$540
	232-12-267.1	Field identification of game birds	\$53	\$37.10	\$18.55	\$109
	232-12-275	Wildlife rehabilitation	\$79	\$55.30	\$27.65	\$162
	232-12-291	Hunt before or after hours	\$79	\$55.30	\$27.65	\$162
	232-12-828	Disabled hunter/companion violation	\$79	\$55.30	\$27.65	\$162
77.15.400.2		Wild birds 1st degree (GM)	\$132	\$92.40	\$46.20	\$271
77.15.410.1		Big game animal 2nd degree (GM)	\$263	\$184.10	\$92.05	\$540
	232-12-047	Unlawful firearm	\$79	\$55.30	\$27.65	\$162
	232-12-051	Muzzleloading firearms	\$79	\$55.30	\$27.65	\$162
	232-12-054	Unlawful archery	\$79	\$55.30	\$27.65	\$162
	232-12-055	Hunter orange	\$53	\$37.10	\$18.55	\$109
	232-12-064	Live wildlife	\$263	\$184.10	\$92.05	\$540
	232-12-077	Possession without statement	\$79	\$55.30	\$27.65	\$162
	232-12-24402	Colville Reservation – hunting or trapping	\$184	\$128.80	\$64.40	\$378
	232-12-267.2	Field identification of big game	\$184	\$128.80	\$64.40	\$378
	232-12-267.3	Field identification of big game with horn or antler	\$263	\$184.10	\$92.05	\$540
	232-12-275	Wildlife rehabilitation	\$79	\$55.30	\$27.65	\$162
	232-12-291	Hunt before or after hours	\$79	\$55.30	\$27.65	\$162
	232-12-828	Disabled hunter/companion violation	\$79	\$55.30	\$27.65	\$162
77.15.410.2		Big game animal 1st degree (Mandatory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.15.430.1		Wild animals 2nd degree (M)	\$79	\$55.30	\$27.65	\$162
	232-12-055	Hunter orange	\$53	\$37.10	\$18.55	\$109
	232-12-064	Live wildlife	\$263	\$184.10	\$92.05	\$540
	232-12-077	Possession without statement	\$79	\$55.30	\$27.65	\$162
	232-12-242	Hunt during modern firearm deer/elk season	\$132	\$92.40	\$46.20	\$271
	232-12-24402	Colville Reservation – hunting or trapping	\$184	\$128.80	\$64.40	\$378
	232-12-275	Wildlife rehabilitation	\$79	\$55.30	\$27.65	\$162
	232-12-291	Hunt before or after hours	\$79	\$55.30	\$27.65	\$162
	232-12-828	Disabled hunter/companion violation	\$79	\$55.30	\$27.65	\$162
77.15.430.2		Wild animals 1st degree (M)	\$132	\$92.40	\$46.20	\$271
77.15.440		Use of weapon/dog/trap on game reserve (M)	\$132	\$92.40	\$46.20	\$271
77.15.450.1		Spotlighting big game 2nd degree (GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.450.2		Spotlighting big game 1st degree (Mandatory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.15.460		Loaded firearm in vehicle (M)	\$132	\$92.40	\$46.20	\$271
77.15.470		Avoid check station (GM)	\$263	\$184.10	\$92.05	\$540
77.15.500.1		Commercial fish without license 2nd degree (GM)	\$0	\$0	\$0	
		Limited entry	\$1,053	\$737.10	\$368.55	\$2,159
		Non-limited entry	\$526	\$368.20	\$184.10	\$1,079
77.15.500.1.b		Commercial fish without license 2nd degree (GM)	\$0	\$0	\$0	
		Alternate operator	\$263	\$184.10	\$92.05	\$540
77.15.500.2		Commercial fish without license 1st degree (Mandatory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.15.510		Commercial fish guide/charter (GM)	\$1,053	\$737.10	\$368.55	\$2,159
77.15.530.1		Non-designated vessel (Mandatory appearance, GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.530.4		Non-designated vessel same day (Mandatory appearance, F)	\$1,053	\$737.10	\$368.55	\$2,159
77.15.540		Use of commercial fish license (M)	\$79	\$55.30	\$27.65	\$162
	220-20-050.1,2	Vessel registration decal display	\$53	\$37.10	\$18.55	\$109
	220-20-050.3	Salmon angler decal display	\$53	\$37.10	\$18.55	\$109
	220-20-051.4	Affix registration/documentation numbers	\$53	\$37.10	\$18.55	\$109
77.15.550.1		Commercial fish area or time 2nd degree (GM)	\$789	\$552.30	\$276.15	\$1,618

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RCW	WAC	TITLE	BAIL	70% PSEA	35% PSEA	TOTAL
	220-20-010.12	Salmon through power block, each fish	\$79	\$55.30	\$27.65	\$162
	220-20-010.13	Mutilate food fish, each fish	\$79	\$55.30	\$27.65	\$162
	220-20-015.3	Commercial salmon, undersize +\$50 each fish over 1	\$79 \$0	\$55.30 \$0	\$27.65 \$0	\$162
	220-20-015.3.b	Commercial salmon, dressed fish +\$50 each fish over 1	\$79 \$0	\$55.30 \$0	\$27.65 \$0	\$162
	220-20-016.1	Commercial salmon, take home limit, each fish	\$79	\$55.30	\$27.65	\$162
	220-20-016.2	Sell salmon to unauthorized buyer +\$150 each fish over 1	\$263 \$0	\$184.10 \$0	\$92.05 \$0	\$540
	220-20-020.1	Commercial sturgeon, illegal size, undersized each fish Oversized, each fish (Mandatory appearance)	\$79 \$263	\$55.30 \$184.10	\$27.65 \$92.05	\$162 \$540
	220-20-020.5	Commercial bottomfish, undersized flounder +\$50 each fish over 1	\$53 \$0	\$37.10 \$0	\$18.55 \$0	\$109
	220-20-021.1.a	Commercial sturgeon, exceed limit +\$50 each fish over 1	\$79 \$0	\$55.30 \$0	\$27.65 \$0	\$162
	220-20-021.1.c	Sale of sturgeon eggs (Mandatory appearance)	\$1,053	\$737.10	\$368.55	\$2,159
	220-20-021.2	Purchase sturgeon eggs (Mandatory appearance)	\$1,053	\$737.10	\$368.55	\$2,159
	220-20-025.2	Commercial crab, soft shell	\$132	\$92.40	\$46.20	\$271
	220-20-025.3	Commercial crab, back shell	\$132	\$92.40	\$46.20	\$271
	220-33-020.3	Commercial sturgeon, illegal size (Mandatory appearance)	\$263	\$184.10	\$92.05	\$540
	220-33-020.4	Commercial sturgeon, over limit, each fish	\$79	\$55.30	\$27.65	\$162
	220-33-020.5	Commercial sturgeon, remove eggs	\$132	\$92.40	\$46.20	\$271
	220-33-020.6	Commercial sturgeon, remove head or tail, each fish	\$79	\$55.30	\$27.65	\$162
	220-36-031.2	Commercial sturgeon, illegal size (Mandatory appearance)	\$263	\$184.10	\$92.05	\$540
	220-36-031.3	Commercial sturgeon, closed season +\$150 each fish over 1	\$263 \$0	\$184.10 \$0	\$92.05 \$0	\$540
	220-40-031.2	Commercial sturgeon, illegal size (Mandatory appearance)	\$263	\$184.10	\$92.05	\$540
	220-40-031.3	Commercial sturgeon, closed season +\$150 each fish over 1	\$263 \$0	\$184.10 \$0	\$92.05 \$0	\$540
	220-44-050	Commercial bottomfish, catch limit +\$500 each additional 10% over limit	\$263 \$0	\$184.10 \$0	\$92.05 \$0	\$540
	220-44-050.3	Commercial bottomfish, undersized lingcod +\$50 each fish over 1	\$79 \$0	\$55.30 \$0	\$27.65 \$0	\$162
	220-47-401	Chinook salmon using reef net gear +\$50 each fish over 1	\$79 \$0	\$55.30 \$0	\$27.65 \$0	\$162
	220-48-005.1	Commercial bottomfish, undersized sole +\$50 each fish over 1	\$79 \$0	\$55.30 \$0	\$27.65 \$0	\$162
	220-48-005.3	Commercial bottomfish, lingcod, closed area +\$50 each fish over 1	\$79 \$0	\$55.30 \$0	\$27.65 \$0	\$162
	220-48-005.4	Commercial bottomfish, lingcod, illegal size +\$50 each fish over 1	\$79 \$0	\$55.30 \$0	\$27.65 \$0	\$162
	220-48-005.5	Commercial bottomfish, lingcod, closed time +\$50 each fish over 1	\$79 \$0	\$55.30 \$0	\$27.65 \$0	\$162
	220-48-005.6	Commercial bottomfish, retain shellfish	\$132	\$92.40	\$46.20	\$271
	220-48-005.7.b	Commercial bottomfish, retain salmon or sturgeon +\$50 each fish over 1	\$79 \$0	\$55.30 \$0	\$27.65 \$0	\$162
	220-48-005.7.c	Commercial bottomfish, retain shellfish	\$132	\$92.40	\$46.20	\$271
	220-48-005.7.d	Commercial bottomfish, whiting +\$50 each fish over 1	\$53 \$0	\$37.10 \$0	\$18.55 \$0	\$109
	220-48-052.2	Commercial bottomfish, fish for possess salmon, each fish	\$79	\$55.30	\$27.65	\$162
	220-52-019.5	Commercial geoduck, neck or siphon +\$50 for each geoduck over 1	\$79 \$0	\$55.30 \$0	\$27.65 \$0	\$162
	220-52-019.9	Commercial geoduck, processing (Mandatory appearance)	\$789	\$552.30	\$276.15	\$1,618

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RCW	WAC	TITLE	BAIL	70% PSEA	35% PSEA	TOTAL
	220-52-040.3	Commercial crab, undersized or female +\$50 each crab over 1	\$132 \$0	\$92.40 \$0	\$46.20 \$0	\$271
	220-52-043.6	Commercial crab, incidental catch	\$132	\$92.40	\$46.20	\$271
	220-52-050.1.c	Commercial shrimp, exceed count	\$526	\$368.20	\$184.10	\$1,079
	220-52-050.1.d	Commercial shrimp, incidental catch, each fish	\$79	\$55.30	\$27.65	\$162
	220-52-050.1.e	Commercial shrimp, incidental catch of shellfish	\$132	\$92.40	\$46.20	\$271
	220-52-060.1.c	Commercial crawfish, undersized or female	\$79	\$55.30	\$27.65	\$162
	220-52-068.4	Commercial scallops, incidental catch	\$132	\$92.40	\$46.20	\$271
	220-52-069.2.a.ii	Commercial scallops, undersized +\$25 each scallop over 1	\$53 \$0	\$37.10 \$0	\$18.55 \$0	\$109
	220-52-069.2.a.iv	Commercial scallops, retain other foodfish or shell- fish	\$132	\$92.40	\$46.20	\$271
	220-52-071.3.c	Commercial sea cucumbers, possess geoduck, each geoduck	\$79	\$55.30	\$27.65	\$162
	220-52-073.2	Commercial sea urchins, illegal size \$25 each sea urchin over 1	\$53 \$0	\$37.10 \$0	\$18.55 \$0	\$109
	220-52-073.3.d	Commercial sea urchins, purple sea urchin, each urchin	\$53	\$37.10	\$18.55	\$109
	220-52-073.3.g	Commercial sea urchins, processing	\$526	\$368.20	\$184.10	\$1,079
	220-88A-070.3	Commercial shrimp, undersized spot shrimp	\$263	\$184.10	\$92.05	\$540
77.15.550.2		Commercial fish area or time 1st degree (Mandatory appearance, F)	\$1,579	\$1,105.30	\$552.65	\$3,237
77.15.560		Report commercial fish harvest or delivery (GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.570.1		Participate in treaty Indian fishery (GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.570.2		Participate in treaty Indian commercial fishery (Mandatory appearance, F)	\$1,579	\$1,105.30	\$552.65	\$3,237
77.15.580.1.a		Use of net to take fish 2nd degree (Mandatory appearance, GM)	\$789	\$552.30	\$276.15	\$1,618
77.15.580.1.b		Use of net, retain fish 2nd degree (Mandatory appearance, GM)	\$263	\$184.10	\$92.05	\$540
77.15.580.2		Use of net to take fish 1st degree (Mandatory appearance, F)	\$1,579	\$1,105.30	\$552.65	\$3,237
77.15.590		Commercial vessel for charter or recreational use (GM)	\$263	\$184.10	\$92.05	\$540
77.15.600		Commercial wildlife activity (GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.610		Commercial wildlife license (M)	\$79	\$55.30	\$27.65	\$162
77.15.620.1		Fish dealing 2nd degree (GM)	\$789	\$552.30	\$276.15	\$1,618
77.15.620.3		Fish dealing 1st degree (Mandatory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.15.630.1		Use of fish buyer/dealer license 2nd degree (GM)	\$789	\$552.30	\$276.15	\$1,618
77.15.630.2		Use of fish buyer/dealer license 1st degree (Manda- tory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.15.640		Violate fish buyer/dealer rules (GM)	\$263	\$184.10	\$92.05	\$540
77.15.650.1		Purchase or use of license 2nd degree (GM)	\$263	\$184.10	\$92.05	\$540
77.15.650.2		Purchase or use of license 1st degree (Mandatory appearance, F)	\$1,316	\$921.20	\$460.60	\$2,698
77.15.660		Scientific permit (GM)	\$263	\$184.10	\$92.05	\$540
77.15.670.1		Suspension of department privileges 2nd degree (GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.670.2		Suspension of department privileges 1st degree (Mandatory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.16.070		Hunting intoxicated (Mandatory appearance, GM)	\$263	\$184.10	\$92.05	\$540
77.16.360.1		Hunt bear using bait (GM)	\$263	\$184.10	\$92.05	\$540
77.16.360.2		Hunt with dog or dogs (GM)	\$263	\$184.10	\$92.05	\$540

MISC.

(s) **Forfeitable Natural Resources Offenses.** The following offenses shall be forfeitable as a final disposition, in the amounts listed, to include statutory assessments:

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:		BAIL	70% PSEA	35% PSEA	TOTAL
FOREST PROTECTION					
RCW 76.04.205	Violation of Burning Permit	90	63	31.50	185
WAC 332-24-211	Violations of Outdoor Burning Rules	90	63	31.50	185
RCW 76.04.215	Burning Mill Wood Waste—Arresters	90	63	31.50	185
RCW 76.04.246	Use of Blasting Fuse	90	63	31.50	185
RCW 76.04.305	Closed to Entry—Extra Fire Hazard	90	63	31.50	185
RCW 76.04.315	Suspension of Burning Permits/Privileges	90	63	31.50	185
RCW 76.04.325 WAC 332-24-301	Closure of Forest Operations or Industrial Restrictions Forest Lands	90	63	31.50	185
RCW 76.04.405 WAC 332-24-405	Spark Emitting Equipment Regulated	90	63	31.50	185
RCW 76.04.415	Work Stoppage Notice—Violation	90	63	31.50	185
RCW 76.04.425	Unauthorized Entry Into Sealed Fire Tool Box	90	63	31.50	185
RCW 76.04.435	Deposit of Fire or Live Coals—Railroad	150	105	52.50	308
RCW 76.04.455	Discarding Lighted Material	90	63	31.50	185
RCW 76.04.465 WAC 332-24-401	Certain Snags To Be Felled Felling of Snags	90	63	31.50	185
WAC 332-24-409	Electric Fence Controllers—Uncertified	90	63	31.50	185
RCW 76.04.650	Disposal of Forest Debris—Felling	90	63	31.50	185
RCW 76.04.700	Failure To Extinguish Campfire	90	63	31.50	185
RCW 76.04.710	Willful Setting of Fire	160	112	56	328
RCW 76.04.720	Removal of Notices—Signs	90	63	31.50	185
RCW 76.04.730	Negligent Fire—Spread	90	63	31.50	185

FOREST PRACTICES

RCW 76.09.060(5) WAC 222-20-060	Deviation From Approved Appl./Notif.	250	175	87.50	513
RCW 76.09.060(3) WAC 222-20-050	Conversion Deviation From Approved Appl./Notif.	250	175	87.50	513
RCW 76.09.060 WAC 222-34-010 WAC 222-34-020	Conversion Deviation From Approved Appl./Notif. (also see Reforestation)	250	175	87.50	513
RCW 76.09.050(4) WAC 222-24-020(6)	Road Location—Unstable Slopes	250	175	87.50	513
RCW 76.09.050(4) WAC 222-24-025	Location and Design	250	175	87.50	513
RCW 76.09.050(4) WAC 222-24-030	Road Construction—General	250	175	87.50	513
RCW 76.09.050(4) WAC 222-24-030(8,9)	End Haul/Side Cast and Waste Disposal	250	175	87.50	513
RCW 76.09.050(4) WAC 222-24-050	Road Maintenance	250	175	87.50	513
RCW 76.09.050(4) WAC 222-24-060	Rock Quarries	250	175	87.50	513
RCW 76.09.050(4) WAC 222-30-020	Harvest Unit, Plan Design	250	175	87.50	513
RCW 76.09.050(4) WAC 222-30-020(2,3)	Landing Location and Construction—Water	250	175	87.50	513
RCW 76.09.050(4) WAC 222-30-040	Temperature Control Shade Requirements—Temp. Sensitive	250	175	87.50	513
RCW 76.09.050(4) WAC 222-30-040	Temperature Control Shade Requirements—General	250	175	87.50	513
RCW 76.09.050(4) WAC 222-30-050	Falling and Bucking	250	175	87.50	513
RCW 76.09.050(4) WAC 222-30-060	Cable Yarding	250	175	87.50	513
RCW 76.09.050(4) WAC 222-30-070	Tractor and Wheeled Skidding Systems	250	175	87.50	513
RCW 76.09.050(4) WAC 222-30-090	Postharvest Site Preparation	250	175	87.50	513

MISC.

FOREST PRACTICES

RCW 76.09.050(4) WAC 222-30-100	Slash Disposal (See also RCW 76.04 & WAC 332-24)	250	175	87.50	513
RCW 76.09.050(4) WAC 222-38-020	Chemicals	250	175	87.50	513

Consult Department of Agriculture prior to citation.

SPECIALIZED FOREST PRODUCTS

General Rules

RCW 43.30.310 WAC 332-52-030	Nontraffic				
	(1) Sanitation	90	63	31.50	185
	(2) Public Behavior (c) Selling without permission (d) Advertising without permission	40	28	14	82
	(f) Fireworks	90	63	31.50	185
	(3) Audible Devices (a) Audible devices regulated (b) Unauthorized use of public address system	70	49	24.50	144

Public Behavior—Recreation Site

RCW 43.30.310 WAC 332-52-040					
	(4) Occupying a closed site	25	17.50	8.75	52
	(5) Fire outside designated location	25	17.50	8.75	52
	(6) Camping in a day-use area	25	17.50	8.75	52
	(7) Failure to clean up rubbish	25	17.50	8.75	52
	(8) Utilizing site which is designated for other use	25	17.50	8.75	52
	(9) Overstaying site	25	17.50	8.75	52
	(10) Failure to maintain quiet	25	17.50	8.75	52
	(11) Saddle or pack animals in camp	25	17.50	8.75	52
	(12) Pets at large	25	17.50	8.75	52

MANDATORY

RCW 76.04.235 WAC 332-24-261	Dumping Mill Waste, Forest Debris Dumping Mill Waste—Creation of Fire Hazard	Mandatory
RCW 76.04.445	Reporting Fire	Mandatory
RCW 76.04.740	Reckless Burning	Mandatory
RCW 76.09.170 WAC 222-46-080	Knowingly in Violation of RCW 76.09.010- .280	Mandatory
RCW 76.09.050 (2),(4) WAC 222-20-010	Operation Without Application/Notification	Mandatory
RCW 76.09.050(4) WAC 222-24-040	Water Crossing Structures (See also RCW 75.20.100 & WAC 220-110)	Mandatory
RCW 76.09.050(4) WAC 222-30-020(4)	Riparian Management Zone	Mandatory
RCW 76.09.050(4) WAC 222-30-030	Stream Bank Integrity	Mandatory
RCW 76.09.050(4) WAC 222-30-080	Landing Cleanup	Mandatory
RCW 76.09.070 WAC 222-34-010	Reforestation	Mandatory
RCW 76.36	Marks and Brands. File All Charges With Prosecutor. (No Citation.)	Mandatory
RCW 76.40	Log Patrol. File All Charges With Prosecutor. (No Citation.)	Mandatory
RCW 76.48.030	No Valid Permit	Mandatory
RCW 76.48.070	Possessing Forest Products Without a Valid Permit	Mandatory

MISC.

MANDATORY

RCW 76.48.070	Transporting Forest Products Without a Valid Permit	Mandatory
RCW 76.48.075	Transporting Forest Products From Out of State	Mandatory
RCW 76.48.092	Refusal To Surrender Copy of Permit	Mandatory
RCW 76.48.094	Cedar Processor—Failure To Maintain Records	Mandatory
RCW 76.48.096	Cedar Processor—Purchase From a Person Without a Permit	Mandatory
RCW 76.48.120	Offering a False or Fraudulent Permit (Class C Felony—No Citation.)	Mandatory

General Rules

RCW 43.30.310 WAC 332-52-030	Nontraffic	Mandatory
	(2) Public behavior	Mandatory
	(a) Inciting or participating in riots	
	(b) Malicious mischief Damages less than \$50	Mandatory
	Damages more than \$50, less than \$250	Mandatory
	Damages more than \$250, less than \$1,500 (Class C Felony—No Citation.) Damages more than \$1,500 (Class B Felony—No Citation.)	Mandatory
	(e) Erecting unauthorized buildings	Mandatory

Public Behavior—Recreation Site

RCW 43.30.310 WAC 332-52-040	Nontraffic	
	(1) Destroying—Defacing (Malicious mischief) Damages less than \$50	Mandatory
	Damages more than \$50, less than \$250	Mandatory
	Damages more than \$250, less than \$1,500 (Class C Felony—No Citation.)	Mandatory
	Damages more than \$1,500 (Class B Felony—No Citation.)	Mandatory
	(2) Discharging firearms	Mandatory

(t) **Forfeitable Parks Offenses.** The following offenses shall be forfeitable as a final disposition, in the amounts listed, to include statutory assessments:

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:		BAIL	70% PSEA	35% PSEA	TOTAL
<u>CRIMINAL</u>					
WAC					
308-93-020	Vessel Registration Required				Mandatory
352-32-120	Firearms and/or Weapons				Mandatory
352-32-130	Aircraft				Mandatory
352-32-140	Fireworks	70.00	49.00	24.50	144.00
352-32-150	Fishing	50.00	35.00	17.50	103.00
352-32-15001	Little Spokane River Natural Area Prohibited Uses	50.00	35.00	17.50	103.00
352-32-170	Rubbish				Mandatory
352-32-180	Sanitation				Mandatory
352-32-210	Consumption of Alcohol in State Park Areas	50.00	35.00	17.50	103.00
352-32-290	Wood Debris Collection	70.00	49.00	24.50	144.00
352-37-070	Restricted Areas				Mandatory
352-37-120	Operator's License Required				Mandatory

MISC.

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:		BAIL	70% PSEA	35% PSEA	TOTAL
352-37-140	Certain Practices Prohibited				Mandatory
352-37-170	Aircraft				Mandatory
352-37-190	Excluded/Limited Recreational Activities	50.00	35.00	17.50	103.00
352-60-030	Personal Flotation Devices	24.74	17.32	8.66	51.00
352-60-040	Visual Distress Signals	24.74	17.32	8.66	51.00
352-60-050	Ventilation	70.00	49.00	24.50	144.00
352-60-060	Navigation Lights and Shapes and Sound and Light Signals	70.00	49.00	24.50	144.00
352-60-070	Steering and Sailing				Mandatory
352-60-080	Fire Extinguishing Equipment	24.74	17.32	8.66	51.00
352-60-090	Backfire Flame Control	70.00	49.00	24.50	144.00
352-60-100	Liquefied Petroleum Gas				Mandatory
352-60-110	Canadian Vessels				Mandatory
352-70-040	Boating Accident & Casualty Report				Mandatory

(u) **Forfeitable Utilities and Transportation Offenses.** The following offenses shall be forfeitable as a final disposition, in the amounts listed, to include statutory assessments:

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:		BAIL	70% PSEA	35% PSEA	TOTAL
RCW & WAC	VIOLATION				
81.04.380	Violation of Chapter by Officer, Agent, Employee of Public Service Co. (Mandatory Appearance)				500
81.04.385	Failure To Comply With Commission Orders/Provision of Title 81 (Mandatory Appearance)				500
81.04.390	Person Violating Provision of Title 81(Mandatory Appearance)				500
81.04.390	Failure To Observe Order, Aiding, Abetting, Etc. (Mandatory Appearance)				250
81.68.045 480-30-030	Certificate Required—Auto Transp. (Mandatory Appearance)				500
81.68.045 480-40-030	Certificate Required—Excursion Bus (Mandatory Appearance)				500
81.70.220 480-40-030	Certificate Required—Charter Bus (Mandatory Appearance)				500
81.70.330	No Name or Permit Number Displayed—Charter/Excursion Bus	50	35	17.50	103
480-30-090	Fail to ID Vehicle—Auto Transp.	50	35	17.50	103
81.70.340 480-40-120	Fail To Register ICC Authority—Charter/Excursion Bus	80	56	28	164
480-30-100	Disqualified Driver—License Suspended or Revoked, and Other Disqualifying Offenses as Listed in 49 C.F.R. Section 391.15 (Mandatory Appearance)				500
480-40-070	Disqualified Driver—License Suspended or Revoked, and Other Disqualifying Offenses as Listed in 49 C.F.R. Section 391.15 Charter/Excursion Bus (Mandatory Appearance)				500
480-30-100	Medical Certificate Violation—Auto Transp.	50	35	17.50	103
480-40-070	Medical Certificate Violation—Charter/Excursion Bus	50	35	17.50	103
480-30-097	Moving Equipment Ordered Out of Service Without Repairs Made—Auto Transp. (Mandatory Appearance)				500
480-40-065	Moving Equipment Ordered Out of Service Without Repairs Made—Charter/Excursion Bus (Mandatory Appearance)				500
480-30-100	Hours of Service—Auto Transp.—Driver in Service	50	35	17.50	103
480-30-100(i)	Driver Out of Service	80	56	28	164
81.77.040 480-70-070	Certificate of Convenience and Necessity Required—Solid Waste Transp. (Mandatory Appearance)				500
480-70-300	Fail To ID Vehicle—Solid Waste Transp.	50	35	17.50	103
480-70-400	Disqualified Driver—License Suspended or Revoked, and Other Disqualifying Offenses as Listed in 49 C.F.R. Section 391.15—Solid Waste Transp. (Mandatory Appearance)				500
480-70-400	Medical Certificate Violation—Solid Waste Transp.	50	35	17.50	103

MISC.

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:		BAIL	70% PSEA	35% PSEA	TOTAL
480-70-325	Moving Equipment Ordered Out of Service Without Repairs Made-Solid Waste Transp. (Mandatory Appearance)				500
480-70-330	Hours of Service—Solid Waste Transp.-Driver in Service	50	35	17.50	103
	Driver Out of Service	80	56	28	164
81.80.060	No Valid Combination of Services Permit	130	91	45.50	267
81.80.070	No Valid Permit—Common/Contract (Mandatory Appearance)				500
81.80.100	Exceeding Permit Authority	130	91	45.50	267
81.80.355 480-14-100	Unlawful Advertising	80	56	28	164
81.80.371 480-14-320	Fail to Register Appropriate ICC Authority	80	56	28	164
480-12-121 480-14-090	Fail to Display Copy of Permit	25	17.50	8.75	52
480-14-110	Improper Use of Permit or Registration	130	91	45.50	267
81.80.305 480-12-150 480-14-340	No Name or Permit Number Displayed	50	35	17.50	103
480-12-165 480-14-360(3)	Moving Equipment Ordered Out of Service Without Repairs Made (Mandatory Appearance)				500
480-12-180(6) 480-14-370(7)	Disqualified Driver — License Suspended or Revoked, and Other Disqualifying Offenses as Listed in 49 C.F.R. § 391.15 (Mandatory Appearance)				500
480-12-180(1) 480-14-370(1)	Attendance/Surveillance of Hazardous Material Laden Motor Vehicle (Mandatory Appearance)				500
480-12-180(1) 480-14-370(1)	Parking of Hazardous Material Laden Motor Vehicle (Mandatory Appearance)				500
480-12-180 (1) 480-14-370 (1)	Explosive Laden Vehicle Off Route (Mandatory Appearance)				500
480-12-180 (6) 480-14-370 (7)	Medical Certificate Violation	50	35	17.50	103
480-12-190 480-14-380	Hours of Service Violation Driver in Service	50	35	17.50	103
480-12-190(1)	Driver Out of Service	80	56	28	164
480-14-380 480-14-390	Hazardous Material Transportation (Mandatory Appearance)				500
480-12-210	Failure to Display Commission Approved Lease	50	35	17.50	103
81.90.030	Certificate Required (Mandatory Appearance)				500
81.90.140 480-35-110	Failure to Register Interstate Authority	80	56	28	164
480-35-120	Failure to Display Valid Identification Decal	50	35	17.50	103
81.80.301 480-14-300	Failure to Display Single State Registration (SSR) Receipt	50	35	17.50	103
480-14-400	Radioactive Material Transp. (Mandatory Appearance)				500

[Amended effective September 1, 2002; April 1, 2003.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 05-01-044
RULES OF COURT
STATE SUPREME COURT
 [December 6, 2004]

IN THE MATTER OF THE ADOPTION) ORDER
 OF THE AMENDMENTS TO CR 1, CR 5,) NO. 25700-A-807
 CR 11, CR 15, CR 27, CR 28, CR 30, CR)
 50, CR 52, CR 59, CR 62, CRLJ 1, CRLJ 5,)
 CRLJ 11, CRLJ 15, CRLJ 50, CRLJ 59, CrR)
 4.7 AND CrRLJ 47)

The Washington State Bar Association having recommended the adoption of the proposed amendments to CR 1, CR 5, CR 11, CR 15, CR 27, CR 28, CR 30, CR 50, CR 52, CR 59, CR 62, CRLJ 1, CRLJ 5, CRLJ 11, CRLJ 15, CRLJ 50, CRLJ 59, CrR 4.7 and CrRLJ 47, and the Court having approved the proposed amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed amendments as attached hereto are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2005.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 29, 2005. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or Lisa.Bausch@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 2nd day of December 2004.

For the Court
Gerry L. Alexander
 CHIEF JUSTICE

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 05-02 issue of the Register.

WSR 05-01-045
RULES OF COURT
STATE SUPREME COURT
 [December 6, 2004]

IN THE MATTER OF THE ETHICS 2003) ORDER
 COMMITTEE CHANGES TO THE) NO. 25700-A-808
 RULES OF PROFESSIONAL CONDUCT)
 (RPC), APR 8 (3 ALTERNATIVES) AND)
 RELATED AMENDMENTS TO GR 25,)
 APR 8, APR 15 PROCEDURAL RULE 5)
 AND ELC 1.5, 15.1, 15.4 AND 15.5)

The Washington State Bar Association having recommended the adoption of the proposed amendments to the Ethics 2003 Committee changes to the Rules of Professional Conduct (RPC), APR 8 (3 Alternatives) and Related Amend-

ments to GR 25, APR 8, APR 15 Procedural Rule 5 and ELC 1.5, 15.1, 15.4 and 15.5, and the Court having approved the proposed amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed new rules and amendments as attached hereto are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2005.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 29, 2005. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or Lisa.Bausch@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 2nd day of December 2004.

For the Court
Gerry L. Alexander
 CHIEF JUSTICE

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 05-02 issue of the Register.

WSR 05-01-046
NOTICE OF PUBLIC MEETINGS
NOXIOUS WEED
CONTROL BOARD

[Memorandum—December 6, 2004]

The meeting schedule of the Washington State Noxious Weed Control Board for the first quarter of 2005 is as follows:

January 18 Tuesday 1 p.m.	Special Meeting Natural Resources Building, Room 172 1111 Washington Street Olympia, WA 98504-2560	1 p.m. to 3 p.m. - Strategic Planning 3 p.m. to 5 p.m. - Executive Session: Annual Staff Evaluation
January 19 Wednesday 8:30 a.m.	Regular Meeting Natural Resources Building, Room 172 1111 Washington Street Olympia, WA 98504-2560	
March 16 Wednesday 8:30 p.m.	Regular Meeting Campbell's Resort 104 West Woodin Chelan, WA 98816	

MISC.

WSR 05-01-047
POLICY STATEMENT
DEPARTMENT OF ECOLOGY
 [Filed December 7, 2004, 10:30 a.m.]

Public Notice for Toxics Cleanup Program Policy and Procedure Changes

Below is a table of toxics cleanup program (TCP) policies, procedures, or implementation memos that have been updated, deleted, or are newly created. A description of each document, the document number, description of the document contents, and the action taken are included.

This information is also being forwarded to Linda Thompson to be included in the Toxics Cleanup Program Site Register. In addition, Carol Dorn, TCP's Forms and Records Analyst, and Barb Huether, TCP's Internet Coordinator, are being notified of the changes.

To receive a copy of any one of the following documents please contact Carol Dorn at (360) 407-7224.

TCP Policy (POL) Number	Title	Description	Change	Contact for Copies
POL 500B	Identification of Potentially Liable Persons (PLPs)	This policy provides Ecology employees guidance on identifying potentially liable persons under the Model Toxics Control Act (MTCA).	Updated to clarify and reflect current practice	Carol Dorn (360) 407-7224
TCP Procedure (PRO) Number	Title	Description	Change	Contact for Copies
PRO 500B	Identification of Potentially Liable Persons	This procedure provides Ecology employees guidance on identifying potentially liable persons under the Model Toxics Control Act (MTCA).	Updated to clarify and reflect current practice	Carol Dorn (360) 407-7224

James J. Pendowski
 Program Manager
 Toxics Cleanup Program

WSR 05-01-049
NOTICE OF PUBLIC MEETINGS
PUBLIC DISCLOSURE COMMISSION
 [Memorandum—December 7, 2004]

The following is a list of the meetings currently scheduled for the Public Disclosure Commission for the year 2005:

- Tuesday, January 25
- Tuesday, February 22
- Tuesday, March 22
- Tuesday, April 26
- Tuesday, May 24
- Tuesday, June 28
- Tuesday, July 26
- Tuesday, August 23
- Tuesday, September 27
- Tuesday, October 25
- Tuesday, November 22
- Tuesday, December 27

WSR 05-01-050
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE
 [Filed December 7, 2004, 3:40 p.m.]

ISSUANCE OF INTERPRETIVE STATEMENT

Property Tax Advisory 6.0.2004 - Property Taxability of Motor Vehicles

The announcement of the adoption of this interpretive statement is being published in the Washington State Register pursuant to the requirements of RCW 34.05.230(4).

The Department of Revenue has adopted the following Property Tax Advisory:

Property Tax Advisory 6.0.2004 (Property Taxability of Motor Vehicles).

This advisory clarifies what types of vehicles are, or are not, included within the definition of "motor vehicles" under RCW 84.36.595, and how taxability is determined.

A copy of this guideline is available via the internet at http://www.dor.wa.gov/content/taxes/Property/prop_rnls.aspx#property or a request for a copy of this advisory may be directed to Velinda Brown, Property Tax Division, P.O. Box

MISC.

47471, Olympia, WA 98504-7471, phone (360) 570-5865, fax (360) 586-7602.

Alan R. Lynn
Rules Coordinator

WSR 05-01-055

**NOTICE OF PUBLIC MEETINGS
ENERGY FACILITY SITE
EVALUATION COUNCIL**
[Memorandum—December 8, 2004]

**Energy Facility Site Evaluation Council
2005 Meeting Schedule**

The Washington State Energy Facility Site Evaluation Council (EFSEC) proposes to hold meetings in the year 2005 on the second Tuesday of each month - dates are listed below. The meetings will begin at 1:30 p.m. and will be held in Conference Room 308, at the Washington State Energy Extension Program Building located at 925 Plum Street, Building 4, Olympia, WA 98504.

- January 1
- February 8
- March 8
- April 12
- May 10
- June 14
- July 12
- August 9
- September 13
- October 11
- November 8
- December 13

This schedule is in accordance with WAC 463-18-050. All EFSEC meetings are "special meetings" under chapter 42.30 RCW. The meetings listed above are subject to change or cancellation. For additional or updated information call (360) 956-2121 or visit the EFSEC website at www.efsec.wa.gov.

If you have any questions please call Allen J. Fiksdal at (360) 956-2152 or e-mail allenf@ep.cted.wa.gov.

WSR 05-01-056

**NOTICE OF PUBLIC MEETINGS
JAIL INDUSTRIES BOARD**
[Memorandum—December 7, 2004]

**NOTICE OF PUBLIC MEETINGS
JAIL INDUSTRIES BOARD**

2005 BOARD MEETING SCHEDULE

- January 28, 2005 Criminal Justice Training Center
Burien
- May 6, 2005 Criminal Justice Training Center
Burien
- September 16, 2005 Criminal Justice Training Center
Burien
- December 2, 2005 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 N.E., Suite 100, Lacey, WA 98516, phone (360) 486-2432, fax (360) 486-2381, e-mail jwill@cjctc.state.wa.us, web www.jib.wa.gov.

WSR 05-01-057

**NOTICE OF PUBLIC MEETINGS
COUNTY ROAD
ADMINISTRATION BOARD**
[Memorandum—December 7, 2004]

COUNTY ROAD ADMINISTRATION BOARD

- MEETING NOTICE: January 20, 2005
County Road Administration Board
2404 Chandler Court S.W., Suite 240
Olympia, WA 98504
1:00 p.m. to 5:00 p.m.
- MEETING NOTICE: January 21, 2005
County Road Administration Board
2404 Chandler Court S.W., Suite 240
Olympia, WA 98504
9:00 a.m. to 12:00 p.m.

Individuals requiring reasonable accommodation may request written materials in alternative formats, sign language interpreters, physical accessibility accommodations, or other reasonable accommodation, by contacting Karen Pendleton at (360) 753-5989, hearing and speech impaired persons can call 1-800-833-6384.

If you have questions, please contact Karen Pendleton at (360) 753-5989.

WSR 05-01-058

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**
[Filed December 8, 2004, 4:09 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

- Document Title: PCM 04-008.
- Subject: 2005 changes to the need standard and minimum wage.
- Effective Date: November 30, 2004.
- Document Description: This policy clarification memo is an annual update instructing DCS staff to use new need

MISC.

standard and state minimum wage information for support obligation determination beginning January 1, 2005.

To receive a copy of the interpretive or policy statement, contact Susan Reams, Division of Child Support, P.O. Box 9162, Olympia, WA 98504, phone (360) 664-5278, TDD (360) 753-9122, fax (360) 586-3274, e-mail sreams@dshs.wa.gov.

November 30, 2004
Susan Reams

WSR 05-01-059
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed December 8, 2004, 4:11 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-83 MAA.

Subject: Prescription drug program: Maximum allowable cost updates.

Effective Date: January 1, 2005.

Document Description: **Effective for dates of service on and after January 1, 2005**, the Medical Assistance Administration (MAA) will implement the following changes to the prescription drug program:

1. New additions to the maximum allowable cost (MAC) list; and
2. Adjustments to existing MACs.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2004"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

December 7, 2004
Ann Myers, Manager
Rules and Publications Section

WSR 05-01-060
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed December 8, 2004, 4:12 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-85 MAA.

Subject: Year 2005 Healthy Options, Basic Health Plus, Primary Care Case Management, and SCHIP updates.

Effective Date: January 1, 2005.

Document Description: **Effective January 1, 2005**, managed care clients will see changes to the following pro-

grams: Health Options (HO), Basic Health Plus (BH+), and State Children's Health Insurance Program (SCHIP).

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2004"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

December 7, 2004
Ann Myers, Manager
Rules and Publications Section

WSR 05-01-061
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed December 8, 2004, 4:13 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: CN 244.

Subject: IRS injured spouse claims.

Effective Date: November 30, 2004.

Document Description: This canary notice announces new policy in keeping with 45 C.F.R. 303.72, that DCS will hold the potential injured spouse claim funds for one hundred twenty days or until the injured spouse claim has been distributed due to hardship claim or returned to the United States Treasury.

To receive a copy of the interpretive or policy statement, contact Susan Reams, Division of Child Support, P.O. Box 9162, Olympia, WA 98504, phone (360) 664-5278, TDD (360) 753-9122, fax (360) 586-3274, e-mail sreams@dshs.wa.gov.

November 30, 2004
Susan Reams

WSR 05-01-062
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed December 8, 2004, 4:14 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-84 MAA.

Subject: Prescription drug program: Washington preferred drug list and expedited prior authorization changes.

Effective Date: January 1, 2005.

Document Description: **Effective for claims with dates of service on and after January 1, 2005**, the Medical Assistance Administration (MAA) will implement changes to the Washington preferred drug list.

Effective the week of January 3, 2005, and after, MAA will implement the following changes to the prescription drug program:

- Changes to expedited prior authorization criteria.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2004"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

December 3, 2004
Ann Myers, Manager
Rules and Publications Section

WSR 05-01-063

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed December 8, 2004, 4:16 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-106 MAA.

Subject: Planned home births/births in birthing centers: Newborn screening fee correction.

Effective Date: Retroactive July 1, 2004.

Document Description: **Retroactive to dates of service on and after July 1, 2004**, the Medical Assistance Administration (MAA) has corrected the newborn screening fee.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2004"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

December 3, 2004
Ann Myers, Manager
Rules and Publications Section

WSR 05-01-070

**NOTICE OF PUBLIC MEETINGS
PUBLIC EMPLOYMENT
RELATIONS COMMISSION**

[Memorandum—December 8, 2004]

NOTICE OF 2005 PUBLIC MEETINGS

The following is a schedule of the regular meetings of the Public Employment Relations Commission for 2005:

- January 11
- February 8
- March 15
- April 12
- May 10
- June 14
- July 19
- August 9
- September 13
- October 11
- November 8
- December 13

All meetings begin at 10:00 a.m. All meetings will be held in the Large Conference Room, 112 Henry Street N.E., Suite 300, Olympia, WA.

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 05-01-071

**NOTICE OF PUBLIC MEETINGS
BOARD OF TAX APPEALS**

[Memorandum—December 8, 2004]

Year 2005 Meeting Schedule

The Board of Tax Appeals will hold their year 2005 quarterly business meetings at 10:00 a.m. on the following dates and location.

- March 10, 2005 Board of Tax Appeals (BTA)
910 5th Avenue S.E.
Olympia, WA 98504
- June 9, 2005 BTA, Olympia
- September 8, 2005 BTA, Olympia
- December 8, 2005 BTA, Olympia

WSR 05-01-072

**NOTICE OF PUBLIC MEETINGS
COMMISSION ON
JUDICIAL CONDUCT**

[Memorandum—December 8, 2004]

The Commission on Judicial Conduct will hold their year 2005 business meetings at 11:00 a.m. on the following

MISC.

dates at the Holiday Inn Express Hotel and Suites, 19621 International Boulevard, SeaTac, WA 98188.

February 4, 2005	Holiday Inn Express Hotel and Suites 19621 International Boulevard SeaTac, WA 98188
April 8, 2005	Holiday Inn Express Hotel and Suites
June 10, 2005	Holiday Inn Express Hotel and Suites
August 5, 2005	Holiday Inn Express Hotel and Suites
October 7, 2005	Holiday Inn Express Hotel and Suites
December 9, 2005	Holiday Inn Express Hotel and Suites

WSR 05-01-077

NOTICE OF PUBLIC MEETINGS

OLYMPIC COLLEGE

[Memorandum—December 9, 2004]

Meeting Schedule for Regular Meetings of the Board of Trustees for calendar year 2005

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, 1530 Ohio Street, Bremerton, WA. The board will meet on the following dates for calendar year 2005:

- January 25, 2005
- February 22, 2005
- March 22, 2005
- April 26, 2005
- May 24, 2005
- June 28, 2005
- No meeting in July
- August 23, 2005
(held annually at the OC Shelton Campus
937 Alpine Way
Shelton, WA)
- September 27, 2005
- October 25, 2004
- November 22, 2005
- No meeting in December

In the event it is necessary to change any of these meeting dates, the appropriate notification will take place.

WSR 05-01-085

**NOTICE OF PUBLIC MEETINGS
PARKS AND RECREATION
COMMISSION**

[Memorandum—December 10, 2004]

2005 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 2005 Regular Meeting Schedule. All commission meetings will begin at 8:00 a.m.

January 13	Olympia
March 3	Lake Quinalt
April 21	LaConnor
June 9	Colville
August 4	Whidbey Island
October 6	Grand Coulee
November 17	Tacoma

The public meetings 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 Park 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 05-01-086

DEPARTMENT OF ECOLOGY

[Filed December 10, 2004, 12:24 p.m.]

**Commercial Low-Level Radioactive
Waste Site Use Permit Fees**

In accordance with chapter 173-326 WAC, Commercial low-level radioactive waste disposal—Site use permits, the Department of Ecology is providing notice of the site use permit fees for the period of March 1, 2005, through February 28, 2006. The annual base fee, 1x, has been set at \$424. Site use permit fees for each category are as follows:

CATEGORY	FACTOR	FEE
< 50 cubic feet	1x	\$424
≥50 < 500 cubic feet	2x	\$848
≥500 < 1,000 cubic feet	5x	\$2,120
≥1,000 < 2,500 cubic feet	10x	\$4,240
≥2,500 cubic feet	35x	\$14,840
Nuclear Utilities	100x	\$42,400

For further information please contact Mike Garner at (360) 407-7102.

MISC.

WSR 05-01-091

**NOTICE OF PUBLIC MEETINGS
WENATCHEE VALLEY COLLEGE**

[Memorandum—December 13, 2004]

**WENATCHEE VALLEY COLLEGE
BOARD OF TRUSTEES MEETING SCHEDULE
2005**

**UNLESS OTHERWISE NOTIFIED, WORK SESSIONS WILL
BEGIN AT
12 P.M. AND BOARD OF TRUSTEES MEETINGS AT 3 P.M.**

This schedule is subject to change

- January 19, 2005
- February 16, 2005
- March 16, 2005
- April 20, 2005 (at Omak campus)
- May 18, 2005
- June 15, 2005
- July 20, 2005
- August 17, 2005
- September 21, 2005
- October 19, 2005 (at Omak campus)
- November 16, 2005
- December 21, 2005

WSR 05-01-092

**NOTICE OF PUBLIC MEETINGS
COMMISSION ON
HISPANIC AFFAIRS**

[Memorandum—December 9, 2004]

Following is the 2005 meeting schedule for the Commission on Hispanic Affairs. The meeting dates and locations are as follows:

- January 28-29 Walla Walla
- April 1-2 Wenatchee
- May 13-14 Sunnyside
- July 15-16 Aberdeen
- September 23-24 Mount Vernon
- December* Olympia

*December dates are pending the legislative committee calendar.

If you have any questions, please feel free to contact my Executive Assistant, Cindy Garcia, at (360) 753-3159 or via e-mail at cgarcia@cha.wa.gov.

WSR 05-01-099

**NOTICE OF PUBLIC MEETINGS
BUILDING CODE COUNCIL**

[Memorandum—December 3, 2004]

In accordance with RCW 42.30.075, the following is a proposed schedule of regular meetings of the Washington State Building Code Council for calendar year 2005.

If you have questions or need additional information, please contact council staff at (360) 725-2967 or via e-mail at sbcc@cted.wa.gov.

- January 14, 2005 Olympia Area
- March 11, 2005 SeaTac Area
- June 10, 2005 Spokane Area
- September 9, 2005 SeaTac Area
- November 4, 2005 SeaTac Area

WSR 05-01-100

AGENDA

**DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed December 14, 2004, 9:35 a.m.]

SEMI-ANNUAL

**RULE DEVELOPMENT AGENDA
(RCW 34.05.314)**

JANUARY 1, 2005 - JUNE 30, 2005

This agenda shows anticipated rule-making activity by the Department of Retirement Systems (DRS) for January 1, 2005, through June 31 [30], 2005. Rules may be added or deleted from the work schedule as a result of legislative action, court decisions, and employer, member, and agency requests.

If you have questions about this rule-making agenda or the DRS rule-making process, please contact Leslie L. Saege, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Tumwater, WA 98504-8380, phone (360) 664-7291, TTY (360) 586-5450, LeslieS@drs.wa.gov.

WAC Chapter or Section	Subject	Anticipated Rule-Making Actions by July 1, 2005
Chapter 415-112 WAC	Teachers' Retirement System. Rules clarifying the term "school year" have been adopted. The remainder of the chapter will be amended in phases. Phase one will focus on rules relating to membership and service credit.	CR-102 Public Hearing, Adoption
Chapter 415-108 WAC	These new rules pertain to disability retirement benefits for members of the Public Employment Retirement System (PERS) Plans 2 and 3.	CR-102 Public Hearing

MISC.

WAC Chapter or Section	Subject	Anticipated Rule-Making Actions by July 1, 2005
Chapter 415-110 WAC	The department is planning to begin work on rules for disability-related benefits for members of the School Employees' Retirement System (SERS).	Draft
New chapter - Public Safety Employees' Retirement System	The department will work on a new chapter of WAC to implement the Public Safety Employees' Retirement System, which was enacted during the 2004 legislative session. The implementation date is July 1, 2006.	CR-101 Draft
WAC 415-113-080	The department is considering some amendments to this rule, which addresses retroactive retirement for people who are members of more than one retirement system.	Draft possible CR-102
Post thirty-year program	The department is planning to adopt rules to implement the program established by RCW 41.32.4986 for TRS Plan 1 members and RCW 41.40.191 for PERS Plan 1 members.	Draft possible CR-102
Chapter 415-110 WAC	Most of the rules in chapter 415-110 WAC, School Employees Retirement System, are being reviewed as part of DRS' four-year regulatory review. The department will be amending the rules in response to the findings.	CR-101 possible CR-102
Other rules	The department will begin work on other rules, as necessary, to implement new legislation.	CR-101s, possible CR-102s

Date	Location	Time
July 27	Washington Dairy Center	9:30
August 31	Washington Dairy Center	9:30
September 27-28	Location to be determined	TBD
October 26	Washington Dairy Center	9:30
November	No Commission Meeting	
December 7-8	Location to be determined	TBD

The above meetings are subject to change. Please confirm all meetings with Celeste Piette at (425) 672-0687 to verify date, time, and location. In addition, some meeting times and locations are still to be determined.

**WSR 05-01-103
NOTICE OF PUBLIC MEETINGS
LAW ENFORCEMENT OFFICERS'
AND FIRE FIGHTERS'
PLAN 2 RETIREMENT BOARD**

[Memorandum—December 13, 2004]

Special Meeting of the LEOFF Plan 2 Retirement Board

This is to notify you that a special meeting of the Law Enforcement Officers' and Fire Fighters' Plan 2 Retirement Board has been scheduled for Thursday, January 6, 2005, beginning at 9:30 a.m. The meeting will take place at The Washington State Association of Counties Building located at 206 10th Avenue S.E., Olympia, WA 98501-1311.

Please feel free to contact Jessica Burkhart at (360) 586-2322 or e-mail at jessica.burkhart@leoff.wa.gov should you have any questions.

**WSR 05-01-101
NOTICE OF PUBLIC MEETINGS
DAIRY PRODUCTS COMMISSION**

[Memorandum—December 14, 2004]

**Washington Dairy Products Commission
Meeting Schedule
January - December 2004**

Date	Location	Time
January 12	Washington Dairy Center 4201 198th Street S.W. Suite 101 Lynnwood, WA 98036	9:30
February 23	Washington Dairy Center	9:30
March 31	Bloomington, MN Hotel to be determined	TBD
April 27	Washington Dairy Center	9:30
May 25	Washington Dairy Center	9:30
June 24	Embassy Suites Hotel 20610 44th Avenue West Lynnwood, WA 98036	9:30

**WSR 05-01-104
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
GENERAL ADMINISTRATION
(Capitol Campus Design Advisory Committee)**

[Memorandum—December 10, 2004]

**Capitol Campus Design Advisory Committee
Meeting Dates 2005**

This is to confirm that the quarterly Capitol Campus Design Advisory Committee (CCDAC) meetings for the 2005 calendar year are scheduled for:

- Thursday, February 24
- Thursday, May 26
- Thursday, September 29
- Thursday, November 17

The CCDAC meetings will be held in Room 207 on the second floor of the General Administration Building, 210 11th Avenue S.W., Olympia, WA. Meetings will begin at 10:00 a.m.

MISC.

If you have any questions, please contact Pamela Robel at 902-0982.

Date	Location
January 29	Naches
August 6, 7	Wenatchee

WSR 05-01-106
NOTICE OF PUBLIC MEETINGS
PUGET SOUND
CLEAN AIR AGENCY

[Memorandum—December 13, 2004]

Below for publication in the Washington State Register is our agency's list of board of directors meeting dates for the year 2005. If you have any questions, please call Carol Pogers at (206) 689-4080.

BOARD OF DIRECTORS
MEETINGS DATES FOR YEAR 2005

Regular Monthly Meetings

- January 27, 2005
- February 24, 2005
- March 24, 2005
- April 28, 2005
- May 26, 2005
- June 23, 2005
- July 28, 2005
- August (No meeting)
- September 22, 2005
- October 27, 2005
- November 17, 2005
- December 22, 2005

WSR 05-01-108
NOTICE OF PUBLIC MEETINGS
PARKS AND RECREATION
COMMISSION

[Memorandum—December 13, 2004]

2005 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 2005:

Date	Location
February 5	Chelan
July 29-31	Wenatchee

The state Parks and Recreation Commission's Winter Recreation (Sno-Park) Advisory Committee has adopted the following schedule of regular meetings for 2005:

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 Park 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 05-01-119
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed December 15, 2004, 3:38 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-105 MAA.

Subject: Family planning services and family planning-only program: Fee schedule changes.

Effective Date: January 1, 2005.

Document Description: **Effective for dates of service on and after January 1, 2005**, the Medical Assistance Administration (MAA) will begin using:

- Year 2005 current procedural terminology (CPT)⇒ and healthcare common procedure coding system (HCPCS) Level II code additions as discussed in this memorandum; and
- Expedited prior authorization (EPA) numbers for billing contraceptive drugs and supplies that do not have a dedicated HCPCS code. This memo contains important instructions for use of the new EPA numbers, and lists changes to the maximum allowable fees for the Year 2005 new code additions.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year

MISC.

2004"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

December 14, 2004
Ann Myers, Manager
Rules and Publications Section

WSR 05-01-120
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed December 15, 2004, 3:41 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-88 MAA.
Subject: Physical therapy program: Fee schedule changes.

Effective Date: January 1, 2005.

Document Description: **Effective for dates of service on and after January 1, 2005**, the Medical Assistance Administration (MAA) will:

- Begin using 2005 current procedural terminology (CPT)® and healthcare common procedure coding system (HCPCS) Level II code additions as discussed in this memorandum; and
- Add maximum allowable fees for the new codes.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2004"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

December 14, 2004
Ann Myers, Manager
Rules and Publications Section

WSR 05-01-121
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed December 15, 2004, 3:42 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-89 MAA.
Subject: Speech/audiology program: Fee schedule changes.

Effective Date: January 1, 2005.

Document Description: **Effective for dates of service on and after January 1, 2005**, the Medical Assistance Administration (MAA) will:

- Begin using 2005 current procedural terminology (CPT)® code additions as discussed in this memorandum; and

- Add maximum allowable fees for the new codes.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2004"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

December 14, 2004
Ann Myers, Manager
Rules and Publications Section

WSR 05-01-122
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed December 15, 2004, 3:43 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-92 MAA.
Subject: Neurodevelopmental centers: Fee schedule changes.

Effective Date: January 1, 2005.

Document Description: **Effective for dates of service on and after January 1, 2005**, the Medical Assistance Administration (MAA) will:

- Begin using 2005 current procedural terminology (CPT)® and healthcare common procedure coding system (HCPCS) Level II code additions as discussed in this memorandum; and
- Add maximum allowable fees for the new codes.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2004"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

December 14, 2004
Ann Myers, Manager
Rules and Publications Section

WSR 05-01-133
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
(Hop Commission)

[Memorandum—December 14, 2004]

The Washington Hop Commission has scheduled its 2005 regular meetings, as follows. This information is being filed as required by RCW 42.30.075:

Thursday, February 24 Moxee
 Thursday, April 14 Moxee
 Thursday, June 16 Prosser
 Thursday, October 13 Mabton

Interested individuals may contact the Washington Hop Commission at (509) 453-4749 prior to each scheduled date for the specific time and location of each meeting.

WSR 05-01-134

AGENDA

DEPARTMENT OF CORRECTIONS

[Filed December 15, 2004, 9:42 a.m.]

**SEMI-ANNUAL RULE-MAKING AGENDA
 JANUARY 1 - JUNE 30, 2005**

Below is the Department of Corrections' semi-annual 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.

**RULE DEVELOPMENT CALENDAR
 January - June 30, 2004 [2005]**

WAC Chapter or Section	Purpose
WAC 137-09	Public disclosure - revise policies and procedures for disclosure of public records.
WAC 137-48	Offender mail.
WAC 137-57	Facility siting.
WAC 137-58	Guidelines for implementing the State Environmental Policy Act.
WAC 137-59	Facility siting.

WSR 05-01-138

**NOTICE OF PUBLIC MEETINGS
 BOARD OF ACCOUNTANCY**

[Memorandum—Filed December 14, 2004,]

2005 BOARD MEETING SCHEDULE

As required by RCW 42.30.075, the following is a schedule of regular meetings the board plans to hold during 2005:

Date	Day	Meeting	Location
January 28, 2005	Friday	Regular	SeaTac
April 29, 2005	Friday	Regular	SeaTac
July 29, 2005	Friday	Regular	Vancouver
October 28, 2005	Friday	Annual	Spokane

The exact location of each meeting has not been determined. For persons who wish to attend, please contact Cheryl Sexton at the board office (360) 664-9194 or fax (360)

664-9190 for the meeting location. Meetings usually begin at 9:00 a.m. The Board of Accountancy schedules all public meetings at barrier free sites. Persons who need special assistance, such as enlarged type materials, please contact Cheryl Sexton at the board office, TDD (800) 833-6384, voice (360) 664-9194, or fax (360) 664-9190.

WSR 05-01-144

**NOTICE OF PUBLIC MEETINGS
 WHATCOM COMMUNITY COLLEGE**

[Memorandum—December 15, 2004]

During the December 14, 2004, meeting of the Whatcom Community College board of trustees the board adopted its 2005 meeting schedule. With the exception of the February meeting, all meetings are scheduled for the second Tuesday of the month.

**2005 Meeting Schedule of the Board of Trustees
 Second Tuesday of the Month at 2:00 p.m.**

**Laidlaw Center Board Room
 Whatcom Community College
 237 West Kellogg Road
 Bellingham, WA 98226**

- January 11
- February 1
- March 8
- April 12
- May 10
- June 14
- July 12
- August (no meeting)
- September 13
- October 11
- November 8
- December 13

WSR 05-01-148

**NOTICE OF PUBLIC MEETINGS
 SKAGIT VALLEY COLLEGE**

[Memorandum—December 15, 2004]

Change in meeting date and location of the regular April 2005 board of trustees' meeting for Skagit Valley College, Community College District No. 4 and change in meeting location of the regular May 2005 board of trustees' meeting.

At the December 14, 2004, meeting of the Skagit Valley College board of trustees, the board approved the following changes to their 2004-05 regular meeting schedule:

The regular April 2005 meeting of the Skagit Valley College board of trustees will be changed from meeting at 4:30 p.m. on April 19, 2005, at the Whidbey Island Campus,

MISC.

Oak Hall 306 to meeting at 4:30 p.m. on April 5, 2005, at the Mount Vernon Campus, Board Room.

The regular May 2005 meeting of the Skagit Valley College board of the trustees will be changed from meeting at 4:30 p.m. on May 10, 2005, at the Mount Vernon Campus, Board Room to meeting at 4:30 p.m. on May 10, 2005, at the Whidbey Island Campus, Hayes Hall 137.

WSR 05-01-149

**NOTICE OF PUBLIC MEETINGS
LOWER COLUMBIA COLLEGE**

[Memorandum—December 16, 2004]

On December 15, 2004, the Lower Columbia College board of trustees adopted the following meeting schedule for the year 2005. All regularly scheduled meetings are held on the third Wednesday of each month, at 5:00 p.m. on the college campus (unless noted otherwise).

If you have any questions, please don't hesitate to contact James McLaughlin.

**Lower Columbia College Board of Trustees
2005 Meeting Schedule**

The trustees meet on the 3rd Wednesday of the month at 5:00 unless noted differently below.

January 19, 2005	5:00 p.m.	Regular Meeting	Heritage Room
February 16, 2005	9:00 a.m.	Regular Meeting/ Workshop	Heritage Room
March 9, 2005	5:00 p.m.	Special Executive Session	Administration Conference Room
March 16, 2005	5:00 p.m.	Regular Meeting	Heritage Room
April 20, 2005	5:00 p.m.	Regular Meeting	Heritage Room
May 18, 2005	5:00 p.m.	Regular Meeting	Heritage Room
June 15, 2005	5:00 p.m.	Regular Meeting	Heritage Room
July 2005	NO MEETING		
August 17, 2005	9:00 a.m.	Regular Meeting/ Workshop	TBD
September 21, 2005	5:00 p.m.	Regular Meeting	Heritage Room
October 19, 2005	5:00 p.m.	Regular Meeting	Heritage Room
November 16, 2005	5:00 p.m.	Regular Meeting	Heritage Room
December 21, 2005	5:00 p.m.	Regular Meeting	Heritage Room

WSR 05-01-150

**NOTICE OF PUBLIC MEETINGS
BOARD FOR VOLUNTEER
FIREFIGHTERS AND RESERVE OFFICERS**

[Memorandum—December 16, 2004]

Please be advised that the regular January meeting of the Board for Volunteer Firefighters has been rescheduled from January 21 to January 28, 2005.

WSR 05-01-151

**NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD**

[Memorandum—December 16, 2004]

Notice of 2005 Regular and Special Meetings of the Forest Practices Board

Per WAC 222-08-040, the Forest Practices Board will hold meetings on:

February 2, 2005 9 a.m. - 5 p.m. Special Meeting	Natural Resources Building 1111 Washington Street S.E. Olympia Room 172
February 9, 2005 9 a.m. - 5 p.m. Special Meeting	Natural Resources Building 1111 Washington Street S.E. Olympia Room 172
February 16, 2005 9 a.m. - 5 p.m. Regular Meeting <i>(Rescheduled from February 9, 2005)</i>	Natural Resources Building 1111 Washington Street S.E. Olympia Room 172
May 11, 2005 9 a.m. - 5 p.m.	Natural Resources Building 1111 Washington Street S.E. Olympia Room 172
August 10, 2005 9 a.m. - 5 p.m.	Natural Resources Building 1111 Washington Street S.E. Olympia Room 172
September 14 & 15, 2005 9 a.m. - 5 p.m. Special Meeting	Location undetermined at this time
November 9, 2005 9 a.m. - 5 p.m.	Natural Resources Building 1111 Washington Street S.E. Olympia Room 172

Mailing agendas to all individuals and groups on the board's mailing list also provides notice of these meetings. To be added to this distribution list, please contact Board Coordinator, DNR-Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, phone (360) 902-1758,

MISC.

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 05-01-152
NOTICE OF PUBLIC MEETINGS
RENTON TECHNICAL COLLEGE
 [Memorandum—December 16, 2004]

Pursuant to RCW 42.30.075, please be advised that the Renton Technical College board of trustees' regular meetings during 2005 will be held as follows:

The second Tuesday of each month except for the months of July and August. Meetings will be held at 8:00 a.m. in the Board Room, Roberts Campus Center, Room 202, Renton Technical College, 3000 Northeast Fourth Street, Renton, WA 98056-4195.

- January 11, 2005
- February 8, 2005
- March 8, 2005
- April 12, 2005
- May 10, 2005
- June 14, 2005
- July/August - No regular meetings
- September 13, 2005
- October 11, 2005
- November 8, 2005
- December 13, 2005

If you need further information, please contact Karen DeBruyn at (425) 235-2426.

WSR 05-01-153
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
INFORMATION SERVICES
 [Memorandum—December 17, 2004]

The following 2005 meeting notices are to be published in the Washington State Register.

Customer Advisory Board, all meetings are held from 1:30 - 3:30 p.m., in the Department of Information Services Boardroom located on the 2nd floor of the James R. Larson Forum Building, 605 East 11th Street, Olympia, WA.

- January 24
- February 28
- March 28
- April 25
- May 23
- June 27

- July 25
- August 22
- September 26
- October 24
- November 28
- December 19

Information Services Board, all meetings are held from 1:00 - 5:00 p.m., in the Department of Information Services Boardroom located on the 2nd floor of the James R. Larson Forum Building, 605 East 11th Street, Olympia, WA. The board will meet informally for lunch prior to the official meeting.

- January 13
- March 10
- May 12
- July 14
- September 8
- November 10

K-20 Network Board, all meetings are held from 1:30 - 4:00 p.m., in the Department of Information Services Boardroom located on the 2nd floor of the James R. Larson Forum Building, 605 East 11th Street, Olympia, WA.

- April 21
- October 20

State Interoperability Executive Committee, all meetings are held from 1:30 - 3:30 p.m., in the Department of Information Services Boardroom located on the 2nd floor of the James R. Larson Forum Building, 605 East 11th Street, Olympia, WA.

- February 24
- April 28
- June 23
- August 25
- October 27
- December 15

State Interoperability Executive Committee Advisory Working Group, all meetings are held from 8:30 - 4:30 p.m., in the Department of Information Services Boardroom located on the 2nd floor of the James R. Larson Forum Building, 605 East 11th Street, Olympia, WA.

- January 12
- February 9
- March 9
- April 13
- May 11
- June 8
- July 13
- August 10
- September 14

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October 12
November 9
December 14

Washington State Geographic Information Council, all meetings are held from 10:00 a.m. - 12:00 p.m., in the Department of Information Services Boardroom located on the 2nd floor of the James R. Larson Forum Building, 605 East 11th Street, Olympia, WA.

February 17
April 21
June 16
August 18
October 20
December 8

Washington Integrated Justice Information Board, all meetings are held from 10:00 a.m. - 12:00 p.m., in the Department of Information Services Boardroom located on the 2nd floor of the James R. Larson Forum Building, 605 East 11th Street, Olympia, WA.

January 18
February 15
March 15
April 19
May 17
June 21
July 19
August 16
September 20
October 18
November 15
December 20

For further information please contact Laurel McMillan at (360) 902-3566.

WSR 05-01-161
OFFICE OF
INSURANCE COMMISSIONER

[Filed December 20, 2004, 4:44 p.m.]

Technical Assistance Advisory
T 04-07

RCW 48.18.100(1) prohibits issuance, delivery or use of insurance policy forms not filed and approved by the Washington Office of the Insurance Commissioner (OIC). There is no exception for "travel insurance" purchased by Washington consumers whether from tour operators, travel agents, wholesalers or nonresident agents.

Failure to deliver Washington approved forms to Washington purchasers of travel insurance is a violation of RCW 48.18.260.

The OIC will consider electronic forms of delivery that provide Washington consumers with approved forms.

Mike Kreidler
Insurance Commissioner

WSR 05-01-162
NOTICE OF PUBLIC MEETINGS
CITIZENS' COMMISSION ON
SALARIES FOR ELECTED OFFICIALS

[Memorandum—December 16, 2004]

2005 Meeting and Public Hearing Schedule

Date	Time / Purpose of Meeting	Location
January 27, 2005 (Thursday)	9 a.m. - 4 p.m. Elected Officials' Presentations Public Hearing and Testimony Work Session Adopt Proposed 2005-06 Salary Schedule	General Administration Auditorium 210 11th Avenue S.W. Olympia
February 24, 2005 (Thursday)	9 a.m. - 4 p.m. Elected Officials' Presentations Public Hearing and Testimony Work Session	General Administration Auditorium 210 11th Avenue S.W. Olympia
March 24, 2005 (Thursday)	6 p.m. - 9 p.m. Public Hearing and Testimony Work Session	The Heathman Lodge Cowlitz Room 7801 N.E. Greenwood Drive Vancouver
April 28, 2005 (Thursday)	6 p.m. - 9 p.m. Public Hearing and Testimony Work Session	The Coast Hotel & Conference Center Gala 123 201 North Wenatchee Avenue Wenatchee
May 19, 2005 (Thursday)	9 a.m. - 4 p.m. Public Hearing and Testimony Work Session Adopt the 2005-06 Salary Schedule	Radisson Hotel Phoenix Room 17001 Pacific Highway South SeaTac

WSR 05-01-163
INTERPRETIVE AND POLICY STATEMENT
HORSE RACING COMMISSION

[Filed December 21 2004, 9:10 a.m.]

In accordance with Revised Code of Washington the Washington Horse Racing Commission (WHRC) is submitting an interpretive/policy statement for publication in the Washington State Register.

The new interpretive/policy statement is intended to interpret the \$100 cap in license fees for multiple licenses in a calendar year in WAC 260-36-085, and to establish a policy

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statement regarding the licensing requirements of police, fire, emergency medical services, service organizations and service clubs.

A copy of the interpretive/policy statement 2004-05 licensing can be obtained on the agency website at www.whrc.wa.gov/rules.htm or from Robert J. Lopez, Administrative Services Manager, by writing to The Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462, fax (360) 459-6461.

R. M. Leicher
Executive Secretary

DATE	STUDY SESSION	MEETING
July 14, 2005	8:00 a.m.	10:00 a.m.
August 2005	NO MEETING	
September 15, 2005	8:00 a.m.	10:00 a.m.
October 13, 2005	8:00 a.m.	10:00 a.m.
November 10, 2005	8:00 a.m.	10:00 a.m.
December 8, 2005	8:00 a.m.	10:00 a.m.

WSR 05-01-164
NOTICE OF PUBLIC MEETINGS
BELLEVUE COMMUNITY COLLEGE
[Memorandum—December 7, 2004]

Notice of Public Meetings for 2005

The 2005 meetings of the board of trustees of Community College District VIII will be held at 12:30 p.m. in the Board Room (B201), Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA on the following dates:

- January 26
- March 9
- April 1
- May 4
- June 15
- June 29
- September 14
- November 2
- December 14

Please contact Debra Ross if you have any questions.

WSR 05-01-165
NOTICE OF PUBLIC MEETINGS
HIGHLINE COMMUNITY COLLEGE
[Memorandum—December 15, 2004]

Listed below is the meeting schedule for 2005 for the board of trustees of Community College District 9. All meetings are held in Building 25 and begin with a study session followed by the regular meeting. These meeting dates were approved by the board at their December 8, 2004, meeting.

DATE	STUDY SESSION	MEETING
January 20, 2005	8:00 a.m.	10:00 a.m.
February 10, 2005	8:00 a.m.	10:00 a.m.
March 10, 2005	8:00 a.m.	10:00 a.m.
April 14, 2005	8:00 a.m.	10:00 a.m.
May 12, 2005	8:00 a.m.	10:00 a.m.
June 9, 2005	8:00 a.m.	10:00 a.m.

WSR 05-01-215
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
[Filed December 22, 2004, 6:53 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Public notice.
Subject: Medicaid State Plan Amendment 03-019 approved by CMS.

Effective Date: August 11, 2003.

Document Description: The Department of Social and Health Services (department), Medical Assistance Administration (MAA), has updated the Medicaid state plan to further describe: (1) Service programs described in Attachments 3.1-A and 3.1-B to the plan; and (2) payment methods used to pay for service programs that are described in Attachment 4.19-B of the plan. These revisions found in State Plan Amendment (SPA) 03-019 were approved by CMS on November 3, 2004 with an effective date of August 11, 2003.

These updates clarify some service programs and their payment methods that already exist in the state plan and describe some service programs and their payment methods not previously identified in the Medicaid state plan. The department currently administers all programs described, and has for some time. These updates are made to identify and/or clarify all service programs administered by MAA in the department. Clarifying language exists for most Medicaid services with significant changes for the following service programs:

- * Attachment 3.1-A, categorically needy services.
- ** Attachment 3.1-B, medically needy services.
- *** Attachment 4.19-B, other institutional and noninstitutional services payment methods.
 - Inpatient Hospital*, **
 - Outpatient Hospital *, **, \$
 - Freestanding Ambulatory Surgery Centers *, **, \$
 - Freestanding Birthing Centers *, **, \$
 - Freestanding Alcohol/Drug Treatment Centers *, **, \$
 - Indian Health Services and Tribal Facilities *, **, \$
 - Rural Health Clinics *, **, \$
 - Federally Qualified Health Centers (FQHCs) *, **, \$
 - Laboratory Services *, **
 - Radiology Services *, **

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- Nursing Facilities for Clients Under Age 21 *, **
- Early Periodic Screening, Diagnosis, and Treatment (EPSDT)*, **
- Physicians Services *, **
- Medical Care & Other Remedial Care *, **, \$
- Medical Nutrition and Medical Nutrition Therapy *, **, \$
- Home Health Care *, **
- Private Duty Nursing *, **, \$
- Clinic Services *, **, \$
- Dental Services *, **, \$
- Physical Therapy, Occupational Therapy, Services for speech, hearing, language disorders *, **, \$
- Dentures *, **, \$
- Prosthetic Devices *, **, \$
- Eyeglasses *, **, \$
- Diagnostic Services *, **
- Intermediate Care Facilities/Skilled Nursing Facilities *, **
- Inpatient Psychiatric Care for Clients under 21 years *, **, \$
- Nurse Mid-wife Services *, **, \$
- Non-nurse Mid-wife Services *, **, \$
- Hospice *, **
- Extended Services for Pregnant Women **
- Respiratory Care *, **
- Transportation [Transportation]*, **, \$
- Interpreter Services *, **, \$
- Planned Home Births *, **, \$

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 and justification for the payment methods, 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 20, 2004
Ann Myers
Manager

WSR 05-01-216
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed December 22, 2004, 6:54 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: SEO Handbook Chapter 14.

Subject: Continuation of services.

Effective Date: November 23, 2004.

Document Description: This is a revision to the existing SEO Handbook Chapter 14.

To receive a copy of the interpretive or policy statement, contact Susan Reams, Division of Child Support, Mailstop 45860, P.O. Box 9162, Olympia, WA 98507-9162, phone (360) 664-5278, TDD (360) 753-9122, fax (360) 586-3274, e-mail sreams@dshs.wa.gov.

November 29, 2004
Susan Reams

WSR 05-01-217
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed December 22, 2004, 6:55 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: SEO Handbook Chapter 21.

Subject: ACES and IV-A.

Effective Date: December 7, 2004.

Document Description: This is a revision to the existing SEO Handbook Chapter 21.

To receive a copy of the interpretive or policy statement, contact Susan Reams, Division of Child Support, Mailstop 45860, P.O. Box 9162, Olympia, WA 98507-9162, phone (360) 664-5278, TDD (360) 753-9122, fax (360) 586-3274, e-mail sreams@dshs.wa.gov.

December 7, 2004
Susan Reams

WSR 05-01-218
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed December 22, 2004, 6:56 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-91 MAA.

Subject: Dental program (adults/children): Fee schedule changes.

Effective Date: January 1, 2005.

Document Description: **Effective for dates of service on and after January 1, 2005**, the Medical Assistance Administration (MAA) is implementing the current dental terminology (CDT) procedure code additions as discussed in

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this memorandum. Maximum allowable fees for the Year 2005 additions are also included.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2004"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

December 17, 2004
Ann Myers, Manager
Rules and Publications Section

WSR 05-01-220
OFFICE OF
INSURANCE COMMISSIONER

[Filed December 22, 2004, 9:09 a.m.]

WITHDRAWAL OF TECHNICAL ASSISTANCE ADVISORY

With the adoption of amendments to chapter 284-53 WAC, technical assistance advisories T 2000-04 and T 04-04 are no longer needed. Both of these advisories involved the setting of chemical dependency benefit standards. These standards are now set in regulation.

Therefore, the following advisories are withdrawn:

- T 2000-04 Minimum Benefit for Chemical Dependency**
- T 04-04 Chemical Dependency Benefit Changes - Calendar Year 2004**

For questions contact Kacy Scott at (360) 725-7042, kacys@oic.wa.gov.

WSR 05-01-223

AGENDA

STATE BOARD OF HEALTH

[Filed December 22, 2004, 9:47 a.m.]

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 05-02 issue of the Register.

WSR 05-01-225

AGENDA

**UTILITIES AND TRANSPORTATION
COMMISSION**

[Filed December 22, 2004, 10:13 a.m.]

The Washington Utilities and Transportation Commission submits its semi-annual report rule development agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

Please direct any questions to Karen M. Caille at (360) 664-1136 or kcaille@wutc.wa.gov.

**Utilities and Transportation Commission
Semi-annual Rules Development Agenda
(January 1, 2005 - June 30, 2005)**

This report is the Utilities and Transportation Commission's semi-annual report rule development agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

Additional rule-making activity not on the agenda may be undertaken to meet conditions not now anticipated.

Dates that are in "bold" print, indicate that filing has occurred. All other dates are projected. The commission maintains a schedule of rule-making activity that is updated several times per month. See <www.wutc.wa.gov>.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF POSSIBLE CHANGES
			CR-101	CR-102	CR-103 HEARING	
Chapters 480-70 480-73 480-75 480-90 480-92 480-100 480-110 480-120 480-121 480-140 480-146 WAC	Rule on reporting transactions between regulated companies and subsidiaries	Fred Ottavelli Regulatory Services (360) 664-1297	10/2/02 10/28/02 Supp. 3/13/03 Supp.	9/1/04 12/22/04 Supp.	10/13/04 2/1/05	Consider establishing rules that would require reporting of transactions between regulated companies and their subsidiaries.
Chapters 480-30 480-40 WAC	Bus rules	Bonnie Allen Transportation (360) 664-1226	5/28/02	4/13/05	6/15/05	Review of rules as a result of Governor Locke's Executive Order 97-02.

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WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF POSSIBLE CHANGES
			CR-101	CR-102	CR-103 HEARING	
Chapter 480-93 WAC	Pipeline safety rules	Sondra Walsh Pipeline Safety (360) 664-1286	8/9/01	7/21/04 1/5/05 Supp.	2/23/05	Review of rules as a result of Governor Locke's Executive Order 97-02.
WAC 480-100-238 480-90-238	Resource planning rules	Graciela Etchart Energy Section (360) 664-1310	4/15/03	To be determined	To be determined	Consider resource planning process revisions. Review of rules as a result of Governor Locke's Executive Order 97-02.
Chapter 480-107 WAC	Electric companies—Purchasers of electricity	Graciela Etchart Energy Section (360) 664-1310	4/15/03	To be determined	To be determined	Review of rules as a result of Governor Locke's Executive Order 97-02.
Chapter 480-11 WAC	SEPA procedures	Not assigned	3/16/05 (estimated)	To be determined	To be determined	Incorporate Department of Ecology rules by reference; identify commission's responsible official.
Chapters 480-120 480-80 480-122 WAC	Update to telecom rules	Sharyn Bate Telecom Section (360) 664-1295	1/21/04 1/27/04	8/18/04 11/1/04 (supplemental)	9/22/04 12/10/04	Consider minor changes based on experience since the rules underwent a major revision in 2002.
Chapter 480-15 WAC	Household goods	Not assigned	2/9/05	8/17/05	10/12/05	Reflect federal definition, update tariff fees, reconcile with Tariff 15A, and housecleaning.
Chapter 480-51 WAC	Commercial ferries	Not assigned	8/17/2005	2/2006	4/2006	Review of rules as a result of Governor Locke's Executive Order 97-02
WAC 480-93-999, 480-75-999	Adoption by reference	Lindsay Marquez Pipeline Safety (360) 664-1302	On hold pending Federal Rulemaking			Incorporate new and amended federal rules by reference per 49 C.F.R.
WAC 480-62-218	Point protection for train movements	Mike Rowswell Rail Safety (360) 664-1265	2/18/04	7/21/04	1/26/05	Consider adopting rules relating to point protection for train movements.
WAC 480-110-255	Review of jurisdictional provisions	Danny Kermode Water Section (360) 664-1253	4/7/04	1/26/05	3/16/05	Consider clarifying and raising jurisdictional threshold for water companies pursuant to statutory formula.
"999" Sections in various chapters of Title 480 WAC	Adoption by reference	Not assigned	N/A	2/23/05	5/11/05	Update the citations to material that's incorporated by reference.
WAC 480-60-035	Walkways	Mike Rowswell Rail Safety (360) 664-1205	10/13/04	To be determined	To be determined	Consider requiring material that is 3/4" or less in size for switching leads.
WAC 480-120-450	Amend E911 obligations of local exchange companies	Rebecca Beaton Telecom Section (360) 664-1287	11/12/04	6/15/05	7/29/05	Consider establishing a uniform demarcation point in the E911 network for carrier cost recovery.
WAC 480-75-240, 480-93-240	Review of pipeline safety fee methodology	Tim Sweeney Pipeline Safety (360) 664-1118	8/11/04	2/23/05	4/2705	Review pipeline safety fee methodology at the request of a pipeline operator.
Chapter 480-62 WAC	Grade crossing protection fund safety project rules	To be determined	To be determined	To be determined	To be determined	Consider adopting rules reflecting the commission's policy interpretive statement on the grade crossing protective fund (chapter 81.53 RCW).
Chapters 480-04 480-07 WAC	Procedural rules tune-up	Dennis Moss, ALD (360) 664-1164	To be determined	To be determined	To be determined	Consider changes based on experience since the rules underwent a major revision in 2003.

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WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF POSSIBLE CHANGES
			CR-101	CR-102	CR-103 HEARING	
WAC 480-07-200 through 480-07-240	Rule-making proceedings	Bob Wallis, Director, ALD (360) 664-1142 Glenn Blackmon, Director (360) 664-1290	1/26/05	4/27/05	6/15/05	Review of agency rule-making process and consider whether new or amended rules are needed to implement process improvements.

C. Robert Wallis
for Carole J. Washburn
Executive Secretary

WSR 05-01-236
DEPARTMENT OF ECOLOGY

[Filed December 22, 2004, 11:32 a.m.]

**Announcement of Issuance of General Permit
for Sand and Gravel Mining and Related Activities**

Introduction: On January 5, 2005, Washington state Department of Ecology (ecology) reissued the sand and gravel general permit, a national pollutant discharge elimination system (NPDES) and state waste discharge general permit for sand and gravel mining operations and related facilities located in Washington state. This permit will take effect on February 4, 2005. The proposed permit implements the Federal Clean Water Act and State Water Pollution Control Act. The purpose of the permit is to control the discharge of pollutants from sand and gravel mining operations and related facilities into waters of the state.

Those facilities with industrial activities designated by the following standard industrial classification (SIC) codes are subject to coverage under the sand and gravel general permit:

- 0811 Timber Tracts (sand and gravel point source activities).
- 1411 Dimension Stone.
- 1422 Crushed and Broken Limestone.
- 1423 Crushed and Broken Granite.
- 1429 Crushed and Broken Stone, Not Elsewhere Classified.
- 1442 Construction Sand and Gravel.
- 1446 Industrial Sand.
- 1455 Kaolin and Ball Clay.
- 1459 Clay, Ceramic, and Refractory Minerals, Not Otherwise Classified.
- 1499 Miscellaneous Nonmetallic Minerals, Except Fuels.
- 2411 Logging (sand and gravel point source activities).
- 2951 Asphalt Paving Mixtures and Blocks.
- 3273 Ready-Mixed Concrete.

Summary of Public Involvement Process: On June 23, 2004, ecology filed a public notice of draft (PNOD) with the Code Revisers Office to inform the public that the revised

draft permit and fact sheet were available for review and comment; and to specify the dates and locations of public workshops and hearings on the proposed permit. On July 7, 2004, the public announcement was published in the Washington State Register (WSR 04-13-178), Bellingham Herald, Tri-City Herald, Seattle Daily Journal of Commerce, Spokesman-Review, and the Columbian. An announcement was also mailed to all parties identified as interested parties and was made available on ecology's website. Public workshops and hearings on the proposed permit were held in Moses Lake on August 10, 2004, and in Lacey on August 12, 2004. The public comment period closed August 19, 2004. Several revisions were made to the permit after the public comment period closed, but the overall direction and intent of the permit has not changed. The permit was edited to make it more clear and effective and to address legal and technical issues raised during the public comment period. These revisions include:

- Additional monitoring and reporting for discharges to surface waters including discharge flow monitoring each time temperature or turbidity is measured; and a receiving water flow report to estimate the low flow of receiving surface waters at the time of critical condition is due by January 30, 2008;
 - Suspending stormwater pH monitoring for the construction sand and gravel category; and reducing the frequency of pH monitoring to quarterly for all categories except ready-mixed concrete (SIC 3273) and concrete products (SIC 3272);
 - Removing language regarding the presumptive and demonstration approach as the basis for stormwater pollution prevention plans; and adding the requirement to make plans available to the public upon written request; and
 - Clarifying the requirements for new and existing discharges to 303(d)-listed impaired waterbodies and waters with TMDLs.

Ecology has prepared a *Response to Comments*, which is included in the fact sheet for the sand and gravel general permit (Appendix C). It includes a summary of all changes made to the draft permit, ecology's response to all the written comments submitted during the public comment period, and a list of those providing comments. It is available from ecology's sand and gravel website, [\[65 \]](http://www.ecy.wa.gov/pro-</p>
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grams/wq/sand/index.html, or by request to the addresses listed below.

Permit Coverage: Those facilities that have coverage under the current permit, and have submitted their renewal application for the permit, will continue to have coverage under the revised permit unless otherwise notified by ecology. New or unpermitted facilities seeking permit coverage should request an application for coverage from the ecology regional office serving their site location. Businesses seeking coverage for portable asphalt, portable concrete, and portable rock crushing operations should contact the ecology regional office serving the location of their business office and request an application for coverage of portables.

Anyone with knowledge of why a specific facility should or should not receive coverage under this general permit may also contact the ecology regional office appropriate for the location of the facility.

Appeal Procedures: Pursuant to chapter 43.21.B. [43.21B]RCW, the terms and conditions of the permit may be appealed within thirty days of receipt. An appeal must be filed with the Pollution Control Hearings Board, P.O. Box 40903, Olympia, WA 98504-0903. In addition, a copy of this appeal must be served on the Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600. The procedures and requirements for the appeal process are contained in RCW 43.21.B.310 [43.21B.310].

The terms and conditions of a general permit, as they apply to an individual discharger, are appealable within thirty days of the effective date of coverage of that discharger, in accordance with chapter 43.21B RCW. This appeal is limited to the general permit's applicability or nonapplicability to a specific discharger.

To Obtain Additional Information: Jeff Killelea, Water Quality Program, Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6127, fax (360) 407-6426, e-mail JKIL461@ecy.wa.gov.

To Apply for Permit Coverage or Obtain Additional Information:

Southwest Regional Office
Water Quality Program
P.O. Box 47775
Olympia, WA 98504-7775
Phone: (360) 407-6280

Northwest Regional Office
Water Quality Program
3190 - 160th Avenue SE
Bellevue, WA 98008-5452
Phone: (425) 649-7201

Central Regional Office
Water Quality Program
15 West Yakima Avenue, Suite 200
Yakima, WA 98902-3401
Phone: (509) 454-7869

Eastern Regional Office
Water Quality Program
North 4601 Monroe
Suite 202
Spokane, WA 99205-1295
Phone: (509) 456-6310

If you need this information in an alternate format, please contact ecology at (360) 407-6404. If you are a person with a speech or hearing impairment, call 711 or 1-800-833-6388 for TTY.

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	04-02-071	4- 25-626	AMD	05-01-137	4- 25-721	AMD	05-01-137
4- 25-400	PREP	04-08-033	4- 25-630	PREP	04-08-033	4- 25-730	PREP	04-08-033
4- 25-400	AMD-P	04-17-085	4- 25-630	AMD-P	04-17-085	4- 25-730	AMD-P	04-17-085
4- 25-400	AMD-S	04-22-096	4- 25-630	AMD-S	04-22-096	4- 25-730	AMD-S	04-22-096
4- 25-400	AMD	05-01-137	4- 25-630	AMD	05-01-137	4- 25-730	AMD	05-01-137
4- 25-410	PREP	04-08-033	4- 25-631	PREP	04-08-033	4- 25-735	PREP	04-08-033
4- 25-410	AMD-P	04-17-085	4- 25-631	AMD-P	04-17-085	4- 25-735	AMD-P	04-17-085
4- 25-410	AMD-S	04-22-096	4- 25-631	AMD-S	04-22-096	4- 25-735	AMD-S	04-22-096
4- 25-410	AMD	05-01-137	4- 25-631	AMD	05-01-137	4- 25-735	AMD	05-01-137
4- 25-510	PREP	04-08-033	4- 25-640	PREP	04-08-033	4- 25-745	PREP	04-08-033
4- 25-510	AMD-P	04-17-085	4- 25-640	AMD-P	04-17-085	4- 25-745	AMD-P	04-17-085
4- 25-510	AMD-S	04-22-096	4- 25-640	AMD-S	04-22-096	4- 25-745	AMD-S	04-22-096
4- 25-510	AMD	05-01-137	4- 25-640	AMD	05-01-137	4- 25-745	AMD	05-01-137
4- 25-530	PREP	04-06-085	4- 25-650	PREP	04-08-033	4- 25-746	PREP	04-08-033
4- 25-530	AMD-P	04-17-086	4- 25-650	AMD-P	04-17-085	4- 25-746	AMD-P	04-17-085
4- 25-530	AMD-S	04-22-097	4- 25-650	AMD-S	04-22-096	4- 25-746	AMD-S	04-22-096
4- 25-530	AMD	05-01-136	4- 25-650	AMD	05-01-137	4- 25-746	AMD	05-01-137
4- 25-540	PREP	04-08-033	4- 25-660	PREP	04-08-033	4- 25-750	PREP	04-08-033
4- 25-540	AMD-P	04-17-085	4- 25-660	AMD-P	04-17-085	4- 25-750	AMD-P	04-17-085
4- 25-540	AMD-S	04-22-096	4- 25-660	AMD-S	04-22-096	4- 25-750	AMD-S	04-22-096
4- 25-540	AMD	05-01-137	4- 25-660	AMD	05-01-137	4- 25-750	AMD	05-01-137
4- 25-550	PREP	04-08-033	4- 25-661	PREP	04-08-033	4- 25-756	PREP	04-11-033
4- 25-550	AMD-P	04-17-085	4- 25-661	AMD-P	04-17-085	4- 25-756	AMD-P	04-17-087
4- 25-550	AMD-S	04-22-096	4- 25-661	AMD-S	04-22-096	4- 25-756	AMD-S	04-22-098
4- 25-550	AMD	05-01-137	4- 25-661	AMD	05-01-137	4- 25-756	AMD	05-01-135
4- 25-551	PREP	04-08-033	4- 25-670	PREP	04-08-033	4- 25-782	PREP	04-11-033
4- 25-551	AMD-P	04-17-085	4- 25-670	AMD-P	04-17-085	4- 25-782	AMD-P	04-17-087
4- 25-551	AMD-S	04-22-096	4- 25-670	AMD-S	04-22-096	4- 25-782	AMD-S	04-22-098
4- 25-551	AMD	05-01-137	4- 25-670	AMD	05-01-137	4- 25-782	AMD	05-01-135
4- 25-610	PREP	04-08-033	4- 25-710	PREP	04-08-033	4- 25-783	PREP	04-08-033
4- 25-610	AMD-P	04-17-085	4- 25-710	AMD-P	04-17-085	4- 25-783	AMD-P	04-17-085
4- 25-610	AMD-S	04-22-096	4- 25-710	AMD-S	04-22-096	4- 25-783	AMD-S	04-22-096
4- 25-610	AMD	05-01-137	4- 25-710	AMD	05-01-137	4- 25-783	AMD	05-01-137
4- 25-620	PREP	04-08-033	4- 25-720	PREP	04-08-033	4- 25-790	PREP	04-08-033
4- 25-620	AMD-P	04-17-085	4- 25-720	AMD-P	04-17-085	4- 25-790	AMD-P	04-17-085
4- 25-620	AMD-S	04-22-096	4- 25-720	AMD-S	04-22-096	4- 25-790	AMD-S	04-22-096
4- 25-620	AMD	05-01-137	4- 25-720	AMD	05-01-137	4- 25-790	AMD	05-01-137
4- 25-626	PREP	04-08-033	4- 25-721	PREP	04-08-033	4- 25-791	PREP	04-08-033
4- 25-626	AMD-P	04-17-085	4- 25-721	AMD-P	04-17-085	4- 25-791	AMD-P	04-17-085
4- 25-626	AMD-S	04-22-096	4- 25-721	AMD-S	04-22-096	4- 25-791	AMD-S	04-22-096

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
4- 25-791	AMD	05-01-137	16-170-090	NEW-P	04-05-119	16-230-610	PREP	04-03-004
4- 25-792	PREP	04-08-033	16-170-090	NEW	04-08-062	16-230-615	PREP	04-03-004
4- 25-792	AMD-P	04-17-085	16-170-100	NEW-P	04-05-119	16-230-620	PREP	04-03-004
4- 25-792	AMD-S	04-22-096	16-170-100	NEW	04-08-062	16-230-625	PREP	04-03-004
4- 25-792	AMD	05-01-137	16-170-110	NEW-P	04-05-119	16-230-630	PREP	04-03-004
4- 25-793	PREP	04-08-033	16-170-110	NEW	04-08-062	16-230-635	PREP	04-03-004
4- 25-793	AMD-P	04-17-085	16-170-115	NEW-P	04-05-119	16-230-640	PREP	04-03-004
4- 25-793	AMD-S	04-22-096	16-170-115	NEW	04-08-062	16-230-645	PREP	04-03-004
4- 25-793	AMD	05-01-137	16-170-120	NEW-P	04-05-119	16-230-650	PREP	04-03-004
4- 25-795	PREP	04-08-033	16-170-120	NEW	04-08-062	16-230-655	PREP	04-03-004
4- 25-795	AMD-P	04-17-085	16-170-125	NEW-P	04-05-119	16-230-660	PREP	04-03-004
4- 25-795	AMD-S	04-22-096	16-170-125	NEW	04-08-062	16-230-665	PREP	04-03-004
4- 25-795	AMD	05-01-137	16-170-130	NEW-P	04-05-119	16-230-670	PREP	04-03-004
4- 25-820	PREP	04-11-033	16-170-130	NEW	04-08-062	16-230-673	PREP	04-03-004
4- 25-820	AMD-P	04-17-087	16-170-135	NEW-P	04-05-119	16-230-675	PREP	04-03-004
4- 25-820	AMD-S	04-22-098	16-170-135	NEW	04-08-062	16-230-800	PREP	04-03-004
4- 25-820	AMD	05-01-135	16-170-140	NEW-P	04-05-119	16-230-810	PREP	04-03-004
4- 25-830	PREP	04-08-033	16-170-140	NEW	04-08-062	16-230-813	PREP	04-03-004
4- 25-830	AMD-P	04-17-085	16-170-145	NEW-P	04-05-119	16-230-815	PREP	04-03-004
4- 25-830	AMD-S	04-22-096	16-170-145	NEW	04-08-062	16-230-820	PREP	04-03-004
4- 25-830	AMD	05-01-137	16-170-150	NEW-P	04-05-119	16-230-825	PREP	04-03-004
4- 25-831	PREP	04-08-033	16-170-150	NEW	04-08-062	16-230-830	PREP	04-03-004
4- 25-831	AMD-P	04-17-085	16-170-155	NEW-P	04-05-119	16-230-835	PREP	04-03-004
4- 25-831	AMD-S	04-22-096	16-170-155	NEW	04-08-062	16-230-835	PREP	04-13-057
4- 25-831	AMD	05-01-137	16-170-170	NEW-P	04-05-119	16-230-840	PREP	04-03-004
4- 25-910	PREP	04-08-033	16-170-170	NEW	04-08-062	16-230-845	PREP	04-03-004
4- 25-910	AMD-P	04-17-085	16-170-175	NEW-P	04-05-119	16-230-850	PREP	04-03-004
4- 25-910	AMD-S	04-22-096	16-170-175	NEW	04-08-062	16-230-855	PREP	04-03-004
4- 25-910	AMD	05-01-137	16-170-180	NEW-P	04-05-119	16-230-860	PREP	04-03-004
10- 20-010	NEW-P	04-24-005	16-170-180	NEW	04-08-062	16-230-860	PREP	04-13-057
10- 20-020	NEW-P	04-24-005	16-218	PREP	04-19-121	16-230-861	PREP	04-03-004
10- 20-030	NEW-P	04-24-005	16-219-010	REP-X	04-13-059	16-230-862	PREP	04-03-004
16- 07-001	NEW-E	05-01-031	16-219-010	REP	04-18-024	16-230-863	PREP	04-03-004
16- 07-001	PREP	05-01-159	16-219-100	REP-X	04-06-073	16-230-864	PREP	04-03-004
16- 07-001	NEW-E	05-01-160	16-219-100	REP	04-10-105	16-230-866	PREP	04-03-004
16- 08-003	NEW	04-02-063	16-219-105	REP-X	04-06-073	16-230-868	PREP	04-03-004
16- 08-004	NEW	04-02-063	16-219-105	REP	04-10-105	16-231-100	PREP	04-03-004
16- 54-030	AMD-E	04-15-021	16-228-1220	PREP	04-03-005	16-231-105	PREP	04-03-004
16-157-020	AMD-X	04-16-092	16-228-1231	PREP	04-03-004	16-231-107	PREP	04-03-004
16-157-020	AMD	04-24-015	16-228-1250	PREP	04-03-004	16-231-110	PREP	04-03-004
16-170-010	NEW-P	04-05-119	16-229	PREP	04-14-102	16-231-115	PREP	04-03-004
16-170-010	NEW	04-08-062	16-229-010	AMD-P	05-01-147	16-231-119	PREP	04-03-004
16-170-020	NEW-P	04-05-119	16-230-250	REP-X	04-13-058	16-231-125	PREP	04-03-004
16-170-020	NEW	04-08-062	16-230-250	REP	04-18-023A	16-231-130	PREP	04-03-004
16-170-030	NEW-P	04-05-119	16-230-260	REP-X	04-13-058	16-231-135	PREP	04-03-004
16-170-030	NEW	04-08-062	16-230-260	REP	04-18-023A	16-231-140	PREP	04-03-004
16-170-035	NEW-P	04-05-119	16-230-270	REP-X	04-13-058	16-231-145	PREP	04-03-004
16-170-035	NEW	04-08-062	16-230-270	REP	04-18-023A	16-231-149	PREP	04-03-004
16-170-037	NEW-P	04-05-119	16-230-281	REP-X	04-13-058	16-231-153	PREP	04-03-004
16-170-037	NEW	04-08-062	16-230-281	REP	04-18-023A	16-231-156	PREP	04-03-004
16-170-040	NEW-P	04-05-119	16-230-290	REP-X	04-13-058	16-231-159	PREP	04-03-004
16-170-040	NEW	04-08-062	16-230-290	REP	04-18-023A	16-231-162	PREP	04-03-004
16-170-050	NEW-P	04-05-119	16-230-400	PREP	04-03-004	16-231-165	PREP	04-03-004
16-170-050	NEW	04-08-062	16-230-410	PREP	04-03-004	16-231-168	PREP	04-03-004
16-170-060	NEW-P	04-05-119	16-230-420	PREP	04-03-004	16-231-171	PREP	04-03-004
16-170-060	NEW	04-08-062	16-230-430	PREP	04-03-004	16-231-174	PREP	04-03-004
16-170-070	NEW-P	04-05-119	16-230-440	PREP	04-03-004	16-231-177	PREP	04-03-004
16-170-070	NEW	04-08-062	16-230-450	PREP	04-03-004	16-231-180	PREP	04-03-004
16-170-075	NEW-P	04-05-119	16-230-460	PREP	04-03-004	16-231-183	PREP	04-03-004
16-170-075	NEW	04-08-062	16-230-470	PREP	04-03-004	16-231-200	PREP	04-03-004
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16-170-080	NEW	04-08-062	16-230-605	PREP	04-03-004	16-231-210	PREP	04-03-004

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-231-215	PREP	04-03-004	16-232-020	PREP	04-03-004	16-301-420	AMD-P	04-05-118
16-231-220	PREP	04-03-004	16-232-025	PREP	04-03-004	16-301-420	AMD	04-08-043
16-231-225	PREP	04-03-004	16-232-027	PREP	04-03-004	16-301-430	AMD-P	04-05-118
16-231-230	PREP	04-03-004	16-232-030	PREP	04-03-004	16-301-430	AMD	04-08-043
16-231-235	PREP	04-03-004	16-232-035	PREP	04-03-004	16-301-435	AMD-P	04-05-118
16-231-300	PREP	04-03-004	16-232-041	PREP	04-03-004	16-301-435	AMD	04-08-043
16-231-305	PREP	04-03-004	16-232-044	PREP	04-03-004	16-301-440	AMD-P	04-05-118
16-231-310	PREP	04-03-004	16-232-047	PREP	04-03-004	16-301-440	AMD	04-08-043
16-231-315	PREP	04-03-004	16-232-050	PREP	04-03-004	16-301-450	REP-P	04-05-118
16-231-320	PREP	04-03-004	16-232-053	PREP	04-03-004	16-301-450	REP	04-08-043
16-231-325	PREP	04-03-004	16-232-056	PREP	04-03-004	16-301-455	REP-P	04-05-118
16-231-330	PREP	04-03-004	16-232-059	PREP	04-03-004	16-301-455	REP	04-08-043
16-231-335	PREP	04-03-004	16-232-062	PREP	04-03-004	16-301-460	REP-P	04-05-118
16-231-400	PREP	04-03-004	16-232-065	PREP	04-03-004	16-301-460	REP	04-08-043
16-231-405	PREP	04-03-004	16-232-068	PREP	04-03-004	16-301-465	REP-P	04-05-118
16-231-410	PREP	04-03-004	16-232-071	PREP	04-03-004	16-301-465	REP	04-08-043
16-231-413	PREP	04-03-004	16-232-074	PREP	04-03-004	16-301-470	REP-P	04-05-118
16-231-415	PREP	04-03-004	16-232-077	PREP	04-03-004	16-301-470	REP	04-08-043
16-231-420	PREP	04-03-004	16-232-100	PREP	04-03-004	16-301-475	REP-P	04-05-118
16-231-425	PREP	04-03-004	16-232-105	PREP	04-03-004	16-301-475	REP	04-08-043
16-231-500	PREP	04-03-004	16-232-110	PREP	04-03-004	16-301-480	REP-P	04-05-118
16-231-505	PREP	04-03-004	16-232-115	PREP	04-03-004	16-301-480	REP	04-08-043
16-231-510	PREP	04-03-004	16-232-120	PREP	04-03-004	16-301-485	REP-P	04-05-118
16-231-515	PREP	04-03-004	16-232-200	PREP	04-03-004	16-301-485	REP	04-08-043
16-231-520	PREP	04-03-004	16-232-205	PREP	04-03-004	16-302-385	AMD-P	04-05-120
16-231-525	PREP	04-03-004	16-232-210	PREP	04-03-004	16-302-385	AMD	04-08-044
16-231-530	PREP	04-03-004	16-232-215	PREP	04-03-004	16-302-685	AMD	04-06-018
16-231-600	PREP	04-03-004	16-232-220	PREP	04-03-004	16-303-340	AMD	04-06-029
16-231-605	PREP	04-03-004	16-232-225	PREP	04-03-004	16-303-340	PREP	04-22-094
16-231-610	PREP	04-03-004	16-232-300	PREP	04-03-004	16-303-340	AMD-P	05-01-230
16-231-613	PREP	04-03-004	16-232-305	PREP	04-03-004	16-319-001	PREP	04-22-093
16-231-615	PREP	04-03-004	16-232-310	PREP	04-03-004	16-319-001	REP-P	05-01-232
16-231-620	PREP	04-03-004	16-232-315	PREP	04-03-004	16-319-002	PREP	04-22-093
16-231-700	PREP	04-03-004	16-237-195	PREP	04-22-095	16-319-002	REP-P	05-01-232
16-231-705	PREP	04-03-004	16-237-195	AMD-P	05-01-231	16-319-003	PREP	04-22-093
16-231-710	PREP	04-03-004	16-250-155	PREP	04-06-074	16-319-003	REP-P	05-01-232
16-231-715	PREP	04-03-004	16-250-155	AMD-P	04-11-093	16-319-004	PREP	04-22-093
16-231-720	PREP	04-03-004	16-250-155	AMD	04-14-076	16-319-004	REP-P	05-01-232
16-231-725	PREP	04-03-004	16-252-155	PREP	04-06-074	16-319-006	PREP	04-22-093
16-231-800	PREP	04-03-004	16-252-155	AMD-P	04-11-093	16-319-006	REP-P	05-01-232
16-231-805	PREP	04-03-004	16-252-155	AMD	04-14-076	16-319-007	PREP	04-22-093
16-231-810	PREP	04-03-004	16-301-250	AMD	04-06-019	16-319-007	REP-P	05-01-232
16-231-815	PREP	04-03-004	16-301-265	AMD	04-06-019	16-319-041	AMD	04-06-028
16-231-820	PREP	04-03-004	16-301-270	AMD	04-06-019	16-319-041	PREP	04-22-093
16-231-825	PREP	04-03-004	16-301-310	AMD	04-06-019	16-319-041	AMD-P	05-01-232
16-231-830	PREP	04-03-004	16-301-325	AMD	04-06-019	16-324-375	AMD-X	04-07-170
16-231-835	PREP	04-03-004	16-301-330	AMD	04-06-019	16-324-375	AMD	04-12-026
16-231-840	PREP	04-03-004	16-301-335	AMD	04-06-019	16-324-393	AMD-X	04-07-170
16-231-900	PREP	04-03-004	16-301-365	AMD-P	04-05-118	16-324-393	AMD	04-12-026
16-231-905	PREP	04-03-004	16-301-365	AMD	04-08-043	16-324-398	AMD-X	04-07-170
16-231-910	PREP	04-03-004	16-301-375	AMD-P	04-05-118	16-324-398	AMD	04-12-026
16-231-912	PREP	04-03-004	16-301-375	AMD	04-08-043	16-324-720	REP-X	04-07-170
16-231-915	PREP	04-03-004	16-301-380	AMD-P	04-05-118	16-324-720	REP	04-12-026
16-231-920	PREP	04-03-004	16-301-380	AMD	04-08-043	16-324-730	REP-X	04-07-170
16-231-925	PREP	04-03-004	16-301-395	AMD-P	04-05-118	16-324-730	REP	04-12-026
16-231-930	PREP	04-03-004	16-301-395	AMD	04-08-043	16-324-740	REP-X	04-07-170
16-231-935	PREP	04-03-004	16-301-396	NEW-P	04-05-118	16-324-740	REP	04-12-026
16-232-001	PREP	04-03-004	16-301-396	NEW	04-08-043	16-324-750	REP-X	04-07-170
16-232-005	PREP	04-03-004	16-301-410	AMD-P	04-05-118	16-324-750	REP	04-12-026
16-232-007	PREP	04-03-004	16-301-410	AMD	04-08-043	16-328	PREP	04-09-082
16-232-010	PREP	04-03-004	16-301-415	AMD-P	04-05-118	16-328-011	AMD-P	04-13-150
16-232-015	PREP	04-03-004	16-301-415	AMD	04-08-043	16-328-011	AMD	04-17-039

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-333	PREP	04-09-081	16-400-060	REP-P	04-08-128	16-450-044	NEW	04-05-117
16-333-041	AMD-P	04-13-149	16-400-060	REP	04-11-078	16-450-046	NEW	04-05-117
16-333-041	AMD	04-17-038	16-400-100	REP-P	04-08-128	16-450-048	NEW	04-05-117
16-350	PREP	04-19-123	16-400-100	REP	04-11-078	16-450-050	NEW	04-05-117
16-350-035	AMD-P	04-24-090	16-400-150	REP-P	04-08-128	16-450-060	NEW	04-05-117
16-350-040	AMD-P	04-07-171	16-400-150	REP	04-11-078	16-450-070	NEW	04-05-117
16-350-040	AMD	04-11-025	16-400-210	REP-P	04-08-128	16-458-075	REP-P	04-08-128
16-350-045	AMD-P	04-07-171	16-400-210	REP	04-11-078	16-458-075	REP	04-11-078
16-350-045	AMD	04-11-025	16-400-270	REP-P	04-08-128	16-458-085	REP-P	04-08-128
16-354	PREP	04-13-145	16-400-270	REP	04-11-078	16-458-085	REP	04-11-078
16-354-040	AMD-X	04-19-124	16-401	PREP	04-04-108	16-459-001	REP	04-05-117
16-354-040	AMD	04-24-050	16-401	PREP	04-06-082	16-459-00101	REP	04-05-117
16-354-050	AMD-X	04-19-124	16-401	PREP	04-09-079	16-459-010	REP	04-05-117
16-354-050	AMD	04-24-050	16-401-027	AMD-P	04-13-146	16-459-020	REP	04-05-117
16-390-005	NEW-P	04-08-128	16-401-027	AMD	04-17-037	16-459-030	REP	04-05-117
16-390-005	NEW	04-11-078	16-401-070	NEW-P	04-07-172	16-459-040	REP	04-05-117
16-390-010	NEW-P	04-08-128	16-401-070	NEW	04-11-026	16-470	PREP	04-09-080
16-390-010	NEW	04-11-078	16-402	AMD-P	04-06-083	16-470-101	PREP	05-01-179
16-390-020	NEW-P	04-08-128	16-402	PREP	04-07-045	16-470-103	PREP	05-01-179
16-390-020	NEW	04-11-078	16-402	AMD	04-09-084	16-470-105	AMD-C	04-05-025
16-390-030	NEW-P	04-08-128	16-402-010	AMD-P	04-06-083	16-470-105	AMD	04-09-027
16-390-030	NEW	04-11-078	16-402-010	AMD	04-09-084	16-470-105	PREP	05-01-179
16-390-040	NEW-P	04-08-128	16-402-020	AMD-P	04-06-083	16-470-108	PREP	04-21-082
16-390-040	NEW	04-11-078	16-402-020	AMD	04-09-084	16-470-108	PREP	05-01-179
16-390-060	NEW-P	04-08-128	16-402-030	NEW-P	04-06-083	16-470-111	PREP	04-21-082
16-390-060	NEW	04-11-078	16-402-030	NEW	04-09-084	16-470-111	PREP	05-01-179
16-390-100	NEW-P	04-08-128	16-402-040	NEW-P	04-06-083	16-470-113	PREP	04-21-082
16-390-100	NEW	04-11-078	16-402-040	NEW	04-09-084	16-470-113	PREP	05-01-179
16-390-150	NEW-P	04-08-128	16-402-100	NEW-E	04-07-046	16-470-115	PREP	04-21-082
16-390-150	NEW	04-11-078	16-402-100	NEW-P	04-11-111	16-470-115	PREP	05-01-179
16-390-200	NEW-P	04-08-128	16-402-100	NEW	04-14-090	16-470-118	PREP	04-21-082
16-390-200	NEW	04-11-078	16-402-100	NEW-E	04-14-103	16-470-118	PREP	05-01-179
16-390-210	NEW-P	04-08-128	16-402-110	NEW-E	04-07-046	16-470-122	PREP	04-21-082
16-390-210	NEW	04-11-078	16-402-110	NEW-P	04-11-111	16-470-122	PREP	05-01-179
16-390-220	NEW-P	04-08-128	16-402-110	NEW	04-14-090	16-470-125	PREP	04-21-082
16-390-220	NEW	04-11-078	16-402-110	NEW-E	04-14-103	16-470-125	PREP	05-01-179
16-390-230	NEW-P	04-08-128	16-402-120	NEW-E	04-07-046	16-470-127	PREP	04-21-082
16-390-230	NEW	04-11-078	16-402-120	NEW-P	04-11-111	16-470-127	PREP	05-01-179
16-390-240	NEW-P	04-08-128	16-402-120	NEW	04-14-090	16-470-130	PREP	04-21-082
16-390-240	NEW	04-11-078	16-402-120	NEW-E	04-14-103	16-470-130	PREP	05-01-179
16-390-242	NEW-P	04-08-128	16-402-130	NEW-E	04-07-046	16-470-750	NEW-E	04-08-082
16-390-242	NEW	04-11-078	16-402-130	NEW-P	04-11-111	16-470-755	NEW-E	04-08-082
16-390-245	NEW-P	04-08-128	16-402-130	NEW	04-14-090	16-470-760	NEW-E	04-08-082
16-390-245	NEW	04-11-078	16-402-130	NEW-E	04-14-103	16-470-765	NEW-E	04-08-082
16-390-250	NEW-P	04-08-128	16-403	PREP	04-18-009	16-470-770	NEW-E	04-08-082
16-390-250	NEW	04-11-078	16-449-001	REP	04-05-117	16-470-775	NEW-E	04-08-082
16-390-260	NEW-P	04-08-128	16-449-010	REP	04-05-117	16-470-912	AMD-P	04-13-148
16-390-260	NEW	04-11-078	16-449-020	REP	04-05-117	16-470-912	AMD	04-17-036
16-390-270	NEW-P	04-08-128	16-449-030	REP	04-05-117	16-470-912	AMD-X	04-21-083
16-390-270	NEW	04-11-078	16-450-005	NEW	04-05-117	16-470-912	AMD	05-01-180
16-390-280	NEW-P	04-08-128	16-450-010	NEW	04-05-117	16-470-917	AMD-P	04-13-148
16-390-280	NEW	04-11-078	16-450-012	NEW	04-05-117	16-470-917	AMD	04-17-036
16-400-007	REP-P	04-08-128	16-450-014	NEW	04-05-117	16-481	PREP	04-09-078
16-400-007	REP	04-11-078	16-450-016	NEW	04-05-117	16-481	AMD-P	04-13-147
16-400-008	REP-P	04-08-128	16-450-020	NEW	04-05-117	16-481	AMD	04-17-035
16-400-008	REP	04-11-078	16-450-022	NEW	04-05-117	16-481-010	AMD-P	04-13-147
16-400-010	REP-P	04-08-128	16-450-024	NEW	04-05-117	16-481-010	AMD	04-17-035
16-400-010	REP	04-11-078	16-450-026	NEW	04-05-117	16-481-015	AMD-P	04-13-147
16-400-040	REP-P	04-08-128	16-450-028	NEW	04-05-117	16-481-015	AMD	04-17-035
16-400-040	REP	04-11-078	16-450-032	NEW	04-05-117	16-481-020	AMD-P	04-13-147
16-400-045	REP-P	04-08-128	16-450-040	NEW	04-05-117	16-481-020	AMD	04-17-035
16-400-045	REP	04-11-078	16-450-042	NEW	04-05-117	16-481-025	AMD-P	04-13-147

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-481-025	AMD	04-17-035	16-532-030	REP-W	04-10-056	16-561-060	AMD-P	04-19-119
16-481-030	AMD-P	04-13-147	16-532-040	AMD-W	04-10-056	16-585-005	NEW-P	04-24-092
16-481-030	AMD	04-17-035	16-532-060	AMD-W	04-10-056	16-585-006	NEW-P	04-24-092
16-481-050	AMD-P	04-13-147	16-532-065	REP-W	04-10-056	16-585-010	AMD-P	04-24-092
16-481-050	AMD	04-17-035	16-532-101	REP	04-10-059	16-585-020	AMD-P	04-24-092
16-481-060	AMD-P	04-13-147	16-532-103	NEW-W	04-10-055	16-585-030	REP-P	04-24-092
16-481-060	AMD	04-17-035	16-532-105	NEW-W	04-10-055	16-585-040	AMD-P	04-24-092
16-481-070	AMD-P	04-13-147	16-532-110	AMD-W	04-10-075	16-585-050	AMD-P	04-24-092
16-481-070	AMD	04-17-035	16-532-115	NEW-W	04-10-075	16-585-060	AMD-P	04-24-092
16-481-075	REP-P	04-13-147	16-532-120	AMD	04-10-059	16-585-070	AMD-P	04-24-092
16-481-075	REP	04-17-035	16-536-005	NEW-P	04-04-107	16-623	PREP	04-23-095
16-512-002	REP	04-07-128	16-536-005	NEW	04-17-021	16-662-105	AMD-X	04-07-044
16-512-005	AMD	04-07-128	16-536-006	NEW-P	04-04-107	16-662-105	AMD	04-12-025
16-512-006	NEW	04-07-128	16-536-006	NEW	04-17-021	16-675	PREP	04-09-083
16-512-010	AMD	04-07-128	16-536-010	AMD-P	04-04-107	16-675-010	REP-P	04-19-122
16-512-020	AMD	04-07-128	16-536-010	AMD	04-17-021	16-675-010	REP	04-23-043
16-512-030	REP	04-07-128	16-536-020	AMD-P	04-04-107	16-675-015	NEW-P	04-19-122
16-512-040	AMD	04-07-128	16-536-020	AMD	04-17-021	16-675-015	NEW	04-23-043
16-512-050	AMD	04-07-128	16-536-030	REP-P	04-04-107	16-675-020	REP-P	04-19-122
16-528-004	NEW	04-10-057	16-536-030	REP	04-17-021	16-675-020	REP	04-23-043
16-528-005	NEW	04-10-057	16-536-040	AMD-P	04-04-107	16-675-025	NEW-P	04-19-122
16-528-010	AMD	04-10-057	16-536-040	AMD	04-17-021	16-675-025	NEW	04-23-043
16-528-020	AMD	04-10-057	16-536-060	AMD-P	04-04-107	16-675-030	REP-P	04-19-122
16-528-030	REP	04-10-057	16-536-060	AMD	04-17-021	16-675-030	REP	04-23-043
16-528-040	AMD	04-10-057	16-540-005	NEW-P	04-20-099	16-675-035	NEW-P	04-19-122
16-528-110	AMD	04-10-058	16-540-006	NEW-P	04-20-099	16-675-035	NEW	04-23-043
16-528-150	AMD	04-10-058	16-540-010	AMD-P	04-20-099	16-675-037	NEW-P	04-19-122
16-528-220	REP	04-10-058	16-540-020	AMD-P	04-20-099	16-675-037	NEW	04-23-043
16-529-005	NEW-P	04-19-120	16-540-030	REP-P	04-20-099	16-675-040	REP-P	04-19-122
16-529-006	NEW-P	04-19-120	16-540-040	AMD-P	04-20-099	16-675-040	REP	04-23-043
16-529-010	AMD-P	04-19-120	16-540-060	AMD-P	04-20-099	16-675-045	NEW-P	04-19-122
16-529-030	AMD-P	04-19-120	16-540-070	REP-P	04-20-099	16-675-045	NEW	04-23-043
16-529-040	AMD-P	04-19-120	16-545-005	NEW-P	04-09-104	16-675-050	REP-P	04-19-122
16-529-050	AMD-P	04-19-120	16-545-005	NEW	04-22-073	16-675-050	REP	04-23-043
16-529-060	AMD-P	04-19-120	16-545-006	NEW-P	04-09-104	16-675-055	NEW-P	04-19-122
16-529-070	AMD-P	04-19-120	16-545-006	NEW	04-22-073	16-675-055	NEW	04-23-043
16-529-080	AMD-P	04-19-120	16-545-010	AMD-P	04-09-104	16-675-060	REP-P	04-19-122
16-529-100	AMD-P	04-19-120	16-545-010	AMD	04-22-073	16-675-060	REP	04-23-043
16-529-110	AMD-P	04-19-120	16-545-020	AMD-P	04-09-104	16-675-065	NEW-P	04-19-122
16-529-120	AMD-P	04-19-120	16-545-020	AMD	04-22-073	16-675-065	NEW	04-23-043
16-529-130	REP-P	04-19-120	16-545-030	REP-P	04-09-104	16-690-001	REP	04-05-117
16-529-150	AMD-P	04-19-120	16-545-030	REP	04-22-073	16-690-010	REP	04-05-117
16-529-160	AMD-P	04-19-120	16-561-005	NEW-P	04-07-194	16-690-015	REP	04-05-117
16-529-190	AMD-P	04-19-120	16-561-005	NEW-C	04-18-132	16-690-020	REP	04-05-117
16-529-200	AMD-P	04-19-120	16-561-005	NEW-P	04-19-119	16-690-025	REP	04-05-117
16-529-300	AMD-P	04-19-120	16-561-006	NEW-P	04-07-194	16-690-030	REP	04-05-117
16-530-005	NEW-P	04-03-111	16-561-006	NEW-C	04-18-132	16-690-035	REP	04-05-117
16-530-005	NEW	04-16-026	16-561-006	NEW-P	04-19-119	16-690-040	REP	04-05-117
16-530-006	NEW-P	04-03-111	16-561-010	AMD-P	04-07-194	16-690-045	REP	04-05-117
16-530-006	NEW	04-16-026	16-561-010	AMD-C	04-18-132	16-690-100	REP	04-05-117
16-530-010	AMD-P	04-03-111	16-561-010	AMD-P	04-19-119	16-730-005	NEW-E	04-18-029
16-530-010	AMD	04-16-026	16-561-020	AMD-P	04-07-194	16-730-010	NEW-E	04-18-029
16-530-020	AMD-P	04-03-111	16-561-020	AMD-C	04-18-132	16-730-015	NEW-E	04-18-029
16-530-020	AMD	04-16-026	16-561-020	AMD-P	04-19-119	16-730-020	NEW-E	04-18-029
16-530-030	REP-P	04-03-111	16-561-030	REP-P	04-07-194	16-730-025	NEW-E	04-18-029
16-530-030	REP	04-16-026	16-561-030	REP-C	04-18-132	16-730-030	NEW-E	04-18-029
16-530-040	AMD-P	04-03-111	16-561-030	REP-P	04-19-119	16-730-035	NEW-E	04-18-029
16-530-040	AMD	04-16-026	16-561-040	AMD-P	04-07-194	16-730-040	NEW-E	04-18-029
16-532-005	NEW-W	04-10-056	16-561-040	AMD-C	04-18-132	16-730-045	NEW-E	04-18-029
16-532-006	NEW-W	04-10-056	16-561-040	AMD-P	04-19-119	16-730-050	NEW-E	04-18-029
16-532-010	AMD-W	04-10-056	16-561-060	AMD-P	04-07-194	16-750	PREP	04-13-015
16-532-020	AMD-W	04-10-056	16-561-060	AMD-C	04-18-132	16-750-005	AMD-P	04-20-028

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16-750-005	AMD-C	04-24-035	51- 11-1416	AMD-W	04-07-082	51- 50-1707	NEW-P	04-17-019
16-750-011	AMD-X	04-07-021	51- 11-1423	AMD-W	04-07-082	51- 50-2107	NEW-P	04-17-019
16-750-011	AMD	04-13-014	51- 11-1423	AMD-P	04-17-120	51- 50-2107	NEW	05-01-014
16-750-011	AMD-P	04-20-028	51- 11-1423	AMD	05-01-013	51- 50-2108	NEW-P	04-17-019
16-750-011	AMD-C	04-24-035	51- 11-1432	AMD-W	04-07-082	51- 50-2108	NEW	05-01-014
16-750-011	AMD	05-01-012	51- 11-1433	AMD-W	04-07-082	51- 50-2900	AMD-P	04-17-019
16-750-015	AMD-X	04-07-021	51- 11-1433	AMD-P	04-17-120	51- 50-2900	AMD	05-01-014
16-750-015	AMD	04-13-014	51- 11-1433	AMD	05-01-013	51- 51-2439	NEW-W	04-07-083
16-750-015	AMD-P	04-20-028	51- 11-1436	AMD-W	04-07-082	51- 51-2802	NEW-W	04-07-083
16-750-015	AMD-C	04-24-035	51- 11-1437	AMD-W	04-07-082	51- 52	PREP	04-13-075
16-750-015	AMD	05-01-012	51- 11-1437	AMD-P	04-17-120	51- 52-0401	NEW-P	04-17-018
16-752	PREP	04-10-111	51- 11-1440	AMD-W	04-07-082	51- 52-0401	NEW	05-01-015
16-752-500	AMD-P	04-14-104	51- 11-1454	AMD-W	04-07-082	51- 52-0403	NEW-P	04-17-018
16-752-500	AMD	04-19-004	51- 11-1454	AMD-P	04-17-120	51- 52-0403	NEW	05-01-015
16-752-505	AMD-P	04-14-104	51- 11-1454	AMD	05-01-013	51- 52-0501	NEW-P	04-17-018
16-752-505	AMD	04-19-004	51- 11-1513	AMD-W	04-07-082	51- 52-0501	NEW	05-01-015
16-752-610	AMD-P	04-14-104	51- 11-1513	AMD-P	04-17-120	51- 52-0504	NEW-W	04-07-084
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132L-117-290	AMD	04-19-062	132L-276-090	AMD	04-19-062	132L-300-110	NEW	04-19-062
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132L-400-040	REP-P	04-10-052	132V-120-280	AMD-P	04-09-017	132Z-115-140	AMD-P	05-01-178
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173-303-670	AMD-P	04-14-094	173-400-110	AMD-P	04-20-105	173-565-160	NEW-P	05-01-140
173-303-670	AMD	04-24-065	173-400-112	AMD-P	04-20-105	173-565-170	NEW-P	05-01-140
173-303-680	AMD-P	04-14-094	173-400-113	AMD-P	04-20-105	173-565-200	NEW-P	05-01-140
173-303-680	AMD	04-24-065	173-400-115	AMD-P	04-20-105	173-565-210	NEW-P	05-01-140
173-303-800	AMD-P	04-14-094	173-400-116	AMD-P	04-20-105	173-565-215	NEW-P	05-01-140
173-303-800	AMD	04-24-065	173-400-117	AMD-P	04-20-105	173-565-220	NEW-P	05-01-140
173-303-802	AMD-P	04-14-094	173-400-118	AMD-P	04-20-105	173-565-230	NEW-P	05-01-140
173-303-802	AMD	04-24-065	173-400-120	AMD-P	04-20-105	173-565-300	NEW-P	05-01-140
173-303-803	AMD-P	04-14-094	173-400-131	AMD-P	04-20-105	173-565-310	NEW-P	05-01-140
173-303-803	AMD	04-24-065	173-400-136	AMD-P	04-20-105	173-565-320	NEW-P	05-01-140
173-303-805	AMD-P	04-14-094	173-400-141	REP-P	04-20-105	173-565-330	NEW-P	05-01-140
173-303-805	AMD	04-24-065	173-400-151	AMD-P	04-20-105	173-565-340	NEW-P	05-01-140
173-303-806	AMD-P	04-14-094	173-400-171	AMD-P	04-20-105	173-565-342	NEW-P	05-01-140
173-303-806	AMD	04-24-065	173-400-175	NEW-P	04-20-105	173-565-344	NEW-P	05-01-140
173-303-807	AMD-P	04-14-094	173-400-200	AMD-P	04-20-105	173-565-350	NEW-P	05-01-140
173-303-807	AMD	04-24-065	173-400-560	NEW-P	04-20-105	173-565-352	NEW-P	05-01-140
173-303-810	AMD-P	04-14-094	173-400-700	NEW-P	04-20-105	173-565-354	NEW-P	05-01-140
173-303-810	AMD	04-24-065	173-400-710	NEW-P	04-20-105	173-565-360	NEW-P	05-01-140
173-303-811	NEW-P	04-14-094	173-400-720	NEW-P	04-20-105	173-565-362	NEW-P	05-01-140
173-303-811	NEW	04-24-065	173-400-730	NEW-P	04-20-105	173-565-364	NEW-P	05-01-140
173-303-830	AMD-P	04-14-094	173-400-740	NEW-P	04-20-105	173-565-370	NEW-P	05-01-140
173-303-830	AMD	04-24-065	173-400-750	NEW-P	04-20-105	173-565-372	NEW-P	05-01-140
173-303-841	NEW-P	04-14-094	173-405	PREP-W	04-10-010	173-565-380	NEW-P	05-01-140
173-303-841	NEW	04-24-065	173-407-010	NEW-P	04-21-070	173-565-400	NEW-P	05-01-140
173-303-910	AMD-P	04-14-094	173-407-010	NEW	05-01-237	173-565-410	NEW-P	05-01-140
173-303-910	AMD	04-24-065	173-407-020	NEW-P	04-21-070	173-565-420	NEW-P	05-01-140

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173-565-440	NEW-P	05-01-140	180-39	PREP	04-12-110	180-72-065	REP-P	04-15-043
173-565-450	NEW-P	05-01-140	180-40	PREP	04-12-110	180-72-065	REP	04-20-093
173-565-500	NEW-P	05-01-140	180-41	PREP	04-12-110	180-77	PREP	04-08-056
173-565-510	NEW-P	05-01-140	180-41	PREP	04-18-026	180-77-120	AMD-P	04-18-101
173-565-520	NEW-P	05-01-140	180-43	PREP	04-12-110	180-77-120	AMD	04-23-005
173-565-530	NEW-P	05-01-140	180-44	PREP	04-12-109	180-77A	PREP	04-08-056
173-565-540	NEW-P	05-01-140	180-46	PREP	04-09-065	180-78A	PREP	04-08-056
173-565-550	NEW-P	05-01-140	180-46-005	REP-W	04-07-081	180-78A-010	AMD-P	04-15-113
173-565-552	NEW-P	05-01-140	180-46-010	REP-W	04-07-081	180-78A-010	AMD	04-21-038
173-565-560	NEW-P	05-01-140	180-46-015	REP-W	04-07-081	180-78A-100	AMD	04-04-090
173-565-562	NEW-P	05-01-140	180-46-020	REP-W	04-07-081	180-78A-100	AMD-P	04-15-113
173-565-564	NEW-P	05-01-140	180-46-025	REP-W	04-07-081	180-78A-100	AMD	04-21-038
173-565-570	NEW-P	05-01-140	180-46-030	REP-W	04-07-081	180-78A-100	AMD-P	04-24-072
173-565-600	NEW-P	05-01-140	180-46-035	REP-W	04-07-081	180-78A-264	AMD-P	04-15-113
173-565-800	NEW-P	05-01-140	180-46-040	REP-W	04-07-081	180-78A-264	AMD	04-21-038
173-700	PREP	04-15-045	180-46-045	REP-W	04-07-081	180-78A-270	AMD	04-04-089
180-08	PREP	04-12-115	180-46-050	REP-W	04-07-081	180-78A-270	AMD-P	04-15-113
180-10	PREP	04-12-115	180-46-055	REP-W	04-07-081	180-78A-270	AMD	04-21-038
180-16	PREP	04-12-114	180-46-065	REP-W	04-07-081	180-78A-272	NEW-P	04-15-116
180-16-220	AMD	04-04-093	180-50	PREP	04-12-108	180-78A-272	NEW	04-20-089
180-16-220	PREP	04-09-066	180-50-300	AMD-P	04-04-086	180-78A-319	NEW-P	04-15-113
180-16-220	AMD-P	04-18-106	180-50-300	AMD-W	04-17-092	180-78A-319	NEW	04-21-038
180-16-220	AMD	04-23-008	180-50-320	AMD-P	04-04-086	180-78A-500	AMD-P	04-15-113
180-16-225	AMD	04-04-093	180-50-320	AMD-W	04-17-092	180-78A-500	AMD	04-21-038
180-16-225	AMD-P	04-18-106	180-51	PREP	04-09-062	180-78A-507	AMD	04-04-010
180-16-225	AMD	04-23-008	180-51-035	AMD-P	04-15-043	180-78A-507	AMD-P	04-15-115
180-16-227	AMD	04-04-093	180-51-035	AMD	04-20-093	180-78A-507	AMD	04-21-039
180-18	PREP	04-12-114	180-51-050	AMD	04-04-093	180-78A-509	NEW-P	04-15-113
180-18-050	AMD	04-04-093	180-51-050	AMD-P	04-15-043	180-78A-509	NEW	04-21-038
180-18-055	AMD	04-04-093	180-51-050	AMD	04-20-093	180-78A-535	AMD-P	04-15-113
180-18-055	AMD-P	04-18-103	180-51-053	NEW-P	04-15-043	180-78A-535	AMD	04-21-038
180-18-055	AMD	04-23-006	180-51-053	NEW	04-20-093	180-78A-540	AMD-P	04-15-113
180-18-090	NEW	04-04-093	180-51-061	AMD	04-04-092	180-78A-540	AMD-P	04-18-104
180-20	PREP	04-12-113	180-51-061	AMD-P	04-18-100	180-78A-540	AMD	04-21-038
180-20-009	AMD-P	04-04-087	180-51-061	AMD	04-23-004	180-78A-540	AMD	04-24-074
180-20-009	AMD	04-08-055	180-51-063	REP-P	04-18-108	180-79A	PREP	04-08-056
180-20-021	NEW-P	04-04-087	180-51-063	REP	04-23-010	180-79A-006	AMD-P	04-15-117
180-20-021	NEW	04-08-055	180-51-064	REP-P	04-18-108	180-79A-006	AMD	04-20-091
180-20-101	AMD-P	04-04-087	180-51-064	REP	04-23-010	180-79A-030	AMD	04-04-011
180-20-101	AMD	04-08-055	180-52	PREP	04-12-108	180-79A-030	AMD-P	04-24-073
180-20-111	AMD-P	04-04-087	180-55	PREP	04-12-108	180-79A-117	AMD	04-04-088
180-20-111	AMD	04-08-055	180-55-005	AMD	04-04-093	180-79A-140	PREP	04-04-084
180-22	PREP	04-12-112	180-55-015	AMD	04-04-093	180-79A-140	AMD-P	04-15-042
180-24	PREP	04-12-112	180-55-020	AMD	04-04-093	180-79A-140	AMD	04-20-092
180-24-225	NEW	04-04-091	180-55-034	AMD	04-04-093	180-79A-145	AMD-P	04-15-114
180-25	PREP	04-12-111	180-55-034	REP-P	04-24-075	180-79A-145	AMD	04-21-040
180-26	PREP	04-12-111	180-55-150	REP	04-04-093	180-79A-206	AMD	04-04-011
180-27	PREP	04-12-111	180-56	PREP	04-12-108	180-79A-213	AMD	04-04-011
180-27-100	PREP	04-10-086	180-57	PREP	04-09-061	180-79A-221	AMD-P	04-15-114
180-27-100	AMD-P	04-18-107	180-57-070	AMD-P	04-18-109	180-79A-221	AMD	04-21-040
180-27-100	AMD	04-23-009	180-57-070	AMD	04-22-059	180-79A-223	AMD	04-04-012
180-27-120	PREP	04-12-116	180-72	PREP	04-09-063	180-79A-226	AMD	04-04-011
180-27-120	AMD-P	04-18-107	180-72-040	AMD-P	04-15-043	180-79A-226	AMD-P	04-15-114
180-27-120	AMD	04-23-009	180-72-040	AMD	04-20-093	180-79A-226	AMD	04-21-040
180-29	PREP	04-12-111	180-72-045	REP-P	04-15-043	180-79A-231	PREP	04-04-084
180-31	PREP	04-12-111	180-72-045	REP	04-20-093	180-79A-231	AMD-P	04-15-118
180-32	PREP	04-12-111	180-72-050	AMD-P	04-15-043	180-79A-231	AMD	04-20-090
180-33	PREP	04-12-111	180-72-050	AMD	04-20-093	180-79A-250	AMD-P	04-15-114
180-34	PREP	04-12-111	180-72-055	REP-P	04-15-043	180-79A-250	AMD	04-21-040
180-36	PREP	04-12-111	180-72-055	REP	04-20-093	180-79A-257	AMD	04-04-009
180-37	PREP	04-12-110	180-72-060	AMD-P	04-15-043	180-79A-257	AMD	04-04-011

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
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180-79A-257	AMD-E	04-15-121	182-08-015	AMD	04-18-039	182-12-145	REP-P	04-13-156
180-79A-257	AMD	04-21-005	182-08-095	REP-P	04-13-156	182-12-145	REP	04-18-039
180-79A-257	AMD-P	04-24-071	182-08-095	REP	04-18-039	182-12-146	NEW-P	04-13-156
180-81	PREP	04-08-056	182-08-120	AMD-P	04-13-156	182-12-146	NEW	04-18-039
180-82	PREP	04-08-056	182-08-125	REP-P	04-13-156	182-12-148	NEW-P	04-13-156
180-82A	PREP	04-08-056	182-08-125	REP	04-18-039	182-12-148	NEW	04-18-039
180-82A-204	AMD-E	04-15-041	182-08-160	REP-P	04-13-156	182-12-171	NEW-P	04-13-156
180-82A-204	AMD-E	04-18-099	182-08-160	REP	04-18-039	182-12-171	NEW	04-18-039
180-82A-204	AMD-P	04-18-105	182-08-165	REP-P	04-13-156	182-12-190	AMD-P	04-13-156
180-82A-204	AMD	04-23-007	182-08-165	REP	04-18-039	182-12-190	AMD	04-18-039
180-83	PREP	04-08-056	182-08-175	REP-P	04-13-156	182-12-200	AMD-P	04-13-156
180-85	PREP	04-08-056	182-08-175	REP	04-18-039	182-12-200	AMD	04-18-039
180-85-025	AMD-P	04-15-112	182-08-180	AMD-P	04-13-156	182-12-205	NEW-P	04-13-156
180-85-025	AMD	04-20-094	182-08-180	AMD	04-18-039	182-12-205	NEW	04-18-039
180-85-033	AMD-P	04-15-112	182-08-190	AMD-P	04-13-156	182-12-211	NEW-P	04-13-156
180-85-033	AMD	04-20-094	182-08-190	AMD	04-18-039	182-12-211	NEW	04-18-039
180-85-077	AMD-P	04-10-087	182-08-196	AMD-P	04-13-156	182-12-215	REP-P	04-13-156
180-85-077	AMD	04-15-120	182-08-196	AMD	04-18-039	182-12-215	REP	04-18-039
180-85-105	AMD-P	04-04-085	182-08-200	AMD-P	04-13-156	182-12-220	REP-P	04-13-156
180-85-105	AMD	04-08-054	182-08-200	AMD	04-18-039	182-12-220	REP	04-18-039
180-86	PREP	04-08-056	182-08-210	REP-P	04-13-156	182-12-230	REP-P	04-13-156
180-87	PREP	04-08-056	182-08-210	REP	04-18-039	182-12-230	REP	04-18-039
180-88	PREP	04-09-064	182-08-230	NEW-P	04-13-156	182-12-250	NEW-P	04-13-156
180-88-010	NEW-P	04-15-111	182-08-230	NEW	04-18-039	182-12-250	NEW	04-18-039
180-88-010	NEW-E	04-18-102	182-12	PREP	04-07-080	182-12-260	NEW-P	04-13-156
180-88-010	NEW-S	04-18-110	182-12-108	NEW-P	04-13-156	182-12-260	NEW	04-18-039
180-88-010	NEW	04-23-011	182-12-108	NEW	04-18-039	182-12-265	NEW-P	04-13-156
180-88-020	NEW-P	04-15-111	182-12-109	NEW-P	04-13-156	182-12-265	NEW	04-18-039
180-88-020	NEW-E	04-18-102	182-12-109	NEW	04-18-039	182-12-270	NEW-P	04-13-156
180-88-020	NEW-S	04-18-110	182-12-110	REP-P	04-13-156	182-12-270	NEW	04-18-039
180-88-020	NEW	04-23-011	182-12-110	REP	04-18-039	182-16-040	PREP	04-07-079
180-88-030	NEW-P	04-15-111	182-12-111	AMD-P	04-13-156	182-16-040	AMD-P	04-13-156
180-88-030	NEW-E	04-18-102	182-12-111	AMD	04-18-039	182-16-050	AMD-P	04-13-156
180-88-030	NEW-S	04-18-110	182-12-112	NEW-P	04-13-156	182-20-400	AMD	04-03-006
180-88-030	NEW	04-23-011	182-12-112	NEW	04-18-039	182-25-010	AMD-P	04-19-138
180-88-040	NEW-P	04-15-111	182-12-115	PREP	04-11-011	182-25-010	AMD	04-23-012
180-88-040	NEW-E	04-18-102	182-12-117	REP-P	04-13-156	182-25-030	AMD-P	04-19-138
180-88-040	NEW-S	04-18-110	182-12-117	REP	04-18-039	182-25-030	AMD	04-23-012
180-88-040	NEW	04-23-011	182-12-118	REP-P	04-13-156	182-25-040	AMD-X	04-11-039
180-88-050	NEW-P	04-15-111	182-12-118	REP	04-18-039	182-25-040	AMD	04-15-109
180-88-050	NEW-E	04-18-102	182-12-118	REP-P	04-13-156	182-25-040	AMD-P	04-19-138
180-88-050	NEW-S	04-18-110	182-12-119	REP	04-18-039	182-25-040	AMD	04-23-012
180-88-050	NEW	04-23-011	182-12-121	AMD-P	04-13-156	182-25-080	AMD-P	04-19-138
180-88-060	NEW-P	04-15-111	182-12-121	AMD	04-18-039	182-25-080	AMD	04-23-012
180-88-060	NEW-E	04-18-102	182-12-123	NEW-P	04-13-156	182-25-090	AMD-P	04-19-138
180-88-060	NEW-S	04-18-110	182-12-123	NEW	04-18-039	182-25-090	AMD	04-23-012
180-88-060	NEW	04-23-011	182-12-124	REP-P	04-13-156	182-25-120	NEW-P	04-19-138
180-90	PREP	04-12-107	182-12-124	REP	04-18-039	182-25-120	NEW	04-23-012
180-95	PREP	04-12-106	182-12-128	NEW-P	04-13-156	182-50-001	NEW	04-06-021
180-96	PREP	04-12-105	182-12-128	NEW	04-18-039	182-50-005	NEW	04-06-021
180-97	PREP	04-12-104	182-12-131	NEW-P	04-13-156	182-50-010	NEW	04-06-021
181-01	PREP	04-16-098	182-12-131	NEW	04-18-039	182-50-015	NEW	04-06-021
181-01-002	NEW-P	04-04-105	182-12-132	REP-P	04-13-156	182-50-025	NEW	04-06-021
181-01-002	NEW	04-08-047	182-12-132	REP	04-18-039	182-50-030	NEW	04-06-021
181-01-002	AMD-E	04-16-040	182-12-133	NEW-P	04-13-156	182-50-035	NEW	04-06-021
181-01-002	AMD-P	04-19-147	182-12-133	NEW	04-18-039	182-50-200	NEW	04-06-021
181-01-002	AMD	04-24-049	182-12-136	NEW-P	04-13-156	192-04-040	AMD-E	04-02-039
181-01-003	NEW-P	04-04-106	182-12-136	NEW	04-18-039	192-04-040	AMD-E	04-10-071
181-01-003	NEW	04-08-048	182-12-138	NEW-P	04-13-156	192-04-040	AMD-P	04-10-114
181-01-004	NEW-P	04-24-048	182-12-138	NEW	04-18-039	192-04-040	AMD-E	04-19-016
182	PREP	04-07-079	182-12-141	NEW-P	04-13-156	192-04-040	AMD	05-01-076

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192-04-050	AMD-E	04-02-039	192-16-009	AMD-P	04-10-114	192-23-800	REP	05-01-076
192-04-050	AMD-E	04-10-071	192-16-009	AMD-E	04-19-016	192-23-810	REP-E	04-02-039
192-04-050	AMD-P	04-10-114	192-16-009	AMD	05-01-076	192-23-810	REP-E	04-10-071
192-04-050	AMD-E	04-19-016	192-16-015	AMD-E	04-02-039	192-23-810	REP-P	04-10-114
192-04-050	AMD	05-01-076	192-16-015	AMD-E	04-10-071	192-23-810	REP-E	04-19-016
192-12-011	REP-E	04-02-039	192-16-015	AMD-P	04-10-114	192-23-810	REP	05-01-076
192-12-011	REP-E	04-10-071	192-16-015	AMD-E	04-19-016	192-28-105	REP-E	04-02-039
192-12-011	REP-P	04-10-114	192-16-015	AMD	05-01-076	192-28-105	REP-E	04-10-114
192-12-011	REP-E	04-19-016	192-16-016	AMD-E	04-02-039	192-28-105	REP-P	04-10-114
192-12-011	REP	05-01-076	192-16-016	AMD-E	04-10-071	192-28-105	REP-E	04-19-016
192-12-012	REP-E	04-02-039	192-16-016	AMD-P	04-10-114	192-28-105	REP	05-01-076
192-12-012	REP-E	04-10-071	192-16-016	AMD-E	04-19-016	192-28-110	REP-E	04-02-039
192-12-012	REP-P	04-10-114	192-16-016	AMD	05-01-076	192-28-110	REP-E	04-10-071
192-12-012	REP-E	04-19-016	192-16-019	REP-E	04-02-039	192-28-110	REP-P	04-10-114
192-12-012	REP	05-01-076	192-16-019	REP-E	04-10-071	192-28-110	REP-E	04-19-016
192-12-020	REP-E	04-02-039	192-16-019	REP-P	04-10-114	192-28-110	REP	05-01-076
192-12-020	REP-E	04-10-071	192-16-019	REP-E	04-19-016	192-28-115	REP-E	04-02-039
192-12-020	REP-P	04-10-114	192-16-019	REP	05-01-076	192-28-115	REP-E	04-10-071
192-12-020	REP-E	04-19-016	192-16-023	REP-E	04-02-039	192-28-115	REP-P	04-10-114
192-12-020	REP	05-01-076	192-16-023	REP-E	04-10-071	192-28-115	REP-E	04-19-016
192-12-180	REP-E	04-02-039	192-16-023	REP-P	04-10-114	192-28-115	REP	05-01-076
192-12-180	REP-E	04-10-071	192-16-023	REP-E	04-19-016	192-28-120	REP-E	04-02-039
192-12-180	REP-P	04-10-114	192-16-023	REP	05-01-076	192-28-120	REP-E	04-10-071
192-12-180	REP-E	04-19-016	192-23-014	REP-E	04-02-039	192-28-120	REP-P	04-10-114
192-12-180	REP	05-01-076	192-23-014	REP-E	04-10-071	192-28-120	REP-E	04-19-016
192-12-184	REP-E	04-02-039	192-23-014	REP-P	04-10-114	192-28-120	REP	05-01-076
192-12-184	REP-E	04-10-071	192-23-014	REP-E	04-19-016	192-33	PREP	04-15-034
192-12-184	REP-P	04-10-114	192-23-014	REP	05-01-076	192-35-010	NEW-P	04-24-091
192-12-184	REP-E	04-19-016	192-23-015	REP-E	04-02-039	192-35-020	NEW-P	04-24-091
192-12-184	REP	05-01-076	192-23-015	REP-E	04-10-071	192-35-030	NEW-P	04-24-091
192-12-190	REP-E	04-02-039	192-23-015	REP-P	04-10-114	192-35-040	NEW-P	04-24-091
192-12-190	REP-E	04-10-071	192-23-015	REP-E	04-19-016	192-35-050	NEW-P	04-24-091
192-12-190	REP-P	04-10-114	192-23-015	REP	05-01-076	192-35-060	NEW-P	04-24-091
192-12-190	REP-E	04-19-016	192-23-016	REP-E	04-02-039	192-35-070	NEW-P	04-24-091
192-12-190	REP	05-01-076	192-23-016	REP-E	04-10-071	192-35-080	NEW-P	04-24-091
192-12-300	REP-E	04-02-039	192-23-016	REP-P	04-10-114	192-35-090	NEW-P	04-24-091
192-12-300	REP-E	04-10-071	192-23-016	REP-E	04-19-016	192-35-100	NEW-P	04-24-091
192-12-300	REP-P	04-10-114	192-23-016	REP	05-01-076	192-35-110	NEW-P	04-24-091
192-12-300	REP-E	04-19-016	192-23-017	REP-E	04-02-039	192-35-120	NEW-P	04-24-091
192-12-300	REP	05-01-076	192-23-017	REP-E	04-10-071	192-100-010	NEW-E	04-02-039
192-12-310	REP-E	04-02-039	192-23-017	REP-P	04-10-114	192-100-010	NEW-E	04-10-071
192-12-310	REP-E	04-10-071	192-23-017	REP-E	04-19-016	192-100-010	NEW-P	04-10-114
192-12-310	REP-P	04-10-114	192-23-017	REP	05-01-076	192-100-010	NEW-E	04-19-016
192-12-310	REP-E	04-19-016	192-23-019	REP-E	04-02-039	192-100-010	NEW	05-01-076
192-12-310	REP	05-01-076	192-23-019	REP-E	04-10-071	192-100-020	NEW-E	04-02-039
192-12-320	REP-E	04-02-039	192-23-019	REP-P	04-10-114	192-100-020	NEW-P	04-10-114
192-12-320	REP-E	04-10-071	192-23-019	REP-E	04-19-016	192-100-020	NEW-E	04-19-016
192-12-320	REP-P	04-10-114	192-23-019	REP	05-01-076	192-100-020	NEW	05-01-076
192-12-320	REP-E	04-19-016	192-23-061	REP-E	04-02-039	192-100-030	NEW-E	04-02-039
192-12-320	REP	05-01-076	192-23-061	REP-E	04-10-071	192-100-030	NEW-P	04-10-114
192-12-330	REP-E	04-02-039	192-23-061	REP-P	04-10-114	192-100-030	NEW-E	04-19-016
192-12-330	REP-E	04-10-071	192-23-061	REP-E	04-19-016	192-100-030	NEW	05-01-076
192-12-330	REP-P	04-10-114	192-23-061	REP	05-01-076	192-100-035	NEW-P	04-10-114
192-12-330	REP-E	04-19-016	192-23-096	REP-E	04-02-039	192-100-035	NEW-E	04-19-016
192-12-330	REP	05-01-076	192-23-096	REP-E	04-10-071	192-100-035	NEW	05-01-076
192-12-340	REP-E	04-02-039	192-23-096	REP-P	04-10-114	192-110-200	NEW-E	04-02-039
192-12-340	REP-E	04-10-071	192-23-096	REP-E	04-19-016	192-110-200	NEW-P	04-10-114
192-12-340	REP-P	04-10-114	192-23-096	REP	05-01-076	192-110-200	NEW-E	04-19-016
192-12-340	REP-E	04-19-016	192-23-800	REP-E	04-02-039	192-110-200	NEW	05-01-076
192-12-340	REP	05-01-076	192-23-800	REP-E	04-10-071	192-110-210	NEW-E	04-02-039
192-16-009	AMD-E	04-02-039	192-23-800	REP-P	04-10-114	192-110-210	NEW-E	04-10-071
192-16-009	AMD-E	04-10-071	192-23-800	REP-E	04-19-016	192-110-210	NEW-P	04-10-114

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
192-180-025	AMD	05-01-076	192-310-010	AMD-E	04-10-071	196-21-020	AMD	04-04-001
192-180-030	AMD-E	04-02-039	192-310-010	AMD-P	04-10-113	196-21-030	AMD	04-04-001
192-180-030	AMD-E	04-10-071	192-310-010	AMD-E	04-19-016	196-23	PREP	04-10-011
192-180-030	AMD-P	04-10-114	192-310-010	AMD	04-23-058	196-23-070	AMD	04-04-001
192-180-030	AMD-E	04-19-016	192-310-025	AMD-E	04-02-039	196-24-041	REP	04-04-001
192-180-030	AMD	05-01-076	192-310-025	AMD-E	04-10-071	196-24-080	REP	04-04-001
192-180-040	NEW-E	04-02-039	192-310-025	AMD-P	04-10-113	196-24-085	REP	04-04-001
192-180-040	NEW-E	04-10-071	192-310-025	AMD-E	04-19-016	196-24-100	REP	04-04-001
192-180-040	NEW-P	04-10-114	192-310-025	AMD	04-23-058	196-24-105	REP	04-04-001
192-180-040	NEW-E	04-19-016	192-310-030	AMD-E	04-02-039	196-24-110	REP-W	04-05-061
192-180-040	NEW	05-01-076	192-310-030	AMD-E	04-10-071	196-25-001	AMD	04-04-001
192-200-005	NEW-E	04-02-039	192-310-030	AMD-P	04-10-113	196-25-002	AMD-W	04-05-061
192-200-005	NEW-E	04-10-071	192-310-030	AMD-E	04-19-016	196-25-002	AMD-P	04-24-001
192-200-005	NEW-P	04-10-114	192-310-030	AMD	04-23-058	196-25-005	AMD	04-04-001
192-200-005	NEW-E	04-19-016	192-320-070	AMD-E	04-02-039	196-25-010	AMD	04-04-001
192-200-005	NEW	05-01-076	192-320-070	AMD-E	04-10-071	196-25-020	REP	04-04-001
192-200-010	NEW-E	04-02-039	192-320-070	AMD-P	04-10-113	196-25-030	REP	04-04-001
192-200-010	NEW-E	04-10-071	192-320-070	AMD-E	04-19-016	196-25-040	AMD-W	04-05-061
192-200-010	NEW-P	04-10-114	192-320-070	AMD	04-23-058	196-25-040	AMD-P	04-24-001
192-200-010	NEW-E	04-19-016	192-320-075	NEW-E	04-02-039	196-25-050	AMD	04-04-001
192-200-010	NEW	05-01-076	192-320-075	NEW-E	04-10-071	196-25-100	REP	04-04-001
192-200-030	NEW-E	04-02-039	192-320-075	NEW-P	04-10-113	196-26A	PREP	04-10-011
192-200-030	NEW-E	04-10-071	192-320-075	NEW-E	04-19-016	196-26A	PREP	04-15-079
192-200-030	NEW-P	04-10-114	192-320-075	NEW	04-23-058	196-27A-025	NEW-W	04-05-061
192-200-030	NEW-E	04-19-016	192-340-100	NEW-E	04-02-039	196-30	PREP	05-01-143
192-200-030	NEW	05-01-076	192-340-100	NEW-E	04-10-071	199-08-300	NEW-E	04-10-002
192-220-010	NEW-E	04-02-039	192-340-100	NEW-P	04-10-113	199-08-300	NEW-P	04-18-015
192-220-010	NEW-E	04-10-071	192-340-100	NEW-E	04-19-016	199-08-305	NEW-E	04-10-002
192-220-010	NEW-P	04-10-114	192-340-100	NEW	04-23-058	199-08-305	NEW-P	04-18-015
192-220-010	NEW-E	04-19-016	196-09	AMD	04-04-001	199-08-310	NEW-E	04-10-002
192-220-010	NEW	05-01-076	196-09	PREP	04-15-050	199-08-310	NEW-P	04-18-015
192-220-020	NEW-E	04-02-039	196-09-010	AMD	04-04-001	199-08-315	NEW-E	04-10-002
192-220-020	NEW-E	04-10-071	196-09-050	NEW	04-04-001	199-08-315	NEW-P	04-18-015
192-220-020	NEW-P	04-10-114	196-09-055	NEW	04-04-001	199-08-320	NEW-E	04-10-002
192-220-020	NEW-E	04-19-016	196-09-060	NEW	04-04-001	199-08-320	NEW-P	04-18-015
192-220-020	NEW	05-01-076	196-09-100	NEW	04-04-001	199-08-325	NEW-E	04-10-002
192-220-030	NEW-E	04-02-039	196-09-110	NEW	04-04-001	199-08-325	NEW-P	04-18-015
192-220-030	NEW-E	04-10-071	196-09-120	NEW	04-04-001	199-08-335	NEW-E	04-10-002
192-220-030	NEW-P	04-10-114	196-12-005	NEW	04-04-001	199-08-335	NEW-P	04-18-015
192-220-030	NEW-E	04-19-016	196-12-010	AMD	04-04-001	199-08-340	NEW-E	04-10-002
192-220-030	NEW	05-01-076	196-12-020	AMD	04-04-001	199-08-340	NEW-P	04-18-015
192-230-100	NEW-E	04-02-039	196-12-030	AMD	04-04-001	199-08-350	NEW-E	04-10-002
192-230-100	NEW-E	04-10-071	196-12-045	AMD	04-04-001	199-08-350	NEW-P	04-18-015
192-230-100	NEW-P	04-10-114	196-12-050	AMD	04-04-001	199-08-385	NEW-E	04-10-002
192-230-100	NEW-E	04-19-016	196-12-055	NEW	04-04-001	199-08-385	NEW-P	04-18-015
192-230-100	NEW	05-01-076	196-12-065	NEW	04-04-001	199-08-390	NEW-E	04-10-002
192-240-035	AMD-E	04-02-039	196-16-006	NEW	04-04-001	199-08-390	NEW-P	04-18-015
192-240-035	AMD-E	04-10-071	196-16-007	AMD	04-04-001	199-08-395	NEW-E	04-10-002
192-240-035	AMD-P	04-10-114	196-16-010	AMD	04-04-001	199-08-395	NEW-P	04-18-015
192-240-035	AMD-E	04-19-016	196-16-020	AMD	04-04-001	199-08-400	NEW-E	04-10-002
192-240-035	AMD	05-01-076	196-16-031	AMD	04-04-001	199-08-400	NEW-P	04-18-015
192-240-040	AMD-E	04-02-039	196-16-035	NEW	04-04-001	199-08-405	NEW-E	04-10-002
192-240-040	AMD-E	04-10-071	196-20-005	NEW-P	04-04-027	199-08-405	NEW-P	04-18-015
192-240-040	AMD-P	04-10-114	196-20-005	NEW	04-10-067	199-08-410	NEW-E	04-10-002
192-240-040	AMD-E	04-19-016	196-20-010	AMD-P	04-04-027	199-08-410	NEW-P	04-18-015
192-240-040	AMD	05-01-076	196-20-010	AMD	04-10-067	199-08-415	NEW-E	04-10-002
192-300-050	AMD-E	04-02-039	196-20-020	AMD-P	04-04-027	199-08-415	NEW-P	04-18-015
192-300-050	AMD-E	04-10-071	196-20-020	AMD	04-10-067	199-08-420	NEW-E	04-10-002
192-300-050	AMD-P	04-10-113	196-20-030	AMD-P	04-04-027	199-08-420	NEW-P	04-18-015
192-300-050	AMD-E	04-19-016	196-20-030	AMD	04-10-067	199-08-425	NEW-E	04-10-002
192-300-050	AMD	04-23-058	196-21-005	NEW	04-04-001	199-08-425	NEW-P	04-18-015
192-310-010	AMD-E	04-02-039	196-21-010	AMD	04-04-001	199-08-426	NEW-E	04-10-002

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
199-08-426	NEW-P	04-18-015	204- 74A-040	AMD-P	04-21-021	208-690-060	NEW	04-15-005
199-08-427	NEW-E	04-10-002	204- 74A-050	AMD-P	04-21-021	208-690-070	NEW-E	04-07-182
199-08-427	NEW-P	04-18-015	204- 74A-060	AMD-P	04-21-021	208-690-070	NEW-P	04-11-110
199-08-428	NEW-E	04-10-002	204- 91A	PREP	04-10-054	208-690-070	NEW	04-15-005
199-08-428	NEW-P	04-18-015	204- 91A-030	AMD-P	04-13-040	208-690-075	NEW-E	04-07-182
199-08-429	NEW-E	04-10-002	204- 91A-030	AMD	04-20-021	208-690-075	NEW-P	04-11-110
199-08-429	NEW-P	04-18-015	204- 91A-040	AMD-P	04-13-040	208-690-075	NEW	04-15-005
199-08-430	NEW-E	04-10-002	204- 91A-040	AMD	04-20-021	208-690-080	NEW-E	04-07-182
199-08-430	NEW-P	04-18-015	204- 91A-050	AMD-P	04-13-040	208-690-080	NEW-P	04-11-110
199-08-435	NEW-E	04-10-002	204- 91A-050	AMD	04-20-021	208-690-080	NEW	04-15-005
199-08-435	NEW-P	04-18-015	204- 91A-060	AMD-P	04-13-040	208-690-090	NEW-E	04-07-182
199-08-440	NEW-E	04-10-002	204- 91A-060	AMD	04-20-021	208-690-090	NEW-P	04-11-110
199-08-440	NEW-P	04-18-015	204- 91A-070	AMD-P	04-13-040	208-690-090	NEW	04-15-005
199-08-445	NEW-E	04-10-002	204- 91A-070	AMD	04-20-021	208-690-100	NEW-E	04-07-182
199-08-445	NEW-P	04-18-015	204- 91A-080	AMD-P	04-13-040	208-690-100	NEW-P	04-11-110
199-08-450	NEW-E	04-10-002	204- 91A-080	AMD	04-20-021	208-690-100	NEW	04-15-005
199-08-450	NEW-P	04-18-015	204- 91A-090	AMD-P	04-13-040	208-690-110	NEW-E	04-07-182
199-08-455	NEW-E	04-10-002	204- 91A-090	AMD	04-20-021	208-690-110	NEW-P	04-11-110
199-08-455	NEW-P	04-18-015	204- 91A-120	AMD-P	04-13-040	208-690-110	NEW	04-15-005
199-08-460	NEW-E	04-10-002	204- 91A-120	AMD	04-20-021	208-690-112	NEW-E	04-07-182
199-08-460	NEW-P	04-18-015	204- 91A-130	AMD-P	04-13-040	208-690-112	NEW-P	04-11-110
199-08-465	NEW-E	04-10-002	204- 91A-130	AMD	04-20-021	208-690-112	NEW	04-15-005
199-08-465	NEW-P	04-18-015	204- 91A-140	AMD-P	04-13-040	208-690-115	NEW-E	04-07-182
199-08-470	NEW-E	04-10-002	204- 91A-140	AMD	04-20-021	208-690-115	NEW-P	04-11-110
199-08-470	NEW-P	04-18-015	204- 91A-170	AMD-P	04-13-040	208-690-115	NEW	04-15-005
199-08-475	NEW-E	04-10-002	204- 91A-170	AMD	04-20-021	208-690-120	NEW-E	04-07-182
199-08-475	NEW-P	04-18-015	204- 96-010	AMD	04-07-012	208-690-120	NEW-P	04-11-110
199-08-480	NEW-E	04-10-002	208-620	PREP	04-24-078	208-690-120	NEW	04-15-005
199-08-480	NEW-P	04-18-015	208-680A-040	AMD-P	04-19-158	208-690-130	NEW-E	04-07-182
199-08-485	NEW-E	04-10-002	208-680A-040	AMD-C	04-22-087	208-690-130	NEW-P	04-11-110
199-08-485	NEW-P	04-18-015	208-680E-025	NEW-P	04-19-158	208-690-130	NEW	04-15-005
199-08-490	NEW-E	04-10-002	208-680E-025	NEW-C	04-22-087	208-690-140	NEW-E	04-07-182
199-08-490	NEW-P	04-18-015	208-680F-020	AMD-P	04-19-158	208-690-140	NEW-P	04-11-110
199-08-495	NEW-E	04-10-002	208-680F-020	AMD-C	04-22-087	208-690-140	NEW	04-15-005
199-08-495	NEW-P	04-18-015	208-680G-050	AMD-P	04-19-157	208-690-150	NEW-E	04-07-182
199-08-500	NEW-E	04-10-002	208-680G-050	AMD-C	04-22-086	208-690-150	NEW-P	04-11-110
199-08-500	NEW-P	04-18-015	208-690-010	NEW-E	04-07-182	208-690-150	NEW	04-15-005
199-08-510	NEW-E	04-10-002	208-690-010	NEW-P	04-11-110	208-690-160	NEW-E	04-07-182
199-08-510	NEW-P	04-18-015	208-690-010	NEW	04-15-005	208-690-160	NEW-P	04-11-110
199-08-515	NEW-E	04-10-002	208-690-020	NEW-E	04-07-182	208-690-160	NEW	04-15-005
199-08-515	NEW-P	04-18-015	208-690-020	NEW-P	04-11-110	208-690-170	NEW-E	04-07-182
199-08-520	NEW-E	04-10-002	208-690-020	NEW	04-15-005	208-690-170	NEW-P	04-11-110
199-08-520	NEW-P	04-18-015	208-690-030	NEW-E	04-07-182	208-690-170	NEW	04-15-005
199-08-525	NEW-E	04-10-002	208-690-030	NEW-P	04-11-110	208-690-180	NEW-E	04-07-182
199-08-525	NEW-P	04-18-015	208-690-030	NEW	04-15-005	208-690-180	NEW-P	04-11-110
199-08-535	NEW-E	04-10-002	208-690-031	NEW-E	04-07-182	208-690-180	NEW	04-15-005
199-08-535	NEW-P	04-18-015	208-690-031	NEW-P	04-11-110	212- 17-060	AMD-E	04-11-061
199-08-540	NEW-E	04-10-002	208-690-031	NEW-W	04-24-068	212- 17-060	PREP	04-21-003
199-08-540	NEW-P	04-18-015	208-690-035	NEW-E	04-07-182	212- 17-480	NEW-E	04-11-061
199-08-545	NEW-E	04-10-002	208-690-035	NEW-P	04-11-110	212- 17-480	PREP	04-21-003
199-08-545	NEW-P	04-18-015	208-690-035	NEW	04-15-005	212- 17-485	NEW-E	04-11-061
199-08-550	NEW-E	04-10-002	208-690-040	NEW-E	04-07-182	212- 17-485	PREP	04-21-003
199-08-550	NEW-P	04-18-015	208-690-040	NEW-P	04-11-110	212- 17-490	NEW-E	04-11-061
199-08-555	NEW-E	04-10-002	208-690-040	NEW	04-15-005	212- 17-490	PREP	04-21-003
199-08-555	NEW-P	04-18-015	208-690-045	NEW-E	04-07-182	212- 17-495	NEW-E	04-11-061
199-08-565	NEW-E	04-10-002	208-690-045	NEW-P	04-11-110	212- 17-495	PREP	04-21-003
199-08-565	NEW-P	04-18-015	208-690-045	NEW	04-15-005	212- 17-500	NEW-E	04-11-061
199-08-570	NEW-E	04-10-002	208-690-050	NEW-E	04-07-182	212- 17-500	PREP	04-21-003
199-08-570	NEW-P	04-18-015	208-690-050	NEW-P	04-11-110	212- 17-505	NEW-E	04-11-061
199-08-580	NEW-E	04-10-002	208-690-050	NEW	04-15-005	212- 17-505	PREP	04-21-003
199-08-580	NEW-P	04-18-015	208-690-060	NEW-E	04-07-182	212- 17-510	NEW-E	04-11-061
204- 74A	PREP	04-17-132	208-690-060	NEW-P	04-11-110	212- 17-510	PREP	04-21-003

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
212- 17-515	NEW-E	04-11-061	212- 80-098	RECOD-P	04-24-009	220- 16-830	NEW-W	04-14-085
212- 17-515	PREP	04-21-003	212- 80-100	DECOD-P	04-24-009	220- 16-830	NEW-X	05-01-233
212- 17-520	NEW-E	04-11-061	212- 80-103	RECOD-P	04-24-009	220- 16-840	NEW-W	04-14-085
212- 17-520	PREP	04-21-003	212- 80-105	AMD-P	04-24-009	220- 16-840	NEW-X	05-01-233
212- 17-525	NEW-E	04-11-061	212- 80-105	DECOD-P	04-24-009	220- 16-850	NEW-W	04-14-085
212- 17-525	PREP	04-21-003	212- 80-108	RECOD-P	04-24-009	220- 16-850	NEW-X	05-01-233
212- 17-530	NEW-E	04-11-061	212- 80-110	AMD-P	04-24-009	220- 16-860	NEW-X	05-01-233
212- 17-530	PREP	04-21-003	212- 80-113	RECOD-P	04-24-009	220- 16-870	NEW-X	05-01-233
212- 17-535	NEW-E	04-11-061	212- 80-115	AMD-P	04-24-009	220- 20-013	NEW-P	04-21-056
212- 17-535	PREP	04-21-003	212- 80-115	DECOD-P	04-24-009	220- 20-013	NEW	05-01-132
212- 17-540	NEW-E	04-11-061	212- 80-118	RECOD-P	04-24-009	220- 20-056	REP	04-10-108
212- 17-540	PREP	04-21-003	212- 80-120	AMD-P	04-24-009	220- 20-080	AMD	04-08-025
212- 80	PREP	04-17-131	212- 80-120	DECOD-P	04-24-009	220- 20-100	AMD-W	04-14-085
212- 80-001	AMD-P	04-24-009	212- 80-123	RECOD-P	04-24-009	220- 20-100	AMD-X	05-01-233
212- 80-005	AMD-P	04-24-009	212- 80-125	AMD-P	04-24-009	220- 22-40000F	NEW-E	04-13-024
212- 80-010	AMD-P	04-24-009	212- 80-125	DECOD-P	04-24-009	220- 24-04000L	NEW-E	04-10-001
212- 80-015	AMD-P	04-24-009	212- 80-128	RECOD-P	04-24-009	220- 24-04000L	REP-E	04-10-001
212- 80-018	NEW-P	04-24-009	212- 80-130	AMD-P	04-24-009	220- 24-04000L	REP-E	04-11-010
212- 80-023	RECOD-P	04-24-009	212- 80-130	DECOD-P	04-24-009	220- 24-04000M	NEW-E	04-11-052
212- 80-025	AMD-P	04-24-009	212- 80-133	NEW-P	04-24-009	220- 24-04000M	REP-E	04-11-052
212- 80-025	DECOD-P	04-24-009	212- 80-135	AMD-P	04-24-009	220- 24-04000N	NEW-E	04-12-011
212- 80-028	RECOD-P	04-24-009	212- 80-135	DECOD-P	04-24-009	220- 24-04000N	REP-E	04-12-011
212- 80-030	AMD-P	04-24-009	212- 80-138	NEW-P	04-24-009	220- 24-04000P	NEW-E	04-14-009
212- 80-030	DECOD-P	04-24-009	212- 80-140	NEW-P	04-24-009	220- 24-04000P	REP-E	04-14-009
212- 80-033	RECOD-P	04-24-009	212- 80-145	NEW-P	04-24-009	220- 24-04000Q	NEW-E	04-14-092
212- 80-035	AMD-P	04-24-009	212- 80-150	NEW-P	04-24-009	220- 24-04000Q	REP-E	04-14-092
212- 80-035	DECOD-P	04-24-009	212- 80-155	NEW-P	04-24-009	220- 24-04000Q	REP-E	04-15-086
212- 80-038	RECOD-P	04-24-009	212- 80-160	NEW-P	04-24-009	220- 24-04000R	NEW-E	04-15-086
212- 80-040	AMD-P	04-24-009	212- 80-165	NEW-P	04-24-009	220- 24-04000R	REP-E	04-18-022
212- 80-040	DECOD-P	04-24-009	212- 80-170	NEW-P	04-24-009	220- 24-04000S	NEW-E	04-18-022
212- 80-043	RECOD-P	04-24-009	212- 80-175	NEW-P	04-24-009	220- 24-04000S	REP-E	04-18-022
212- 80-045	AMD-P	04-24-009	212- 80-180	NEW-P	04-24-009	220- 24-04000S	REP-E	04-19-023
212- 80-045	DECOD-P	04-24-009	212- 80-185	NEW-P	04-24-009	220- 24-04000T	NEW-E	04-19-023
212- 80-048	NEW-P	04-24-009	212- 80-190	NEW-P	04-24-009	220- 24-04000T	REP-E	04-19-023
212- 80-050	AMD-P	04-24-009	212- 80-195	NEW-P	04-24-009	220- 32-05100A	NEW-E	04-15-133
212- 80-050	DECOD-P	04-24-009	212- 80-200	RECOD-P	04-24-009	220- 32-05100A	REP-E	04-15-133
212- 80-053	RECOD-P	04-24-009	212- 80-205	RECOD-P	04-24-009	220- 32-05100B	NEW-E	04-18-016
212- 80-055	AMD-P	04-24-009	212- 80-210	NEW-P	04-24-009	220- 32-05100B	REP-E	04-19-084
212- 80-055	DECOD-P	04-24-009	212- 80-215	NEW-P	04-24-009	220- 32-05100C	NEW-E	04-19-084
212- 80-058	RECOD-P	04-24-009	212- 80-220	NEW-P	04-24-009	220- 32-05100C	REP-E	04-20-014
212- 80-060	AMD-P	04-24-009	212- 80-225	NEW-P	04-24-009	220- 32-05100D	NEW-E	04-20-014
212- 80-060	DECOD-P	04-24-009	212- 80-230	NEW-P	04-24-009	220- 32-05100D	REP-E	04-20-063
212- 80-063	RECOD-P	04-24-009	212- 80-235	NEW-P	04-24-009	220- 32-05100E	NEW-E	04-20-063
212- 80-065	AMD-P	04-24-009	212- 80-240	NEW-P	04-24-009	220- 32-05100E	REP-E	04-21-020
212- 80-065	DECOD-P	04-24-009	212- 80-245	NEW-P	04-24-009	220- 32-05100F	NEW-E	04-21-020
212- 80-070	AMD-P	04-24-009	212- 80-250	NEW-P	04-24-009	220- 32-05100F	REP-E	04-22-063
212- 80-070	DECOD-P	04-24-009	212- 80-255	NEW-P	04-24-009	220- 32-05100G	NEW-E	04-22-063
212- 80-073	RECOD-P	04-24-009	212- 80-260	NEW-P	04-24-009	220- 32-05100P	NEW-E	04-03-075
212- 80-075	AMD-P	04-24-009	212- 80-265	NEW-P	04-24-009	220- 32-05100P	REP-E	04-03-075
212- 80-075	DECOD-P	04-24-009	220- 12-020	AMD	04-07-009	220- 32-05100P	REP-E	04-04-053
212- 80-078	RECOD-P	04-24-009	220- 16-007	NEW-P	05-01-229	220- 32-05100Q	NEW-E	04-04-053
212- 80-080	AMD-P	04-24-009	220- 16-270	AMD	04-07-009	220- 32-05100Q	REP-E	04-04-053
212- 80-080	DECOD-P	04-24-009	220- 16-470	AMD-X	04-12-073	220- 32-05100Q	REP-E	04-07-027
212- 80-083	RECOD-P	04-24-009	220- 16-470	AMD	04-16-126	220- 32-05100R	NEW-E	04-07-027
212- 80-085	AMD-P	04-24-009	220- 16-47000B	NEW-E	04-10-034	220- 32-05100R	REP-E	04-07-027
212- 80-085	DECOD-P	04-24-009	220- 16-550	AMD	04-07-009	220- 32-05100S	NEW-E	04-10-064
212- 80-088	RECOD-P	04-24-009	220- 16-800	NEW	04-07-009	220- 32-05100S	REP-E	04-10-064
212- 80-090	AMD-P	04-24-009	220- 16-800	NEW-W	04-14-085	220- 32-05100T	NEW-E	04-11-022
212- 80-090	DECOD-P	04-24-009	220- 16-810	NEW	04-07-009	220- 32-05100T	REP-E	04-11-022
212- 80-093	RECOD-P	04-24-009	220- 16-810	NEW-W	04-14-085	220- 32-05100T	REP-E	04-11-074
212- 80-095	AMD-P	04-24-009	220- 16-820	NEW-W	04-14-085	220- 32-05100U	NEW-E	04-11-074
212- 80-095	DECOD-P	04-24-009	220- 16-820	NEW-X	05-01-233	220- 32-05100U	REP-E	04-11-074

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220-32-05100U	REP-E	04-12-021	220-33-01000X	NEW-E	04-07-078	220-47-411	AMD	04-16-125
220-32-05100V	NEW-E	04-12-021	220-33-01000X	REP-E	04-07-118	220-47-41100A	NEW-E	04-23-056
220-32-05100W	REP-E	04-12-021	220-33-01000Y	NEW-E	04-07-118	220-47-41100A	REP-E	04-24-008
220-32-05100W	NEW-E	04-13-065	220-33-01000Y	REP-E	04-07-169	220-47-41100B	NEW-E	04-24-008
220-32-05100W	REP-E	04-13-117	220-33-01000Z	NEW-E	04-07-169	220-47-41100V	NEW-E	04-21-018
220-32-05100X	NEW-E	04-13-117	220-33-01000Z	REP-E	04-08-011	220-47-41100V	REP-E	04-21-018
220-32-05100X	REP-E	04-13-117	220-33-03000U	NEW-E	04-09-018	220-47-41100V	REP-E	04-22-018
220-32-05100X	REP-E	04-14-046	220-33-03000U	REP-E	04-09-018	220-47-41100W	NEW-E	04-22-018
220-32-05100Y	NEW-E	04-14-046	220-33-04000U	REP-E	04-07-117	220-47-41100W	REP-E	04-22-018
220-32-05100Y	REP-E	04-14-046	220-33-04000V	NEW-E	04-07-117	220-47-41100W	REP-E	04-22-022
220-32-05100Y	REP-E	04-15-051	220-33-04000V	REP-E	04-07-117	220-47-41100X	NEW-E	04-22-022
220-32-05100Z	NEW-E	04-15-051	220-33-04000W	NEW-E	05-01-176A	220-47-41100X	REP-E	04-22-022
220-32-05100Z	REP-E	04-15-051	220-33-04000W	REP-E	05-01-176A	220-47-41100Y	NEW-E	04-22-062
220-32-05100Z	REP-E	04-15-133	220-33-070	NEW-W	04-10-074	220-47-41100Y	REP-E	04-22-062
220-32-06000B	NEW-E	04-10-064	220-36-023	AMD-X	04-11-109	220-47-41100Y	REP-E	04-23-014
220-32-06000B	REP-E	04-10-064	220-36-023	AMD	04-16-013	220-47-41100Z	NEW-E	04-23-014
220-33-01000A	NEW-E	04-08-011	220-40-027	AMD-X	04-11-109	220-47-41100Z	REP-E	04-23-014
220-33-01000A	REP-E	04-08-026	220-40-027	AMD	04-16-013	220-47-41100Z	REP-E	04-23-056
220-33-01000B	NEW-E	04-08-026	220-40-02700E	NEW-E	04-19-059	220-47-428	AMD-X	04-12-129
220-33-01000B	REP-E	04-09-021	220-40-02700E	REP-E	04-19-059	220-47-428	AMD	04-16-125
220-33-01000C	NEW-E	04-09-021	220-40-02700E	REP-E	04-20-016	220-47-430	REP-X	04-12-129
220-33-01000C	REP-E	04-11-001	220-40-02700F	NEW-E	04-20-016	220-47-430	REP	04-16-125
220-33-01000D	NEW-E	04-11-075	220-40-02700F	REP-E	04-20-016	220-47-601	NEW-E	04-16-030
220-33-01000D	REP-E	04-11-075	220-44-05000A	NEW-E	04-03-010C	220-47-601	REP-E	04-16-049
220-33-01000E	NEW-E	04-14-048	220-44-05000A	REP-E	04-12-012	220-47-602	NEW-E	04-16-049
220-33-01000E	REP-E	04-14-048	220-44-05000B	NEW-E	04-12-012	220-47-602	REP-E	04-16-072
220-33-01000F	NEW-E	04-16-067	220-44-05000B	REP-E	04-21-002	220-47-603	NEW-E	04-16-072
220-33-01000F	REP-E	04-16-067	220-44-05000C	NEW-E	04-21-002	220-47-603	REP-E	04-17-028
220-33-01000F	REP-E	04-17-069	220-44-05000Z	REP-E	04-03-010C	220-47-604	NEW-E	04-17-028
220-33-01000G	NEW-E	04-17-091	220-47-301	AMD-X	04-12-129	220-47-604	REP-E	04-18-008
220-33-01000G	REP-E	04-17-091	220-47-301	AMD	04-16-125	220-47-604	REP-E	04-18-008
220-33-01000H	NEW-E	04-18-007	220-47-302	AMD-X	04-12-129	220-47-605	NEW-E	04-18-008
220-33-01000H	REP-E	04-18-007	220-47-302	AMD	04-16-125	220-47-605	REP-E	04-18-084
220-33-01000I	NEW-E	04-18-020	220-47-303	AMD-X	04-12-129	220-47-606	NEW-E	04-18-084
220-33-01000I	REP-E	04-18-020	220-47-303	AMD	04-16-125	220-47-606	REP-E	04-19-066
220-33-01000J	NEW-E	04-18-037	220-47-307	AMD-X	04-12-129	220-47-607	NEW-E	04-19-066
220-33-01000J	REP-E	04-19-083	220-47-307	AMD	04-16-125	220-47-607	REP-E	04-20-011
220-33-01000K	NEW-E	04-19-083	220-47-311	AMD-X	04-12-129	220-47-608	NEW-E	04-20-011
220-33-01000K	REP-E	04-20-003	220-47-311	AMD	04-16-125	220-47-608	REP-E	04-20-011
220-33-01000L	NEW-E	04-20-003	220-47-31100A	NEW-E	04-24-008	220-48-01500T	NEW-E	04-07-029
220-33-01000L	REP-E	04-20-015	220-47-31100T	NEW-E	04-21-044	220-48-01500T	REP-E	04-14-047
220-33-01000M	NEW-E	04-20-015	220-47-31100T	REP-E	04-21-044	220-48-01500U	NEW-E	04-14-047
220-33-01000M	REP-E	04-20-040	220-47-31100U	NEW-E	04-22-018	220-48-029	AMD-P	04-13-005
220-33-01000N	NEW-E	04-20-040	220-47-31100U	REP-E	04-22-018	220-48-029	AMD	04-17-098
220-33-01000N	REP-E	04-20-064	220-47-31100V	NEW-E	04-22-022	220-48-02900D	NEW-E	04-05-056
220-33-01000P	NEW-E	04-20-064	220-47-31100V	REP-E	04-22-022	220-48-02900D	REP-E	04-13-055
220-33-01000P	REP-E	04-21-075	220-47-31100W	NEW-E	04-22-062	220-48-02900E	NEW-E	04-13-055
220-33-01000Q	REP-E	04-04-071	220-47-31100W	REP-E	04-22-062	220-48-02900F	NEW-E	04-14-007
220-33-01000Q	NEW-E	04-21-075	220-47-31100W	REP-E	04-23-001	220-48-032	AMD-P	04-13-005
220-33-01000R	NEW-E	04-04-071	220-47-31100X	NEW-E	04-23-001	220-48-032	AMD	04-17-098
220-33-01000R	REP-E	04-04-071	220-47-31100X	REP-E	04-23-001	220-48-03200C	NEW-E	04-05-056
220-33-01000S	NEW-E	04-06-002	220-47-31100X	REP-E	04-23-014	220-48-03200C	REP-E	04-13-055
220-33-01000S	REP-E	04-06-002	220-47-31100Y	NEW-E	04-23-014	220-48-03200D	NEW-E	04-13-055
220-33-01000S	REP-E	04-06-059	220-47-31100Y	REP-E	04-23-014	220-48-03200E	NEW-E	04-14-007
220-33-01000T	NEW-E	04-06-059	220-47-31100Y	REP-E	04-23-056	220-48-062	AMD-P	04-13-005
220-33-01000T	REP-E	04-07-008	220-47-31100Z	NEW-E	04-23-056	220-48-062	AMD	04-17-098
220-33-01000U	NEW-E	04-07-008	220-47-31100Z	REP-E	04-24-008	220-48-06200C	NEW-E	04-05-056
220-33-01000U	REP-E	04-07-028	220-47-325	AMD-X	04-12-129	220-48-06200C	REP-E	04-13-055
220-33-01000V	NEW-E	04-07-028	220-47-325	AMD	04-16-125	220-48-06200D	NEW-E	04-13-055
220-33-01000V	REP-E	04-07-050	220-47-401	AMD-X	04-12-129	220-49-020	AMD-P	04-13-005
220-33-01000W	NEW-E	04-07-050	220-47-401	AMD	04-16-125	220-49-020	AMD	04-17-098
220-33-01000W	REP-E	04-07-078	220-47-411	AMD-X	04-12-129	220-49-02000P	NEW-E	04-05-056
						220-49-02000P	REP-E	04-13-055

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220-49-02000Q	NEW-E	04-13-055	220-52-04600N	REP-E	04-13-024	220-52-07100I	NEW-E	04-16-012
220-49-023	AMD-P	04-13-163	220-52-04600P	NEW-E	04-13-060	220-52-07100J	REP-E	04-17-071
220-49-023	AMD	04-17-089	220-52-04600P	REP-E	04-13-060	220-52-07100J	NEW-E	04-17-071
220-49-056	AMD-P	04-13-005	220-52-04600Q	NEW-E	04-19-082	220-52-07100J	REP-E	04-20-007
220-49-056	AMD	04-17-098	220-52-04600Q	REP-E	04-21-045	220-52-07100K	NEW-E	04-20-007
220-49-05600C	NEW-E	04-05-056	220-52-04600R	NEW-E	04-21-045	220-52-07100K	REP-E	04-20-047
220-49-05600C	REP-E	04-13-055	220-52-04600S	NEW-E	04-24-032	220-52-073	AMD-P	04-13-033
220-49-05600D	NEW-E	04-13-055	220-52-04600S	REP-E	04-24-032	220-52-073	AMD	04-17-096
220-52-018	AMD-P	05-01-234	220-52-04600S	REP-E	05-01-087	220-52-07300J	REP-E	04-03-010B
220-52-020	AMD-P	05-01-234	220-52-04600T	NEW-E	04-24-033	220-52-07300K	NEW-E	04-03-010B
220-52-030	AMD-P	05-01-156	220-52-04600U	NEW-E	05-01-087	220-52-07300K	REP-E	04-03-074
220-52-03000U	NEW-E	04-11-051	220-52-05100A	NEW-E	04-16-048	220-52-07300L	NEW-E	04-03-074
220-52-03000U	REP-E	04-11-051	220-52-05100A	REP-E	04-16-073	220-52-07300L	REP-E	04-06-012
220-52-03000V	NEW-E	04-14-004	220-52-05100B	NEW-E	04-16-073	220-52-07300M	NEW-E	04-20-006
220-52-03000V	REP-E	04-14-004	220-52-05100B	REP-E	04-16-089	220-52-07300M	REP-E	05-01-067
220-52-03000W	NEW-E	04-16-031	220-52-05100C	NEW-E	04-16-089	220-52-07300M	REP-E	05-01-078
220-52-03000W	REP-E	04-16-031	220-52-05100C	REP-E	04-17-004	220-52-07300N	NEW-E	05-01-067
220-52-03000W	REP-E	04-16-127	220-52-05100D	NEW-E	04-17-004	220-52-07300N	REP-E	05-01-078
220-52-03000W	REP-E	04-17-055	220-52-05100D	REP-E	04-17-014	220-52-07300P	NEW-E	05-01-078
220-52-03000W	REP-E	04-17-055	220-52-05100E	NEW-E	04-17-014	220-55-061	NEW-P	04-05-068
220-52-03000X	NEW-E	04-16-127	220-52-05100E	REP-E	04-17-055	220-55-061	NEW	04-08-063
220-52-03000X	REP-E	04-17-055	220-52-05100F	NEW-E	04-17-055	220-55-115	AMD-P	04-13-061
220-52-03000Y	NEW-E	04-18-052	220-52-05100F	REP-E	04-17-095	220-55-115	AMD	04-17-097
220-52-03000Y	REP-E	04-18-052	220-52-05100G	NEW-E	04-17-095	220-56-100	AMD-W	04-05-060
220-52-04000A	NEW-E	04-13-024	220-52-05100G	REP-E	04-18-131	220-56-100	AMD	04-07-009
220-52-04000A	REP-E	04-13-024	220-52-05100H	NEW-E	04-18-131	220-56-100	AMD-X	04-11-119
220-52-04000B	NEW-E	04-13-060	220-52-05100H	REP-E	04-19-096	220-56-100	AMD	04-24-030
220-52-04000B	REP-E	04-13-060	220-52-05100I	NEW-E	04-19-096	220-56-10000C	NEW-E	04-10-034
220-52-04000C	NEW-E	04-19-082	220-52-05100I	REP-E	04-21-030	220-56-115	AMD	04-07-009
220-52-04000C	REP-E	04-20-034	220-52-05100I	REP-E	04-21-030	220-56-115	AMD-P	04-19-117
220-52-04000D	NEW-E	04-20-034	220-52-05100J	NEW-E	04-22-048	220-56-115	AMD	05-01-166
220-52-04000D	REP-E	04-22-002	220-52-05100J	REP-E	04-09-007	220-56-118	NEW	04-07-009
220-52-04000E	NEW-E	04-22-002	220-52-05100P	NEW-E	04-10-025	220-56-118	AMD-P	04-19-117
220-52-04000E	REP-E	04-23-083	220-52-05100P	REP-E	04-10-025	220-56-123	AMD-X	04-11-119
220-52-04000F	NEW-E	04-23-083	220-52-05100Q	NEW-E	04-10-025	220-56-123	AMD	04-24-030
220-52-04000G	NEW-E	04-24-034	220-52-05100Q	REP-E	04-11-044	220-56-123	AMD	05-01-166
220-52-04000U	REP-E	04-05-007	220-52-05100R	NEW-E	04-11-044	220-56-126	AMD	05-01-166
220-52-04000V	NEW-E	04-05-007	220-52-05100R	REP-E	04-13-007	220-56-128	AMD-X	04-11-119
220-52-04000V	REP-E	04-05-014	220-52-05100S	NEW-E	04-13-007	220-56-128	AMD-P	04-13-005
220-52-04000W	NEW-E	04-05-014	220-52-05100S	REP-E	04-13-027	220-56-128	AMD	04-17-098
220-52-04000W	REP-E	04-06-003	220-52-05100T	NEW-E	04-13-027	220-56-128	AMD-P	04-19-117
220-52-04000X	NEW-E	04-06-003	220-52-05100T	REP-E	04-13-082	220-56-128	AMD	04-24-030
220-52-04000X	REP-E	04-07-013	220-52-05100U	NEW-E	04-13-082	220-56-128	AMD	04-10-034
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220-52-04000Y	REP-E	04-07-019	220-52-05100V	NEW-E	04-14-058	220-56-129	AMD-P	04-19-117
220-52-04000Z	NEW-E	04-07-019	220-52-05100V	REP-E	04-15-024	220-56-130	AMD-P	04-19-117
220-52-04600D	REP-E	04-03-049	220-52-05100W	NEW-E	04-15-024	220-56-130	AMD	05-01-166
220-52-04600F	REP-E	04-05-007	220-52-05100W	REP-E	04-15-087	220-56-131	AMD	05-01-166
220-52-04600G	NEW-E	04-03-049	220-52-05100X	NEW-E	04-15-087	220-56-132	AMD	05-01-166
220-52-04600G	REP-E	04-06-042	220-52-05100X	REP-E	04-15-132	220-56-133	AMD	05-01-166
220-52-04600H	NEW-E	04-05-007	220-52-05100Y	NEW-E	04-15-132	220-56-134	AMD	05-01-166
220-52-04600H	REP-E	04-06-013	220-52-05100Y	REP-E	04-16-022	220-56-150	AMD	04-07-009
220-52-04600I	NEW-E	04-06-013	220-52-05100Z	NEW-E	04-16-022	220-56-156	AMD-P	04-19-064
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220-52-04600J	NEW-E	04-06-042	220-52-07100D	NEW-E	04-03-031	220-56-180	AMD-X	04-11-119
220-52-04600J	REP-E	04-08-038	220-52-07100D	REP-E	04-05-008	220-56-180	AMD	04-24-030
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220-52-04600M	NEW-E	04-08-038	220-52-07100G	NEW-E	04-06-041	220-56-210	AMD	05-01-166
220-52-04600M	REP-E	04-08-038	220-52-07100H	NEW-E	04-14-093	220-56-215	AMD	04-07-009
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220-56-23500S	NEW-E	04-05-057	220-56-32500K	REP-E	04-09-052	220-56-36000X	REP-E	04-05-100
220-56-23500S	REP-E	04-13-056	220-56-32500L	NEW-E	04-09-052	220-56-36000Y	NEW-E	04-07-097
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220-56-23500U	NEW-E	04-13-056	220-56-32500M	REP-E	04-10-028	220-56-36000Z	REP-E	04-09-058
220-56-250	AMD	04-07-009	220-56-32500N	NEW-E	04-10-028	220-56-370	REP	04-07-009
220-56-250	AMD-W	04-10-073	220-56-32500N	REP-E	04-11-014	220-56-375	AMD	05-01-166
220-56-25000F	NEW-E	04-07-005	220-56-32500P	NEW-E	04-11-014	220-56-380	AMD	04-07-009
220-56-25000G	NEW-E	04-10-042	220-56-32500P	REP-E	04-11-077	220-56-380	AMD-P	04-19-117
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220-56-25500K	NEW-E	04-10-027	220-56-32500Q	REP-E	04-12-036	220-56-38000H	NEW-E	05-01-131
220-56-25500K	REP-E	04-10-043	220-56-32500R	NEW-E	04-12-036	220-56-385	AMD	05-01-166
220-56-25500L	NEW-E	04-10-043	220-56-32500R	REP-E	04-12-061	220-56-390	AMD-P	04-13-005
220-56-25500L	REP-E	04-12-002	220-56-32500S	NEW-E	04-12-061	220-56-390	AMD	04-17-098
220-56-25500M	NEW-E	04-12-002	220-56-32500S	REP-E	04-13-034	220-56-390	AMD	05-01-166
220-56-25500M	REP-E	04-12-032	220-56-32500T	NEW-E	04-13-034	220-56-39000B	NEW-E	04-05-057
220-56-25500N	NEW-E	04-12-032	220-56-32500T	REP-E	04-13-093	220-56-39000B	REP-E	04-13-056
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220-56-25500P	REP-E	04-14-024	220-56-32500V	NEW-E	04-15-023	220-56-410	AMD	04-17-098
220-56-25500Q	NEW-E	04-14-024	220-56-32500V	REP-E	04-21-016	220-56-41000A	NEW-E	04-05-057
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220-56-25500R	NEW-E	04-16-004	220-56-326	AMD	05-01-166	220-56-41000B	NEW-E	04-13-056
220-56-25500R	REP-E	04-16-004	220-56-330	AMD	04-07-009	220-69-210	AMD-P	04-13-193
220-56-262	AMD	05-01-166	220-56-330	AMD-P	04-19-117	220-69-210	AMD	04-17-096
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220-56-267	AMD-P	04-13-005	220-56-33000J	REP-E	04-13-028	220-69-215	AMD	04-17-096
220-56-267	AMD	04-17-098	220-56-33000K	NEW-E	04-13-008	220-69-220	AMD-P	04-13-193
220-56-26700B	NEW-E	04-05-057	220-56-33000K	REP-E	04-18-072	220-69-220	AMD	04-17-096
220-56-26700B	REP-E	04-13-056	220-56-33000L	NEW-E	04-13-066	220-69-23402	AMD-P	04-13-193
220-56-26700C	NEW-E	04-13-056	220-56-33000L	REP-E	04-13-066	220-69-23402	AMD	04-17-096
220-56-270	AMD-P	04-13-005	220-56-33000M	NEW-E	04-18-072	220-69-236	AMD-P	04-13-193
220-56-270	AMD	04-17-098	220-56-33000M	REP-E	04-19-065	220-69-236	AMD	04-17-096
220-56-270	AMD	05-01-166	220-56-33000N	NEW-E	04-19-065	220-69-236	AMD-P	04-19-117
220-56-27000R	REP-E	04-07-116	220-56-33000N	REP-E	05-01-117	220-69-240	AMD-P	04-13-033
220-56-27000R	REP-E	04-07-123	220-56-33000N	REP-E	05-01-118	220-69-240	AMD-P	04-13-193
220-56-27000S	NEW-E	04-05-057	220-56-33000P	NEW-E	05-01-117	220-69-240	AMD	04-17-096
220-56-27000S	REP-E	04-13-056	220-56-33000P	NEW-E	05-01-118	220-69-240	AMD-P	05-01-229
220-56-27000T	NEW-E	04-07-116	220-56-335	AMD	04-07-009	220-69-241	AMD	04-05-028
220-56-27000T	REP-E	04-07-116	220-56-340	AMD	05-01-166	220-69-241	AMD-P	04-13-193
220-56-27000T	REP-E	04-07-123	220-56-350	AMD	04-07-009	220-69-241	AMD	04-17-096
220-56-27000U	NEW-E	04-07-123	220-56-350	AMD-P	04-19-117	220-69-241	AMD-P	05-01-229
220-56-27000U	REP-E	04-07-123	220-56-35000Q	NEW-E	04-03-010A	220-69-242	AMD-P	04-13-193
220-56-27000V	NEW-E	04-13-056	220-56-35000Q	REP-E	04-06-035	220-69-242	AMD	04-17-096
220-56-27000W	NEW-E	05-01-177	220-56-35000R	NEW-E	04-06-035	220-69-243	AMD-P	04-13-193
220-56-27000W	REP-E	05-01-177	220-56-35000R	REP-E	04-07-043	220-69-243	AMD	04-17-096
220-56-280	AMD	05-01-166	220-56-35000S	NEW-E	04-07-043	220-69-250	AMD-P	04-13-193
220-56-282	AMD	04-07-009	220-56-35000S	REP-E	04-09-006	220-69-250	AMD	04-17-096
220-56-282	AMD-P	04-19-117	220-56-35000T	NEW-E	04-09-006	220-69-254	AMD-P	04-13-193
220-56-282	AMD	05-01-166	220-56-35000U	NEW-E	05-01-131	220-69-254	AMD	04-17-096
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220-56-310	AMD	04-07-009	220-56-36000A	NEW-E	04-10-070	220-69-260	AMD	04-17-096
220-56-310	AMD-P	04-13-023	220-56-36000A	REP-E	04-10-070	220-69-262	REP-P	04-13-193
220-56-310	AMD	04-17-088	220-56-36000B	NEW-E	04-21-019	220-69-262	REP	04-17-096
220-56-310	AMD-P	04-19-117	220-56-36000B	REP-E	04-21-019	220-69-264	AMD-P	04-13-193
220-56-31000V	NEW-E	04-18-041	220-56-36000C	NEW-E	04-23-013	220-69-264	AMD	04-17-096
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220-69-270	AMD	04-17-096	220-120-010	REP-P	04-13-141	230-02-205	AMD-P	04-20-107
220-69-274	AMD-P	04-13-193	220-120-010	REP	04-18-051	230-04-124	AMD-W	04-05-059
220-69-274	AMD	04-17-096	220-120-020	REP-P	04-13-141	230-04-192	REP-P	04-05-078
220-69-280	AMD-P	04-13-193	220-120-020	REP	04-18-051	230-04-192	REP	04-09-028
220-69-280	AMD	04-17-096	220-120-030	REP-P	04-13-141	230-04-196	REP-P	04-05-078
220-69-280	AMD-P	05-01-229	220-120-030	REP	04-18-051	230-04-196	REP	04-09-028
220-69-28000A	NEW-E	04-19-097	220-120-040	REP-P	04-13-141	230-04-208	NEW-P	04-17-124
220-69-300	AMD-P	04-13-193	220-120-040	REP	04-18-051	230-04-208	NEW	04-24-036
220-69-300	AMD	04-17-096	220-120-050	REP-P	04-13-141	230-12-045	AMD-P	04-07-103
220-69-310	NEW-P	05-01-229	220-120-050	REP	04-18-051	230-12-045	AMD	04-11-091
220-72-002	REP-P	04-21-072	220-120-060	REP-P	04-13-141	230-12-330	AMD-P	04-11-090
220-72-002	REP	05-01-113	220-120-060	REP	04-18-051	230-12-330	AMD-W	04-24-067
220-72-01000B	NEW-E	04-08-037	220-120-070	REP-P	04-13-141	230-12-340	AMD-P	04-11-090
220-72-011	AMD-P	04-05-069	220-120-070	REP	04-18-051	230-12-340	AMD-W	04-24-067
220-72-011	AMD-W	04-18-074	220-120-080	REP-P	04-13-141	230-20-059	AMD	04-07-102
220-72-011	AMD-P	04-21-072	220-120-080	REP	04-18-051	230-30-033	AMD-P	04-09-088
220-72-011	AMD	05-01-113	220-120-090	REP-P	04-13-141	230-30-033	AMD	04-15-047
220-72-070	REP-P	04-21-072	220-120-090	REP	04-18-051	230-30-033	AMD-P	04-19-093
220-72-070	REP	05-01-113	220-120-100	REP-P	04-13-141	230-30-072	AMD-P	04-02-045
220-72-073	REP-P	04-21-072	220-120-100	REP	04-18-051	230-30-072	AMD-W	04-15-108
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220-72-087	REP-P	04-21-072	222-08-030	DECOD	04-05-122	230-40-120	AMD-W	04-07-051
220-72-087	REP	05-01-113	222-08-035	DECOD	04-05-122	230-40-120	AMD-P	04-15-048
220-72-089	AMD-P	04-05-069	222-08-040	AMD	04-05-122	230-40-120	AMD	04-19-068
220-72-089	AMD-W	04-18-074	222-08-050	NEW	04-05-122	230-40-554	AMD-P	04-19-095
220-72-089	AMD-P	04-21-072	222-08-060	NEW	04-05-122	230-40-554	AMD	04-24-039
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220-72-090	AMD-P	04-05-069	222-08-090	NEW	04-05-122	230-40-610	AMD	04-24-038
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220-72-090	REP-P	04-21-072	222-08-120	NEW	04-05-122	230-40-625	AMD	04-19-070
220-72-090	REP	05-01-113	222-08-130	NEW	04-05-122	230-40-625	AMD	04-19-137
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220-88B-040	AMD	04-05-027	222-12-010	AMD-P	04-24-088	230-40-825	AMD	04-19-137
220-88C-030	AMD-P	04-07-186	222-12-046	AMD-P	04-24-088	230-40-825	AMD	05-01-023A
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220-88C-03000	NEW-E	04-10-041	222-12-090	AMD-P	04-24-088	232-12-004	AMD	04-11-036
220-88C-040	AMD-P	04-07-186	222-16-010	AMD	04-05-087	232-12-005	NEW-P	04-05-099
220-88C-040	AMD	04-10-035	222-16-010	AMD-P	04-24-088	232-12-005	NEW	04-11-036
220-88C-04000	NEW-E	04-10-041	222-22-010	AMD-P	04-24-088	232-12-014	AMD-P	04-05-110
220-88C-04000	NEW-E	04-23-072	222-22-020	AMD-P	04-24-088	232-12-014	AMD	04-11-036
220-88C-04000	REP-E	04-23-072	222-22-045	NEW-P	04-24-088	232-12-019	AMD	04-07-009
220-88D-010	NEW-P	05-01-234	222-22-050	AMD-P	04-24-088	232-12-021	AMD-E	04-17-060
220-88D-020	NEW-P	05-01-234	222-22-060	AMD-P	04-24-088	232-12-021	AMD-P	04-21-095
220-88D-030	NEW-P	05-01-234	222-22-070	AMD-P	04-24-088	232-12-02100A	NEW-E	05-01-176
220-88D-040	NEW-P	05-01-234	222-22-080	AMD-P	04-24-088	232-12-047	AMD-P	04-05-106
220-88D-050	NEW-P	05-01-234	222-22-090	AMD-P	04-24-088	232-12-047	AMD	04-11-036
220-100-110	AMD-X	04-09-046	230-02-030	AMD-X	04-12-038	232-12-054	AMD-P	04-05-106
220-100-110	AMD	04-14-006	230-02-030	AMD	04-17-066	232-12-054	AMD	04-11-036
220-110-035	PREP	04-04-008	230-02-035	AMD-X	04-12-038	232-12-064	AMD-P	04-05-099

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
232-12-064	AMD	04-11-036	232-28-341	AMD	04-21-036	232-28-61900H	NEW-E	04-16-069
232-12-06800B	NEW-E	04-19-058	232-28-351	AMD-P	04-05-107	232-28-61900H	REP-E	04-19-006
232-12-129	AMD-P	04-21-096	232-28-351	AMD	04-11-036	232-28-61900I	NEW-E	04-04-060
232-12-168	AMD	04-07-009	232-28-35100B	NEW-E	04-22-004	232-28-61900I	NEW-E	04-11-050
232-12-224	REP-P	04-13-038	232-28-352	AMD-P	04-05-108	232-28-61900I	REP-E	04-11-050
232-12-224	REP-C	04-17-081	232-28-352	AMD	04-11-036	232-28-61900I	NEW-E	04-16-041
232-12-224	REP	04-23-040	232-28-35200C	NEW-E	04-22-004	232-28-61900I	REP-E	04-16-041
232-12-243	AMD-P	04-13-165	232-28-427	REP-P	04-13-171	232-28-61900J	NEW-E	04-05-015
232-12-243	AMD	04-21-036	232-28-427	REP	04-17-061	232-28-61900J	REP-E	04-05-015
232-12-271	AMD-P	04-05-099	232-28-428	NEW-P	04-13-171	232-28-61900J	NEW-E	04-11-076
232-12-271	AMD	04-11-036	232-28-428	NEW	04-17-061	232-28-61900J	REP-E	04-11-076
232-12-275	AMD-P	04-13-167	232-28-515	AMD-P	04-13-166	232-28-61900J	NEW-E	04-16-068
232-12-275	AMD	04-20-020	232-28-515	AMD	04-17-061	232-28-61900K	NEW-E	04-05-033
232-12-31500K	REP-E	04-08-065	232-28-619	AMD	04-07-009	232-28-61900K	REP-E	04-05-033
232-12-31500L	NEW-E	04-08-065	232-28-619	AMD-X	04-11-069	232-28-61900K	REP-E	04-07-026
232-12-31500L	REP-E	04-08-065	232-28-619	AMD-X	04-11-119	232-28-61900K	NEW-E	04-12-013
232-12-31500M	NEW-E	05-01-093	232-28-619	AMD-P	04-13-094	232-28-61900K	REP-E	04-12-013
232-12-619	AMD	04-07-009	232-28-619	AMD	04-16-046	232-28-61900K	NEW-E	04-17-070
232-12-619	AMD-X	04-11-119	232-28-619	AMD	04-19-012	232-28-61900K	REP-E	04-17-070
232-12-619	AMD-P	04-13-094	232-28-619	AMD-P	04-19-117	232-28-61900L	NEW-E	04-05-048
232-12-619	AMD	04-19-012	232-28-619	AMD-X	04-22-121	232-28-61900L	REP-E	04-05-048
232-12-619	AMD-P	04-19-117	232-28-61900A	NEW-E	04-09-103	232-28-61900L	NEW-E	04-12-033
232-12-619	AMD-W	04-24-069	232-28-61900A	REP-E	04-09-103	232-28-61900L	REP-E	04-12-033
232-12-61900V	NEW-E	04-10-034	232-28-61900A	REP-E	04-11-003	232-28-61900L	NEW-E	04-17-137
232-12-828	AMD-P	04-05-106	232-28-61900A	NEW-E	04-15-022	232-28-61900L	REP-E	04-17-137
232-12-828	AMD	04-11-036	232-28-61900A	NEW-E	05-01-228	232-28-61900M	NEW-E	04-07-007
232-16-270	REP-P	04-13-168	232-28-61900A	REP-E	05-01-228	232-28-61900M	REP-E	04-07-007
232-16-270	REP	04-17-061	232-28-61900B	NEW-E	04-10-005	232-28-61900M	NEW-E	04-12-060
232-16-610	NEW-P	04-13-168	232-28-61900B	REP-E	04-10-005	232-28-61900M	REP-E	04-14-049
232-16-610	NEW	04-17-061	232-28-61900B	REP-E	04-10-036	232-28-61900M	NEW-E	04-19-006
232-16-740	AMD-P	04-13-168	232-28-61900B	NEW-E	04-15-044	232-28-61900M	REP-E	04-19-118
232-16-740	AMD	04-17-061	232-28-61900B	REP-E	04-15-044	232-28-61900N	NEW-E	04-07-004
232-28-248	AMD-P	04-05-115	232-28-61900C	NEW-E	04-10-034	232-28-61900N	REP-E	04-07-004
232-28-248	AMD	04-11-036	232-28-61900C	REP-E	04-13-069	232-28-61900N	NEW-E	04-13-035
232-28-248	AMD-P	04-21-100	232-28-61900C	NEW-E	04-15-146	232-28-61900N	REP-E	04-13-035
232-28-26600A	NEW-E	04-19-020	232-28-61900C	REP-E	04-15-146	232-28-61900N	NEW-E	04-19-063
232-28-271	AMD	04-03-026	232-28-61900D	NEW-E	04-10-036	232-28-61900P	NEW-E	04-07-026
232-28-271	AMD-P	04-21-101	232-28-61900D	REP-E	04-10-036	232-28-61900P	REP-E	04-07-026
232-28-272	AMD-P	04-05-109	232-28-61900D	REP-E	04-11-002	232-28-61900P	REP-E	04-09-049
232-28-272	AMD	04-11-036	232-28-61900D	NEW-E	04-16-005	232-28-61900P	NEW-E	04-13-054
232-28-272	AMD-P	04-13-165	232-28-61900D	REP-E	04-16-069	232-28-61900P	REP-E	04-13-054
232-28-272	AMD	04-21-036	232-28-61900E	NEW-E	04-10-063	232-28-61900P	NEW-E	04-19-118
232-28-273	AMD-P	04-05-111	232-28-61900E	REP-E	04-12-060	232-28-61900P	REP-E	04-20-039
232-28-273	AMD	04-11-036	232-28-61900E	NEW-E	04-16-011	232-28-61900Q	NEW-E	04-07-067
232-28-282	AMD-P	04-05-111	232-28-61900E	REP-E	04-18-032	232-28-61900Q	REP-E	04-07-067
232-28-282	AMD	04-11-036	232-28-61900F	REP-E	04-07-004	232-28-61900Q	NEW-E	04-13-064
232-28-284	NEW-P	04-21-097	232-28-61900F	NEW-E	04-11-002	232-28-61900Q	REP-E	04-13-164
232-28-285	NEW-P	04-13-170	232-28-61900F	REP-E	04-11-073	232-28-61900Q	NEW-E	04-20-039
232-28-285	NEW	04-21-036	232-28-61900F	NEW-E	04-16-021	232-28-61900R	NEW-E	04-08-005
232-28-291	AMD-P	04-21-099	232-28-61900F	REP-E	04-18-085	232-28-61900R	REP-E	04-08-005
232-28-29100B	NEW-E	04-19-011	232-28-61900G	NEW-E	04-03-047	232-28-61900R	REP-E	04-08-013
232-28-333	AMD-P	04-05-113	232-28-61900G	REP-E	04-03-047	232-28-61900R	NEW-E	04-13-069
232-28-333	AMD-W	04-18-075	232-28-61900G	REP-E	04-04-028	232-28-61900R	REP-E	04-16-021
232-28-333	AMD-P	04-21-098	232-28-61900G	NEW-E	04-11-003	232-28-61900R	NEW-E	04-20-036
232-28-335	AMD-P	04-05-114	232-28-61900G	REP-E	04-11-003	232-28-61900R	REP-E	04-20-046
232-28-335	AMD	04-11-036	232-28-61900G	NEW-E	04-16-023	232-28-61900S	NEW-E	04-08-013
232-28-337	AMD-P	04-05-116	232-28-61900G	REP-E	04-17-136	232-28-61900S	NEW-E	04-13-164
232-28-337	AMD	04-11-036	232-28-61900H	NEW-E	04-04-028	232-28-61900S	REP-E	04-14-008
232-28-33700B	NEW-E	04-19-025	232-28-61900H	REP-E	04-04-028	232-28-61900S	NEW-E	04-20-038
232-28-341	AMD-P	04-05-112	232-28-61900H	REP-E	04-05-032	232-28-61900S	REP-E	04-20-038
232-28-341	AMD	04-11-036	232-28-61900H	NEW-E	04-11-021	232-28-61900T	NEW-E	04-08-049
232-28-341	AMD-P	04-13-169	232-28-61900H	REP-E	04-11-021	232-28-61900T	REP-E	04-08-049

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
232- 28-61900T	NEW-E	04-14-008	232- 28-62100Q	REP-E	04-17-005	236- 51-410	NEW	04-07-104
232- 28-61900T	REP-E	04-14-091	236- 12-290	AMD-P	04-05-101	236- 51-500	NEW	04-07-104
232- 28-61900T	NEW-E	04-20-046	236- 12-290	AMD	04-18-064	236- 51-502	NEW	04-07-104
232- 28-61900T	REP-E	04-24-063	236- 12-470	PREP	04-10-112	236- 51-505	NEW	04-07-104
232- 28-61900U	NEW-E	04-09-047	236- 12-470	AMD-P	04-19-057	236- 51-510	NEW	04-07-104
232- 28-61900U	REP-E	04-14-059	236- 12-470	AMD	04-24-080	236- 51-515	NEW	04-07-104
232- 28-61900U	NEW-E	04-20-082	236- 22-010	AMD-P	04-20-084	236- 51-600	NEW	04-07-104
232- 28-61900U	REP-E	04-20-082	236- 22-010	DECOD-P	04-20-084	236- 51-605	NEW	04-07-104
232- 28-61900V	NEW-E	04-09-019	236- 22-020	AMD-P	04-20-084	236- 51-610	NEW	04-07-104
232- 28-61900V	REP-E	04-09-019	236- 22-020	DECOD-P	04-20-084	236- 51-615	NEW	04-07-104
232- 28-61900V	NEW-E	04-21-017	236- 22-030	AMD-P	04-20-084	236- 51-620	NEW	04-07-104
232- 28-61900V	REP-E	04-21-017	236- 22-030	DECOD-P	04-20-084	236- 51-700	NEW	04-07-104
232- 28-61900W	NEW-E	04-09-023	236- 22-031	AMD-P	04-20-084	236- 51-710	NEW	04-07-104
232- 28-61900W	REP-E	04-09-023	236- 22-031	DECOD-P	04-20-084	236- 51-715	NEW	04-07-104
232- 28-61900W	REP-E	04-09-103	236- 22-032	DECOD-P	04-20-084	236- 51-720	NEW	04-07-104
232- 28-61900W	NEW-E	04-14-057	236- 22-033	DECOD-P	04-20-084	236- 51-725	NEW	04-07-104
232- 28-61900W	NEW-E	04-22-061	236- 22-034	AMD-P	04-20-084	236- 51-730	NEW	04-07-104
232- 28-61900W	REP-E	04-22-061	236- 22-034	DECOD-P	04-20-084	236- 51-735	NEW	04-07-104
232- 28-61900X	NEW-E	04-09-022	236- 22-035	DECOD-P	04-20-084	236- 51-740	NEW	04-07-104
232- 28-61900X	REP-E	04-09-022	236- 22-036	AMD-P	04-20-084	236- 51-745	NEW	04-07-104
232- 28-61900X	NEW-E	04-14-059	236- 22-036	DECOD-P	04-20-084	242- 02-210	AMD-P	04-18-111
232- 28-61900X	REP-E	04-15-022	236- 22-037	AMD-P	04-20-084	242- 02-210	AMD	04-21-046
232- 28-61900X	NEW-E	04-22-064	236- 22-037	DECOD-P	04-20-084	242- 02-230	AMD-P	04-18-111
232- 28-61900Y	NEW-E	04-09-048	236- 22-038	AMD-P	04-20-084	242- 02-230	AMD	04-21-046
232- 28-61900Y	REP-E	04-11-072	236- 22-038	DECOD-P	04-20-084	242- 02-240	AMD-P	04-18-111
232- 28-61900Y	NEW-E	04-14-049	236- 22-040	DECOD-P	04-20-084	242- 02-240	AMD	04-21-046
232- 28-61900Y	REP-E	04-16-005	236- 22-050	AMD-P	04-20-084	242- 02-250	AMD-P	04-18-111
232- 28-61900Y	NEW-E	04-24-063	236- 22-050	DECOD-P	04-20-084	242- 02-250	AMD	04-21-046
232- 28-61900Z	NEW-E	04-09-049	236- 22-060	AMD-P	04-20-084	242- 02-270	AMD-P	04-18-111
232- 28-61900Z	REP-E	04-09-049	236- 22-060	DECOD-P	04-20-084	242- 02-270	AMD	04-21-046
232- 28-61900Z	REP-E	04-10-005	236- 22-070	AMD-P	04-20-084	242- 02-280	AMD-P	04-18-111
232- 28-61900Z	NEW-E	04-14-091	236- 22-070	DECOD-P	04-20-084	242- 02-280	AMD	04-21-046
232- 28-61900Z	NEW-E	05-01-088	236- 22-080	AMD-P	04-20-084	242- 02-310	AMD-P	04-18-111
232- 28-61900Z	REP-E	05-01-088	236- 22-080	DECOD-P	04-20-084	242- 02-310	AMD	04-21-046
232- 28-620	AMD-X	04-11-079	236- 22-100	AMD-P	04-20-084	242- 02-320	AMD-P	04-18-111
232- 28-620	AMD	04-16-006	236- 22-100	DECOD-P	04-20-084	242- 02-320	AMD	04-21-046
232- 28-62000P	NEW-E	04-10-034	236- 22-200	AMD-P	04-20-084	242- 02-340	AMD-P	04-18-111
232- 28-62000P	REP-E	04-13-142	236- 22-200	DECOD-P	04-20-084	242- 02-340	AMD	04-21-046
232- 28-62000Q	NEW-E	04-13-142	236- 22-210	AMD-P	04-20-084	242- 02-52001	AMD-P	04-18-111
232- 28-62000Q	REP-E	04-15-110	236- 22-210	DECOD-P	04-20-084	242- 02-52001	AMD	04-21-046
232- 28-62000R	NEW-E	04-15-110	236- 51-001	NEW	04-07-104	242- 02-893	AMD-P	04-18-111
232- 28-62000R	REP-E	04-17-059	236- 51-005	NEW	04-07-104	242- 02-893	AMD	04-21-046
232- 28-62000S	NEW-E	04-17-059	236- 51-006	NEW	04-07-104	246- 01	PREP	04-06-043
232- 28-62000S	REP-E	04-18-021	236- 51-010	NEW	04-07-104	246- 08	PREP	04-06-043
232- 28-62000T	NEW-E	04-18-021	236- 51-100	NEW	04-07-104	246- 50	PREP	04-23-089
232- 28-62000T	REP-E	04-18-021	236- 51-110	NEW	04-07-104	246- 50-001	AMD-W	04-02-066
232- 28-62000T	REP-E	04-18-053	236- 51-115	NEW	04-07-104	246- 50-005	NEW-W	04-02-066
232- 28-62000U	NEW-E	04-18-053	236- 51-120	NEW	04-07-104	246- 50-010	AMD-W	04-02-066
232- 28-62000U	REP-E	04-18-053	236- 51-200	NEW	04-07-104	246- 50-020	AMD-W	04-02-066
232- 28-62000U	REP-E	04-19-014	236- 51-205	NEW	04-07-104	246- 50-030	AMD-W	04-02-066
232- 28-62000V	NEW-E	04-19-014	236- 51-210	NEW	04-07-104	246- 50-035	NEW-W	04-02-066
232- 28-62000V	REP-E	04-19-014	236- 51-215	NEW	04-07-104	246- 50-040	REP-W	04-02-066
232- 28-62000V	REP-E	04-19-035	236- 51-220	NEW	04-07-104	246- 50-990	AMD-W	04-02-066
232- 28-62000W	NEW-E	04-19-035	236- 51-225	NEW	04-07-104	246-100-166	PREP	04-15-148
232- 28-62000W	REP-E	04-19-035	236- 51-300	NEW	04-07-104	246-101-015	PREP	04-12-119
232- 28-621	AMD-X	04-11-079	236- 51-302	NEW	04-07-104	246-101-015	AMD-P	04-20-067
232- 28-621	AMD	04-16-006	236- 51-305	NEW	04-07-104	246-101-101	PREP	04-12-119
232- 28-62100N	NEW-E	04-10-034	236- 51-306	NEW	04-07-104	246-101-101	AMD-E	04-16-099
232- 28-62100N	REP-E	04-13-068	236- 51-310	NEW	04-07-104	246-101-101	AMD-P	04-20-067
232- 28-62100P	NEW-E	04-13-068	236- 51-320	NEW	04-07-104	246-101-201	PREP	04-12-119
232- 28-62100P	REP-E	04-17-005	236- 51-400	NEW	04-07-104	246-101-201	AMD-E	04-16-099
232- 28-62100Q	NEW-E	04-17-005	236- 51-405	NEW	04-07-104	246-101-201	AMD-P	04-20-067

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-101-301	PREP	04-12-119	246-215-150	REP-P	04-16-109	246-233-040	NEW	04-04-055
246-101-301	AMD-E	04-16-099	246-215-150	REP	04-22-111	246-235-093	AMD	04-04-055
246-101-301	AMD-P	04-20-067	246-215-151	NEW-P	04-16-109	246-235-095	AMD	04-04-055
246-140-001	NEW-P	04-24-084	246-215-151	NEW	04-22-111	246-235-097	AMD	04-04-055
246-140-010	NEW-P	04-24-084	246-215-160	REP-P	04-16-109	246-239	PREP	04-18-092
246-140-020	NEW-P	04-24-084	246-215-160	REP	04-22-111	246-239-080	AMD	04-04-055
246-215-001	AMD-P	04-16-109	246-215-170	REP-P	04-16-109	246-247-010	AMD-P	04-07-180
246-215-001	AMD	04-22-111	246-215-170	REP	04-22-111	246-247-010	AMD	04-18-094
246-215-005	NEW-P	04-16-109	246-215-180	REP-P	04-16-109	246-247-040	AMD-P	04-07-180
246-215-005	NEW	04-22-111	246-215-180	REP	04-22-111	246-247-040	AMD	04-18-094
246-215-010	REP-P	04-16-109	246-215-181	NEW-P	04-16-109	246-247-045	NEW-P	04-07-180
246-215-010	REP	04-22-111	246-215-181	NEW	04-22-111	246-247-045	NEW	04-18-094
246-215-011	NEW-P	04-16-109	246-215-190	REP-P	04-16-109	246-247-075	AMD-W	04-02-067
246-215-011	NEW	04-22-111	246-215-190	REP	04-22-111	246-247-075	AMD-P	04-07-180
246-215-020	REP-P	04-16-109	246-215-191	NEW-P	04-16-109	246-247-075	AMD	04-18-094
246-215-020	REP	04-22-111	246-215-191	NEW	04-22-111	246-247-080	AMD-P	04-07-180
246-215-021	NEW-P	04-16-109	246-215-200	AMD-P	04-16-109	246-247-080	AMD	04-18-094
246-215-021	NEW	04-22-111	246-215-200	AMD	04-22-111	246-247-085	AMD-P	04-07-180
246-215-030	REP-P	04-16-109	246-215-210	AMD-P	04-16-109	246-247-085	AMD	04-18-094
246-215-030	REP	04-22-111	246-215-210	AMD	04-22-111	246-247-110	AMD-W	04-02-067
246-215-031	NEW-P	04-16-109	246-215-220	AMD-P	04-16-109	246-247-110	AMD-P	04-07-180
246-215-031	NEW	04-22-111	246-215-220	AMD	04-22-111	246-247-110	AMD	04-18-094
246-215-040	REP-P	04-16-109	246-215-230	REP-P	04-16-109	246-247-120	AMD-W	04-02-067
246-215-040	REP	04-22-111	246-215-230	REP	04-22-111	246-247-120	AMD-P	04-07-180
246-215-041	NEW-P	04-16-109	246-215-240	AMD-P	04-16-109	246-247-120	AMD	04-18-094
246-215-041	NEW	04-22-111	246-215-240	AMD	04-22-111	246-247-130	AMD-W	04-02-067
246-215-050	REP-P	04-16-109	246-215-250	REP-P	04-16-109	246-247-130	AMD-P	04-07-180
246-215-050	REP	04-22-111	246-215-250	REP	04-22-111	246-247-130	AMD	04-18-094
246-215-051	NEW-P	04-16-109	246-215-251	NEW-P	04-16-109	246-254-053	AMD-P	04-07-181
246-215-051	NEW	04-22-111	246-215-251	NEW	04-22-111	246-254-053	AMD	04-12-125
246-215-060	REP-P	04-16-109	246-215-260	AMD-P	04-16-109	246-254-070	AMD-P	04-07-175
246-215-060	REP	04-22-111	246-215-260	AMD	04-22-111	246-254-070	AMD	04-12-124
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246-215-070	REP-P	04-16-109	246-215-280	AMD-P	04-16-109	246-254-090	AMD	04-04-055
246-215-070	REP	04-22-111	246-215-280	AMD	04-22-111	246-254-090	AMD-P	04-07-175
246-215-071	NEW-P	04-16-109	246-215-290	AMD-P	04-16-109	246-254-090	AMD	04-12-124
246-215-071	NEW	04-22-111	246-215-290	AMD	04-22-111	246-254-100	AMD-P	04-07-175
246-215-080	REP-P	04-16-109	246-215-300	AMD-P	04-16-109	246-254-100	AMD	04-12-124
246-215-080	REP	04-22-111	246-215-300	AMD	04-22-111	246-254-120	AMD-P	04-07-175
246-215-081	NEW-P	04-16-109	246-215-311	NEW-P	04-16-109	246-254-120	AMD	04-12-124
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246-215-090	REP	04-22-111	246-217-010	AMD-P	04-09-056	246-260-001	AMD	04-18-096
246-215-091	NEW-P	04-16-109	246-217-010	AMD-C	04-11-097	246-260-010	AMD-P	04-08-099
246-215-091	NEW	04-22-111	246-217-010	AMD	04-16-100	246-260-010	AMD	04-18-096
246-215-100	REP-P	04-16-109	246-217-015	PREP-W	04-06-020	246-260-020	REP-P	04-08-099
246-215-100	REP	04-22-111	246-220-010	AMD-P	04-19-159	246-260-020	REP	04-18-096
246-215-110	REP-P	04-16-109	246-220-010	AMD	04-23-093	246-260-021	NEW-P	04-08-099
246-215-110	REP	04-22-111	246-221-010	AMD-P	04-19-159	246-260-021	NEW	04-18-096
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246-215-120	REP	04-22-111	246-232-020	AMD	04-04-055	246-260-030	REP	04-18-096
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246-215-121	NEW	04-22-111	246-232-050	AMD	04-04-055	246-260-031	NEW	04-18-096
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246-215-130	REP	04-22-111	246-233-001	AMD	04-04-055	246-260-040	REP	04-18-096
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246-260-061	NEW	04-18-096	246-260-240	REP	04-18-096	246-310-261	AMD-P	04-11-099
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246-260-141	NEW	04-18-096	246-290-990	AMD	04-12-123	246-338-060	AMD-X	04-22-114
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246-260-200	REP	04-18-096	246-294-050	AMD	04-06-047	246-360-040	AMD	04-24-002
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246-260-201	NEW	04-18-096	246-294-070	AMD	04-06-047	246-360-050	AMD	04-24-002
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246-260-210	REP	04-18-096	246-294-090	AMD	04-06-047	246-360-070	AMD	04-24-002
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246-360-230	NEW	04-24-002	246-840-010	AMD-P	04-09-057	246-840-940	AMD-P	04-10-078
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246-888-060	RECOD-P	04-08-097	246-915-270	AMD	04-08-100	246-930-330	PREP	04-13-159
246-888-060	DECOD	04-18-095	246-915-280	AMD-P	04-03-107	246-930-410	PREP-W	04-10-012
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246-888-080	RECOD	04-18-095	246-919-480	PREP	04-03-106	246-976-935	AMD	04-12-126
246-888-090	DECOD-P	04-08-097	246-919-600	REP-X	05-01-098	250- 20-041	AMD-P	04-03-108
246-888-090	RECOD-P	04-08-097	246-924-040	PREP	04-17-130	250- 20-041	AMD	04-08-060
246-888-090	DECOD	04-18-095	246-924-060	PREP	04-17-130	250- 65	PREP	04-08-059
246-888-090	RECOD	04-18-095	246-924-070	PREP	04-17-130	250- 65	AMD-P	04-16-077
246-888-100	DECOD-P	04-08-097	246-924-080	PREP	04-17-130	250- 65	AMD-E	04-16-078
246-888-100	RECOD-P	04-08-097	246-924-090	PREP	04-17-130	250- 65	AMD	04-22-058
246-888-100	DECOD	04-18-095	246-924-095	PREP	04-17-130	250- 65-061	NEW-E	04-16-078
246-888-100	RECOD	04-18-095	246-924-100	PREP	04-17-130	250- 65-062	NEW-E	04-16-078
246-888-110	DECOD-P	04-08-097	246-924-150	PREP	04-17-130	250- 65-063	NEW-E	04-16-078
246-888-110	DECOD	04-18-095	246-924-160	PREP	04-17-130	250- 65-064	NEW-E	04-16-078
246-889-050	PREP	04-18-091	246-924-351	PREP	04-20-048	250- 65-070	NEW-P	04-16-077
246-915-010	AMD-P	04-08-046	246-924-352	PREP	04-20-048	250- 65-070	NEW	04-22-058
246-915-010	AMD	04-13-052	246-924-353	PREP	04-20-048	250- 65-080	NEW-P	04-16-077
246-915-040	PREP	04-07-195	246-924-354	PREP	04-20-048	250- 65-080	NEW	04-22-058
246-915-040	AMD-P	04-20-051	246-924-355	PREP	04-20-048	250- 65-090	NEW-P	04-16-077
246-915-050	PREP	04-07-178	246-924-356	PREP	04-20-048	250- 65-090	NEW	04-22-058
246-915-050	AMD-P	04-20-068	246-924-357	PREP	04-20-048	250- 65-100	NEW-P	04-16-077
246-915-078	AMD-P	04-08-046	246-924-358	PREP	04-20-048	250- 65-100	NEW	04-22-058
246-915-078	AMD	04-13-052	246-924-359	PREP	04-20-048	250- 65-110	NEW-P	04-16-077
246-915-085	AMD-P	04-03-104	246-924-361	PREP	04-20-048	250- 65-110	NEW	04-22-058
246-915-085	AMD	04-08-101	246-924-363	PREP	04-20-048	250- 65-120	NEW-P	04-16-077
246-915-100	PREP	04-07-173	246-924-364	PREP	04-20-048	250- 65-120	NEW	04-22-058
246-915-100	AMD-P	04-20-053	246-924-365	PREP	04-20-048	250- 65-130	NEW-P	04-16-077
246-915-105	PREP	04-07-174	246-924-366	PREP	04-20-048	250- 65-130	NEW	04-22-058
246-915-105	NEW-P	04-20-070	246-924-367	PREP	04-20-048	251- 01-160	AMD-P	04-11-115
246-915-120	PREP	04-07-176	246-924-480	PREP	04-17-130	251- 01-160	AMD	04-15-020
246-915-140	AMD-P	04-08-046	246-924-510	NEW-P	04-08-098	251- 01-201	AMD-P	04-11-115
246-915-140	AMD	04-13-052	246-924-510	NEW-W	04-21-071	251- 01-201	AMD	04-15-020
246-915-150	REP-X	04-20-052	246-924-515	NEW-P	04-08-098	251- 01-305	AMD-P	04-11-115
246-915-160	AMD-P	04-08-046	246-924-515	NEW-W	04-21-071	251- 01-305	AMD	04-15-020
246-915-160	AMD	04-13-052	246-930-010	PREP-W	04-10-012	251- 01-310	AMD-P	04-11-115
246-915-170	REP-X	04-20-052	246-930-010	PREP	04-13-158	251- 01-310	AMD	04-15-020
246-915-180	PREP	04-07-177	246-930-020	AMD-X	04-23-091	251- 01-382	AMD-P	04-11-115
246-915-180	AMD-P	04-20-069	246-930-030	PREP-W	04-10-012	251- 01-382	AMD	04-15-020
246-915-182	NEW-P	04-03-119	246-930-040	PREP-W	04-10-012	251- 04-030	AMD-P	04-11-115
246-915-182	NEW	04-08-102	246-930-040	PREP	04-13-159	251- 04-030	AMD	04-15-020
246-915-210	AMD-P	04-03-107	246-930-050	PREP-W	04-10-012	251- 04-050	REP-P	04-11-115
246-915-210	AMD	04-08-100	246-930-050	PREP	04-13-159	251- 04-050	REP	04-15-020
246-915-220	AMD-P	04-03-107	246-930-060	PREP	04-13-158	251- 04-060	AMD-P	04-11-115
246-915-220	AMD	04-08-100	246-930-075	PREP-W	04-10-012	251- 04-060	AMD	04-15-020
246-915-230	AMD-P	04-03-107	246-930-075	PREP	04-13-159	251- 04-070	AMD-P	04-11-115
246-915-230	AMD	04-08-100	246-930-200	PREP-W	04-10-012	251- 04-070	AMD	04-15-020
246-915-240	AMD-P	04-03-107	246-930-200	AMD-X	04-23-091	251- 04-160	AMD-P	04-11-115
246-915-240	AMD	04-08-100	246-930-220	AMD-X	04-23-091	251- 04-160	AMD	04-15-020
246-915-250	AMD-P	04-03-107	246-930-301	AMD-X	04-23-091	251- 04-170	AMD-P	04-11-115
246-915-250	AMD	04-08-100	246-930-310	PREP-W	04-10-012	251- 04-170	AMD	04-15-020
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251-06-010	AMD	04-15-020	251-30-020	RECOD-P	04-07-188	257-05-130	NEW-P	04-17-138
251-06-020	AMD-P	04-11-115	251-30-020	AMD	04-11-045	257-05-130	NEW	05-01-158
251-06-020	AMD	04-15-020	251-30-020	DECOD	04-11-045	257-05-132	NEW-P	04-17-138
251-06-070	AMD-P	05-01-241	251-30-020	RECOD	04-11-045	257-05-132	NEW	05-01-158
251-06-072	NEW-P	05-01-241	251-30-030	AMD-P	04-07-188	257-05-134	NEW-P	04-17-138
251-06-090	AMD-P	04-11-115	251-30-030	DECOD-P	04-07-188	257-05-134	NEW	05-01-158
251-06-090	AMD	04-15-020	251-30-030	RECOD-P	04-07-188	257-05-140	NEW-P	04-17-138
251-07-100	AMD-P	04-11-115	251-30-030	AMD	04-11-045	257-05-140	NEW	05-01-158
251-07-100	AMD	04-15-020	251-30-030	DECOD	04-11-045	257-05-160	NEW-P	04-17-138
251-08-005	AMD-P	04-11-115	251-30-030	RECOD	04-11-045	257-05-160	NEW	05-01-158
251-08-005	AMD	04-15-020	251-30-032	NEW-P	04-07-188	257-05-180	NEW-P	04-17-138
251-08-007	AMD-P	04-11-115	251-30-032	NEW	04-11-045	257-05-180	NEW	05-01-158
251-08-007	AMD	04-15-020	251-30-034	NEW-P	04-07-188	257-05-200	NEW-P	04-17-138
251-08-031	AMD-P	04-11-115	251-30-034	NEW	04-11-045	257-05-200	NEW	05-01-158
251-08-031	AMD	04-15-020	251-30-040	REP-P	04-07-188	257-05-220	NEW-P	04-17-138
251-08-070	AMD-P	04-11-115	251-30-040	REP	04-11-045	257-05-220	NEW	05-01-158
251-08-070	AMD	04-15-020	251-30-050	REP-P	04-07-188	257-05-240	NEW-P	04-17-138
251-08-100	AMD-E	04-16-054	251-30-050	REP	04-11-045	257-05-240	NEW	05-01-158
251-08-100	AMD-P	04-16-114	251-30-055	AMD-P	04-07-188	260	PREP	04-08-057
251-08-100	AMD	04-19-027	251-30-055	AMD	04-11-045	260	PREP	04-16-111
251-08-112	AMD-P	04-11-115	251-30-057	AMD-P	04-07-188	260-08	PREP	04-22-007
251-08-112	AMD	04-15-020	251-30-057	AMD	04-11-045	260-08-005	AMD-P	05-01-211
251-08-160	AMD-P	04-11-115	251-30-060	REP-P	04-07-188	260-08-600	REP	04-05-089
251-08-160	AMD	04-15-020	251-30-060	REP	04-11-045	260-08-610	REP	04-05-089
251-09-080	AMD-P	04-11-115	257-01-020	NEW-P	04-15-131	260-08-620	AMD	04-05-089
251-09-080	AMD	04-15-020	257-01-020	NEW	04-20-110	260-08-630	AMD	04-05-089
251-09-090	AMD-P	04-11-115	257-01-040	NEW-P	04-15-131	260-08-640	REP	04-05-089
251-09-090	AMD	04-15-020	257-01-040	NEW	04-20-110	260-08-650	AMD	04-05-089
251-09-094	AMD-P	04-11-115	257-01-060	NEW-P	04-15-131	260-08-660	AMD	04-05-089
251-09-094	AMD	04-15-020	257-01-060	NEW	04-20-110	260-08-670	REP-P	05-01-211
251-09-100	AMD-P	04-11-115	257-02-020	NEW-P	04-15-131	260-08-671	NEW-P	05-01-211
251-09-100	AMD	04-15-020	257-02-020	NEW	04-20-110	260-08-673	NEW-P	05-01-211
251-10-025	AMD-E	04-16-054	257-02-040	NEW-P	04-15-131	260-08-675	NEW-P	05-01-211
251-10-025	AMD-P	04-16-114	257-02-040	NEW	04-20-110	260-08-677	NEW-P	05-01-211
251-10-025	AMD	04-19-027	257-02-060	NEW-P	04-15-131	260-08-680	REP-P	05-01-211
251-14-015	NEW-W	04-07-187	257-02-060	NEW	04-20-110	260-08-690	REP-P	05-01-211
251-19-070	AMD-P	04-11-115	257-02-080	NEW-P	04-15-131	260-08-700	REP-P	05-01-211
251-19-070	AMD	04-15-020	257-02-080	NEW	04-20-110	260-08-710	REP-P	05-01-211
251-19-140	AMD-P	04-11-115	257-02-100	NEW-P	04-15-131	260-08-720	REP-P	05-01-211
251-19-140	AMD	04-15-020	257-02-100	NEW	04-20-110	260-08-730	REP-P	05-01-211
251-22-060	AMD-E	04-16-054	257-02-120	NEW-P	04-15-131	260-08-740	REP-P	05-01-211
251-22-060	AMD-P	04-16-114	257-02-120	NEW	04-20-110	260-08-750	REP-P	05-01-211
251-22-060	AMD	04-19-027	257-02-140	NEW-P	04-15-131	260-08-760	REP-P	05-01-211
251-22-165	AMD-P	04-11-115	257-02-140	NEW	04-20-110	260-08-770	REP-P	05-01-211
251-22-165	AMD	04-15-020	257-02-160	NEW-P	04-15-131	260-08-780	REP-P	05-01-211
251-22-200	AMD-E	04-16-054	257-02-160	NEW	04-20-110	260-08-790	REP-P	05-01-211
251-22-200	AMD-P	04-16-114	257-02-180	NEW-P	04-15-131	260-08-800	REP-P	05-01-211
251-22-200	AMD	04-19-027	257-02-180	NEW	04-20-110	260-08-810	REP-P	05-01-211
251-22-240	AMD-P	04-11-115	257-02-200	NEW-P	04-15-131	260-08-820	REP-P	05-01-211
251-22-240	AMD	04-15-020	257-02-200	NEW	04-20-110	260-08-830	REP-P	05-01-211
251-23-010	AMD-P	04-11-115	257-05-020	NEW-P	04-17-138	260-12-160	PREP	04-22-008
251-23-010	AMD	04-15-020	257-05-020	NEW	05-01-158	260-12-160	REP-P	05-01-214
251-24-010	AMD-P	04-11-115	257-05-040	NEW-P	04-17-138	260-14-010	AMD	04-05-090
251-24-010	AMD	04-15-020	257-05-040	NEW	05-01-158	260-14-040	AMD-E	04-11-056
251-30-010	AMD-P	04-07-188	257-05-060	NEW-P	04-17-138	260-14-040	AMD-P	04-18-098
251-30-010	DECOD-P	04-07-188	257-05-060	NEW	05-01-158	260-14-040	AMD-E	04-19-030
251-30-010	RECOD-P	04-07-188	257-05-080	NEW-P	04-17-138	260-14-040	AMD	04-21-053
251-30-010	AMD	04-11-045	257-05-080	NEW	05-01-158	260-14-050	PREP	04-10-047
251-30-010	DECOD	04-11-045	257-05-100	NEW-P	04-17-138	260-14-050	AMD-P	04-16-035
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260-24-510	AMD-P	04-07-144	260-48-890	AMD-P	04-04-048	260-75-020	AMD-P	04-16-034
260-24-510	AMD-E	04-09-053	260-48-890	AMD	04-07-077	260-75-020	AMD	04-19-045
260-24-510	AMD-W	04-10-006	260-48-900	AMD-P	04-04-048	260-75-030	AMD-P	04-16-034
260-24-510	AMD-P	04-14-101	260-48-900	AMD	04-07-077	260-75-030	AMD	04-19-045
260-24-510	AMD-E	04-15-038	260-48-910	AMD-P	04-04-048	260-75-030	AMD-P	05-01-212
260-24-510	AMD	04-17-082	260-48-910	AMD	04-07-077	260-75-040	NEW-P	05-01-212
260-24-510	PREP	04-21-008	260-49-010	NEW-E	04-11-056	260-84	PREP	04-21-008
260-24-510	PREP	04-22-016	260-49-010	NEW-P	04-18-098	260-84	PREP	04-22-016
260-24-510	PREP-W	04-22-027	260-49-010	NEW-E	04-19-030	260-84	PREP-W	04-22-027
260-24-510	PREP	04-24-023	260-49-010	NEW	04-21-053	260-88	PREP	04-10-015
260-24-650	AMD-P	04-04-045	260-49-020	NEW-E	04-11-056	260-88-010	AMD	04-05-096
260-24-650	AMD	04-07-074	260-49-020	NEW-P	04-18-098	260-88-010	AMD-P	04-16-036
260-24-650	PREP	04-22-009	260-49-020	NEW-E	04-19-030	260-88-010	AMD	04-19-047
260-28-020	AMD-P	04-20-035	260-49-020	NEW	04-21-053	260-88-010	REP-P	05-01-211
260-28-020	AMD	04-24-019	260-49-030	NEW-E	04-11-056	263-12-01501	AMD-P	04-11-117
260-28-140	REP	04-05-092	260-49-030	NEW-P	04-18-098	263-12-01501	AMD-S	04-16-008
260-32-200	PREP	04-10-007	260-49-030	NEW-E	04-19-030	263-12-01501	AMD-W	04-16-096
260-32-200	REP-P	04-16-033	260-49-030	NEW	04-21-053	263-12-01501	AMD	04-16-097
260-32-200	REP	04-19-044	260-49-040	NEW-E	04-11-056	263-12-01501	AMD-P	04-19-081
260-34	PREP	04-22-010	260-49-040	NEW-P	04-18-098	263-12-01501	AMD	04-22-047
260-34	PREP-W	04-22-027	260-49-040	NEW-E	04-19-030	263-12-020	AMD-P	04-11-117
260-34	PREP	04-22-029	260-49-040	NEW	04-21-053	263-12-020	AMD	04-16-009
260-34	PREP	04-24-041	260-49-050	NEW-E	04-11-056	263-12-050	AMD-P	04-11-117
260-36	PREP	04-22-028	260-49-050	NEW-P	04-18-098	263-12-050	AMD	04-16-009
260-36-020	AMD-P	04-20-035	260-49-050	NEW-E	04-19-030	263-12-106	NEW-P	04-11-117
260-36-020	AMD	04-24-019	260-49-050	NEW	04-21-053	263-12-106	NEW	04-16-009
260-36-030	AMD-P	04-11-071	260-49-060	NEW-E	04-11-056	263-12-117	AMD-P	04-11-117
260-36-030	AMD	04-15-039	260-49-060	NEW-P	04-18-098	263-12-117	AMD	04-16-009
260-36-030	AMD-P	04-20-035	260-49-060	NEW-E	04-19-030	284-03	AMD-P	04-11-107
260-36-030	AMD	04-24-019	260-49-060	NEW	04-21-053	284-03	AMD	04-15-157
260-36-040	AMD-P	04-20-035	260-49-070	NEW-E	04-11-056	284-03-005	NEW-P	04-11-107
260-36-040	AMD	04-24-019	260-49-070	NEW-P	04-18-098	284-03-005	NEW	04-15-157
260-36-080	AMD-P	04-20-035	260-49-070	NEW-E	04-19-030	284-03-010	AMD-P	04-11-107
260-36-080	AMD	04-24-019	260-49-070	NEW	04-21-053	284-03-010	AMD	04-15-157
260-36-085	NEW-P	04-20-035	260-49-080	NEW-E	04-11-056	284-03-015	NEW-P	04-11-107
260-36-085	NEW	04-24-019	260-49-080	NEW-P	04-18-098	284-03-015	NEW	04-15-157
260-36-085	AMD-X	04-24-079	260-49-080	NEW-E	04-19-030	284-03-020	AMD-P	04-11-107
260-36-090	REP-P	04-20-035	260-49-080	NEW	04-21-053	284-03-020	AMD	04-15-157
260-36-090	REP	04-24-019	260-49-090	NEW-E	04-11-056	284-03-025	NEW-P	04-11-107
260-36-100	AMD-P	04-20-035	260-49-090	NEW-P	04-18-098	284-03-025	NEW	04-15-157
260-36-100	AMD	04-24-019	260-49-090	NEW-E	04-19-030	284-03-030	AMD-P	04-11-107
260-36-120	AMD-P	04-04-046	260-49-090	NEW	04-21-053	284-03-030	AMD	04-15-157
260-36-120	AMD	04-07-075	260-49-100	NEW-E	04-11-056	284-03-035	NEW-P	04-11-107
260-36-120	PREP	04-22-008	260-49-100	NEW-P	04-18-098	284-03-035	NEW	04-15-157
260-36-120	AMD-P	05-01-214	260-49-100	NEW-E	04-19-030	284-03-040	AMD-P	04-11-107
260-36-180	PREP	04-22-011	260-49-100	NEW	04-21-053	284-03-040	AMD	04-15-157
260-36-200	PREP	05-01-154	260-56-030	PREP	04-22-012	284-03-045	NEW-P	04-11-107
260-40-100	AMD-P	04-05-088	260-56-030	REP-P	05-01-213	284-03-045	NEW	04-15-157
260-40-100	AMD	04-09-026	260-60-300	AMD-P	04-20-035	284-03-050	AMD-P	04-11-107
260-40-160	AMD-P	04-04-047	260-60-300	AMD	04-24-019	284-03-050	AMD	04-15-157
260-40-160	AMD	04-07-076	260-60-350	AMD	04-05-093	284-03-055	NEW-P	04-11-107
260-48	PREP	04-10-048	260-60-360	AMD	04-05-093	284-03-055	NEW	04-15-157
260-48-620	AMD-P	04-04-048	260-70	PREP	04-22-014	284-03-060	AMD-P	04-11-107
260-48-620	AMD	04-07-077	260-70-545	NEW	04-05-094	284-03-060	AMD	04-15-157
260-48-700	AMD-E	04-11-056	260-70-630	AMD	04-05-095	284-03-065	NEW-P	04-11-107
260-48-700	AMD-P	04-18-098	260-72	PREP	04-22-013	284-03-065	NEW	04-15-157
260-48-700	AMD-E	04-19-030	260-72-020	AMD-P	04-18-098	284-03-070	AMD-P	04-11-107
260-48-700	AMD	04-21-053	260-72-020	AMD	04-21-053	284-03-070	AMD	04-15-157
260-48-710	AMD-P	04-18-098	260-72-030	REP-P	04-18-098	284-03-075	NEW-P	04-11-107
260-48-710	AMD	04-21-053	260-72-030	REP	04-21-053	284-03-075	NEW	04-15-157
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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
284- 03-080	REP	04-15-157	284- 17B-075	NEW-P	04-15-156	284- 49-050	REP-X	04-21-054
284- 03-090	REP-P	04-11-107	284- 17B-075	NEW	04-22-045	284- 49-100	REP-X	04-21-054
284- 03-090	REP	04-15-157	284- 17B-080	NEW-P	04-15-156	284- 49-115	REP-X	04-21-054
284- 03-100	AMD-P	04-11-107	284- 17B-080	NEW	04-22-045	284- 49-300	REP-X	04-21-054
284- 03-100	AMD	04-15-157	284- 24A	PREP	04-11-108	284- 49-330	REP-X	04-21-054
284- 03-105	NEW-P	04-11-107	284- 24A-005	AMD-P	04-17-127	284- 49-500	REP-X	04-21-054
284- 03-105	NEW	04-15-157	284- 24A-005	AMD-P	04-22-089	284- 49-510	REP-X	04-21-054
284- 03-110	REP-P	04-11-107	284- 24A-010	AMD-P	04-17-127	284- 49-520	REP-X	04-21-054
284- 03-110	REP	04-15-157	284- 24A-010	AMD-P	04-22-089	284- 49-900	REP-X	04-21-054
284- 03-120	REP-P	04-11-107	284- 24A-011	NEW-P	04-22-089	284- 49-999	REP-X	04-21-054
284- 03-120	REP	04-15-157	284- 24A-012	NEW-P	04-22-089	284- 53-005	AMD-P	04-17-128
284- 03-130	REP-P	04-11-107	284- 24A-032	NEW-P	04-22-089	284- 53-005	AMD	04-22-051
284- 03-130	REP	04-15-157	284- 24A-033	NEW-P	04-17-127	284- 53-010	AMD-P	04-17-128
284- 03-140	REP-P	04-11-107	284- 24A-033	NEW-P	04-22-089	284- 53-010	AMD	04-22-051
284- 03-140	REP	04-15-157	284- 24A-045	AMD-P	04-17-127	284- 58-260	REP-P	04-22-089
284- 03-990	REP-P	04-11-107	284- 24A-045	AMD-P	04-22-089	284- 66	PREP	04-22-050
284- 03-990	REP	04-15-157	284- 24A-050	AMD-P	04-17-127	284- 74-400	NEW	04-04-070
284- 03-99001	REP-P	04-11-107	284- 24A-050	AMD-P	04-22-089	284- 74-410	NEW	04-04-070
284- 03-99001	REP	04-15-157	284- 24A-055	AMD-P	04-17-127	284- 74-420	NEW	04-04-070
284- 13-580	AMD-X	04-19-143	284- 24A-055	AMD-P	04-22-089	284- 74-430	NEW	04-04-070
284- 17-200	PREP	04-15-155	284- 24A-065	AMD-P	04-17-127	284- 74-440	NEW	04-04-070
284- 17-210	PREP	04-15-155	284- 24A-065	AMD-P	04-22-089	284- 74-450	NEW	04-04-070
284- 17-220	PREP	04-15-155	284- 34-010	REP-P	04-23-073	284- 74-460	NEW	04-04-070
284- 17-230	PREP	04-15-155	284- 34-020	REP-P	04-23-073	286- 04-010	AMD-P	04-20-097
284- 17-235	PREP	04-15-155	284- 34-030	REP-P	04-23-073	286- 04-010	AMD	05-01-030
284- 17-240	PREP	04-15-155	284- 34-040	REP-P	04-23-073	286- 04-090	AMD-P	04-20-097
284- 17-250	PREP	04-15-155	284- 34-050	REP-P	04-23-073	286- 04-090	AMD	05-01-030
284- 17-260	PREP	04-15-155	284- 34-060	REP-P	04-23-073	286- 13-010	AMD-P	04-20-097
284- 17-270	PREP	04-15-155	284- 34-070	REP-P	04-23-073	286- 13-010	AMD	05-01-030
284- 17-275	PREP	04-15-155	284- 34-100	NEW-P	04-23-073	286- 13-040	AMD-P	04-20-098
284- 17-280	PREP	04-15-155	284- 34-105	NEW-P	04-23-073	286- 13-040	AMD	05-01-030
284- 17-290	PREP	04-15-155	284- 34-110	NEW-P	04-23-073	286- 26-020	AMD-P	04-20-098
284- 17-300	PREP	04-15-155	284- 34-120	NEW-P	04-23-073	286- 26-020	AMD	05-01-030
284- 17-320	PREP	04-15-155	284- 34-130	NEW-P	04-23-073	286- 26-080	AMD-P	04-20-098
284- 17B-005	NEW-P	04-15-156	284- 34-140	NEW-P	04-23-073	286- 26-080	AMD	05-01-030
284- 17B-005	NEW	04-22-045	284- 34-150	NEW-P	04-23-073	286- 26-083	NEW-P	04-20-098
284- 17B-010	NEW-P	04-15-156	284- 34-160	NEW-P	04-23-073	286- 26-083	NEW	05-01-030
284- 17B-010	NEW	04-22-045	284- 34-170	NEW-P	04-23-073	286- 26-085	NEW-P	04-20-098
284- 17B-015	NEW-P	04-15-156	284- 34-180	NEW-P	04-23-073	286- 26-085	NEW	05-01-030
284- 17B-015	NEW	04-22-045	284- 34-190	NEW-P	04-23-073	286- 26-090	AMD-P	04-20-098
284- 17B-020	NEW-P	04-15-156	284- 34-200	NEW-P	04-23-073	286- 26-090	AMD	05-01-030
284- 17B-020	NEW	04-22-045	284- 34-210	NEW-P	04-23-073	286- 26-095	NEW-P	04-20-098
284- 17B-025	NEW-P	04-15-156	284- 34-220	NEW-P	04-23-073	286- 26-100	AMD-P	04-20-098
284- 17B-025	NEW	04-22-045	284- 34-230	NEW-P	04-23-073	286- 26-100	AMD	05-01-030
284- 17B-030	NEW-P	04-15-156	284- 34-240	NEW-P	04-23-073	286- 26-105	NEW-P	04-20-098
284- 17B-030	NEW	04-22-045	284- 34-250	NEW-P	04-23-073	286- 26-105	NEW	05-01-030
284- 17B-035	NEW-P	04-15-156	284- 34-260	NEW-P	04-23-073	286- 42-010	NEW-P	04-20-097
284- 17B-035	NEW	04-22-045	284- 43	PREP	04-17-126	286- 42-010	NEW	05-01-030
284- 17B-040	NEW-P	04-15-156	284- 43-900	REP-X	04-24-099	286- 42-020	NEW-P	04-20-097
284- 17B-040	NEW	04-22-045	284- 43-905	AMD-X	04-24-099	286- 42-020	NEW	05-01-030
284- 17B-045	NEW-P	04-15-156	284- 43-910	AMD-X	04-24-099	286- 42-030	NEW-P	04-20-097
284- 17B-045	NEW	04-22-045	284- 43-915	AMD-X	04-24-099	286- 42-030	NEW	05-01-030
284- 17B-050	NEW-P	04-15-156	284- 43-920	AMD-X	04-24-099	286- 42-040	NEW-P	04-20-097
284- 17B-050	NEW	04-22-045	284- 43-925	AMD-X	04-24-099	286- 42-040	NEW	05-01-030
284- 17B-055	NEW-P	04-15-156	284- 43-930	AMD-X	04-24-099	286- 42-050	NEW-P	04-20-097
284- 17B-055	NEW	04-22-045	284- 43-935	AMD-X	04-24-099	286- 42-050	NEW	05-01-030
284- 17B-060	NEW-P	04-15-156	284- 43-940	AMD-X	04-24-099	286- 42-060	NEW-P	04-20-097
284- 17B-060	NEW	04-22-045	284- 43-945	AMD-X	04-24-099	286- 42-060	NEW	05-01-030
284- 17B-065	NEW-P	04-15-156	284- 43-950	AMD-X	04-24-099	286- 42-070	NEW-P	04-20-097
284- 17B-065	NEW	04-22-045	284- 43-955	REP-X	04-24-099	286- 42-080	NEW-P	04-20-097
284- 17B-070	NEW-P	04-15-156	284- 49-010	AMD-X	04-21-054	286- 42-080	NEW	05-01-030
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287- 01-030	AMD	04-03-114	296- 16-150	NEW	05-01-105	296- 17-875	AMD	04-24-025
287- 02-030	AMD	04-03-114	296- 16-160	NEW-P	04-19-106	296- 17-880	AMD-P	04-19-033
287- 02-130	AMD	04-03-114	296- 16-160	NEW	05-01-105	296- 17-880	AMD	04-24-025
288- 02-010	NEW-X	04-14-019	296- 16-170	NEW-P	04-19-106	296- 17-885	AMD-P	04-19-033
288- 02-010	NEW	04-19-032	296- 16-170	NEW	05-01-105	296- 17-885	AMD	04-24-025
288- 02-020	NEW-X	04-14-019	296- 17	PREP	04-04-098	296- 17-890	AMD-P	04-19-033
288- 02-020	NEW	04-19-032	296- 17	PREP	04-04-100	296- 17-890	AMD	04-24-025
288- 02-030	NEW-X	04-14-019	296- 17	PREP	04-09-098	296- 17-895	AMD-P	04-07-122
288- 02-030	NEW	04-19-032	296- 17	PREP	04-13-130	296- 17-895	AMD	04-13-017
292- 10-040	AMD-X	04-12-005	296- 17	PREP	04-22-122	296- 17-895	AMD-P	04-19-033
292- 10-040	AMD	05-01-021	296- 17-31002	AMD-P	04-13-128	296- 17-895	AMD	04-24-025
292-110-060	AMD-P	04-12-077	296- 17-31002	AMD	04-18-025	296- 17-89502	AMD-P	04-19-055
292-110-060	AMD	04-18-019	296- 17-31004	AMD-P	04-14-081	296- 17-89502	AMD	04-24-025
296- 05	PREP	04-15-134	296- 17-31004	AMD	04-20-023	296- 17-90492	AMD-P	04-19-033
296- 05	PREP	04-22-108	296- 17-310041	NEW-P	04-14-081	296- 17-90492	AMD	04-24-025
296- 05-007	AMD-P	04-04-014	296- 17-310042	NEW-P	04-14-081	296- 17-920	AMD-P	04-19-055
296- 05-007	AMD	04-10-032	296- 17-310043	NEW-P	04-14-081	296- 17-920	AMD	04-24-025
296- 05-008	NEW-P	04-04-014	296- 17-310044	NEW-P	04-14-081	296- 19A-210	AMD-S	04-03-035
296- 05-008	NEW	04-10-032	296- 17-310045	NEW-P	04-14-081	296- 19A-210	AMD	04-08-045
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296- 14	PREP	04-23-080	296- 17-31009	AMD	04-18-025	296- 20-01002	AMD-P	04-03-082
296- 14-400	AMD-E	04-13-063	296- 17-31013	AMD-P	04-07-122	296- 20-01002	AMD	04-08-040
296- 14-400	PREP	04-13-131	296- 17-31013	AMD	04-13-017	296- 20-01002	AMD-E	04-13-063
296- 14-400	AMD-P	04-17-093	296- 17-31013	AMD-P	04-13-128	296- 20-01002	PREP	04-13-131
296- 14-400	AMD-E	04-21-032	296- 17-31013	AMD-P	04-14-081	296- 20-01002	AMD-P	04-17-093
296- 14-400	AMD	04-22-085	296- 17-31013	AMD	04-18-025	296- 20-01002	AMD-E	04-21-032
296- 14-4121	NEW-P	04-14-082	296- 17-31013	AMD	04-20-023	296- 20-01002	AMD	04-22-085
296- 14-4121	NEW	04-20-024	296- 17-31014	AMD-P	04-13-128	296- 20-01501	AMD-E	04-13-063
296- 14-4122	NEW-P	04-14-082	296- 17-31014	AMD	04-18-025	296- 20-01501	PREP	04-13-131
296- 14-4122	NEW	04-20-024	296- 17-31024	AMD-P	04-13-128	296- 20-01501	AMD-P	04-17-093
296- 14-4123	NEW-P	04-14-082	296- 17-31024	AMD	04-18-025	296- 20-01501	AMD-E	04-21-032
296- 14-4123	NEW	04-20-024	296- 17-31025	AMD-P	04-13-128	296- 20-01501	AMD	04-22-085
296- 14-4124	NEW-P	04-14-082	296- 17-31025	AMD	04-18-025	296- 20-01502	NEW-E	04-13-063
296- 14-4124	NEW	04-20-024	296- 17-31030	NEW-P	04-14-081	296- 20-01502	PREP	04-13-131
296- 14-4125	NEW-P	04-14-082	296- 17-31030	NEW	04-20-023	296- 20-01502	NEW-P	04-17-093
296- 14-4125	NEW	04-20-024	296- 17-31031	NEW-P	04-14-081	296- 20-01502	NEW-E	04-21-032
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296- 14-4127	NEW-P	04-14-082	296- 17-517	AMD	04-20-023	296- 20-02705	AMD-P	04-03-082
296- 14-4127	NEW	04-20-024	296- 17-517	AMD	04-20-023	296- 20-02705	AMD	04-08-040
296- 14-4128	NEW-P	04-14-082	296- 17-52002	AMD-P	04-14-081	296- 20-02705	AMD	04-08-040
296- 14-4128	NEW	04-20-024	296- 17-52002	AMD	04-20-023	296- 20-03011	AMD-P	04-03-082
296- 14-4129	NEW-P	04-14-082	296- 17-52102	AMD-P	04-14-081	296- 20-03011	AMD	04-08-040
296- 14-4129	NEW	04-20-024	296- 17-52102	AMD	04-20-023	296- 20-03012	AMD-P	04-03-082
296- 16	PREP	04-15-103	296- 17-52150	AMD-P	04-14-081	296- 20-03012	AMD	04-08-040
296- 16-010	REP-P	04-19-106	296- 17-52150	AMD	04-20-023	296- 20-06101	AMD-E	04-13-063
296- 16-010	REP	05-01-105	296- 17-527	AMD-P	04-13-128	296- 20-06101	PREP	04-13-131
296- 16-100	NEW-P	04-19-106	296- 17-527	AMD	04-18-025	296- 20-06101	AMD-P	04-17-093
296- 16-100	NEW	05-01-105	296- 17-644	AMD-W	04-06-060	296- 20-06101	AMD-E	04-21-032
296- 16-110	NEW-P	04-19-106	296- 17-64999	AMD-P	04-13-128	296- 20-06101	AMD	04-22-085
296- 16-110	NEW	05-01-105	296- 17-64999	AMD	04-18-025	296- 20-135	AMD-P	04-05-075
296- 16-115	NEW-P	04-19-106	296- 17-67701	NEW-P	04-07-122	296- 20-135	AMD	04-09-100
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296- 16-120	NEW-P	04-19-106	296- 17-72202	AMD-P	04-13-128	296- 20-200	AMD	04-04-029
296- 16-120	NEW	05-01-105	296- 17-72202	AMD	04-18-025	296- 20-2010	NEW	04-04-029
296- 16-130	NEW-P	04-19-106	296- 17-855	AMD-P	04-19-033	296- 20-2015	NEW	04-04-029
296- 16-130	NEW	05-01-105	296- 17-855	AMD	04-24-025	296- 20-2020	NEW-W	04-10-072
296- 16-140	NEW-P	04-19-106	296- 17-870	AMD-P	04-07-121	296- 20-2025	NEW	04-04-029
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296-23-220	AMD-P	04-05-075	296-24-11005	REP	04-15-105	296-24-16515	REP-P	04-03-085
296-23-220	AMD	04-09-100	296-24-11007	REP-P	04-03-102	296-24-16515	REP	04-14-028
296-23-220	PREP	05-01-167	296-24-11007	REP	04-15-105	296-24-16517	REP-P	04-03-085
296-23-230	AMD-P	04-05-075	296-24-11009	REP-P	04-03-102	296-24-16517	REP	04-14-028
296-23-230	AMD	04-09-100	296-24-11009	REP	04-15-105	296-24-16519	REP-P	04-03-085
296-23-230	PREP	05-01-167	296-24-11011	REP-P	04-03-102	296-24-16519	REP	04-14-028
296-23-240	AMD-E	04-13-063	296-24-11011	REP	04-15-105	296-24-16521	REP-P	04-03-085
296-23-240	PREP	04-13-131	296-24-11013	REP-P	04-03-102	296-24-16521	REP	04-14-028
296-23-240	AMD-P	04-17-093	296-24-11013	REP	04-15-105	296-24-16523	REP-P	04-03-085
296-23-240	AMD-E	04-21-032	296-24-11015	REP-P	04-03-102	296-24-16523	REP	04-14-028
296-23-240	AMD	04-22-085	296-24-11015	REP	04-15-105	296-24-16525	REP-P	04-03-085
296-23-241	NEW-E	04-13-063	296-24-11017	REP-P	04-03-102	296-24-16525	REP	04-14-028
296-23-241	PREP	04-13-131	296-24-11017	REP	04-15-105	296-24-16527	REP-P	04-03-085
296-23-241	NEW-P	04-17-093	296-24-119	REP-P	04-03-102	296-24-16527	REP	04-14-028
296-23-241	NEW-E	04-21-032	296-24-119	REP	04-15-105	296-24-16529	REP-P	04-03-085
296-23-241	NEW	04-22-085	296-24-120	REP	04-07-161	296-24-16529	REP	04-14-028
296-23-255	REP	04-04-029	296-24-135	REP-X	04-12-069	296-24-16531	REP-P	04-03-085
296-23-260	REP	04-04-029	296-24-135	REP	04-18-080	296-24-16531	REP	04-14-028
296-23-265	REP	04-04-029	296-24-13501	REP-X	04-12-069	296-24-16533	REP-P	04-03-085
296-23-26501	REP	04-04-029	296-24-13501	REP	04-18-080	296-24-16533	REP	04-14-028
296-23-26502	REP	04-04-029	296-24-140	REP-X	04-12-069	296-24-16535	REP-P	04-03-085
296-23-26503	REP	04-04-029	296-24-140	REP	04-18-080	296-24-16535	REP	04-14-028
296-23-26504	REP	04-04-029	296-24-14001	REP-X	04-12-069	296-24-16537	REP-P	04-03-085
296-23-26505	REP	04-04-029	296-24-14001	REP	04-18-080	296-24-16537	REP	04-14-028
296-23-26506	REP	04-04-029	296-24-14003	REP-X	04-12-069	296-24-16539	REP-P	04-03-085
296-23-267	REP	04-04-029	296-24-14003	REP	04-18-080	296-24-16539	REP	04-14-028
296-23-270	REP	04-04-029	296-24-14005	REP-X	04-12-069	296-24-180	REP-P	04-03-085
296-23-302	NEW	04-04-029	296-24-14005	REP	04-18-080	296-24-180	REP	04-14-028
296-23-307	NEW	04-04-029	296-24-14007	REP-X	04-12-069	296-24-18001	REP-P	04-03-085
296-23-312	NEW	04-04-029	296-24-14007	REP	04-18-080	296-24-18001	REP	04-14-028
296-23-317	NEW	04-04-029	296-24-14009	REP-X	04-12-069	296-24-18003	REP-P	04-03-085
296-23-322	NEW	04-04-029	296-24-14009	REP	04-18-080	296-24-18003	REP	04-14-028
296-23-327	NEW	04-04-029	296-24-14011	REP-X	04-12-069	296-24-18005	REP-P	04-03-085
296-23-332	NEW	04-04-029	296-24-14011	REP	04-18-080	296-24-18005	REP	04-14-028
296-23-337	NEW	04-04-029	296-24-150	REP-P	04-03-085	296-24-18007	REP-P	04-03-085
296-23-342	NEW	04-04-029	296-24-150	REP	04-14-028	296-24-18007	REP	04-14-028
296-23-347	NEW	04-04-029	296-24-15001	REP-P	04-03-085	296-24-18009	REP-P	04-03-085
296-23-352	NEW	04-04-029	296-24-15001	REP	04-14-028	296-24-18009	REP	04-14-028
296-23-357	NEW	04-04-029	296-24-15003	REP-P	04-03-085	296-24-190	REP-P	04-03-085
296-23-362	NEW	04-04-029	296-24-15003	REP	04-14-028	296-24-190	REP	04-14-028
296-23-367	NEW	04-04-029	296-24-15005	REP-P	04-03-085	296-24-19001	REP-P	04-03-085
296-23-372	NEW	04-04-029	296-24-15005	REP	04-14-028	296-24-19001	REP	04-14-028
296-23-377	NEW	04-04-029	296-24-15007	REP-P	04-03-085	296-24-19003	REP-P	04-03-085
296-23-381	NEW	04-04-029	296-24-15007	REP	04-14-028	296-24-19003	REP	04-14-028
296-23-382	NEW	04-04-029	296-24-15009	REP-P	04-03-085	296-24-19005	REP-P	04-03-085
296-23-387	NEW	04-04-029	296-24-15009	REP	04-14-028	296-24-19005	REP	04-14-028
296-23-392	NEW	04-04-029	296-24-165	REP-P	04-03-085	296-24-19007	REP-P	04-03-085
296-24	PREP	04-05-074	296-24-165	REP	04-14-028	296-24-19007	REP	04-14-028
296-24	PREP	04-06-078	296-24-16501	REP-P	04-03-085	296-24-19009	REP-P	04-03-085
296-24	PREP	04-07-154	296-24-16501	REP	04-14-028	296-24-19009	REP	04-14-028
296-24	PREP	04-07-157	296-24-16503	REP-P	04-03-085	296-24-19011	REP-P	04-03-085
296-24	PREP	04-08-090	296-24-16503	REP	04-14-028	296-24-19011	REP	04-14-028
296-24	PREP	04-11-062	296-24-16505	REP-P	04-03-085	296-24-19013	REP-P	04-03-085
296-24	PREP-W	04-18-044	296-24-16505	REP	04-14-028	296-24-19013	REP	04-14-028
296-24-012	AMD	04-07-161	296-24-16507	REP-P	04-03-085	296-24-19015	REP-P	04-03-085
296-24-110	REP-P	04-03-102	296-24-16507	REP	04-14-028	296-24-19015	REP	04-14-028
296-24-110	REP	04-15-105	296-24-16509	REP-P	04-03-085	296-24-195	REP-P	04-03-085
296-24-11001	REP-P	04-03-102	296-24-16509	REP	04-14-028	296-24-195	REP	04-14-028
296-24-11001	REP	04-15-105	296-24-16511	REP-P	04-03-085	296-24-19501	REP-P	04-03-085
296-24-11003	REP-P	04-03-102	296-24-16511	REP	04-14-028	296-24-19501	REP	04-14-028
296-24-11003	REP	04-15-105	296-24-16513	REP-P	04-03-085	296-24-19503	REP-P	04-03-085

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296-24-19505	REP-P	04-03-085	296-24-20521	REP-P	04-03-085	296-24-23023	REP-P	04-08-039
296-24-19505	REP	04-14-028	296-24-20521	REP	04-14-028	296-24-23023	REP	04-19-051
296-24-19507	REP-P	04-03-085	296-24-20523	REP-P	04-03-085	296-24-23025	REP-P	04-08-039
296-24-19507	REP	04-14-028	296-24-20523	REP	04-14-028	296-24-23025	REP	04-19-051
296-24-19509	REP-P	04-03-085	296-24-20525	REP-P	04-03-085	296-24-23027	REP-P	04-08-039
296-24-19509	REP	04-14-028	296-24-20525	REP	04-14-028	296-24-23027	REP	04-19-051
296-24-19511	REP-P	04-03-085	296-24-20527	REP-P	04-03-085	296-24-23029	REP-P	04-08-039
296-24-19511	REP	04-14-028	296-24-20527	REP	04-14-028	296-24-23029	REP	04-19-051
296-24-19513	REP-P	04-03-085	296-24-20529	REP-P	04-03-085	296-24-23031	REP-P	04-08-039
296-24-19513	REP	04-14-028	296-24-20529	REP	04-14-028	296-24-23031	REP	04-19-051
296-24-19514	REP-P	04-03-085	296-24-20531	REP-P	04-03-085	296-24-23033	REP-P	04-08-039
296-24-19514	REP	04-14-028	296-24-20531	REP	04-14-028	296-24-23033	REP	04-19-051
296-24-19517	REP-P	04-03-085	296-24-20533	REP-P	04-03-085	296-24-23035	REP-P	04-08-039
296-24-19517	REP	04-14-028	296-24-20533	REP	04-14-028	296-24-23035	REP	04-19-051
296-24-197	REP-P	04-03-085	296-24-20699	REP-P	04-03-085	296-24-23037	REP-P	04-08-039
296-24-197	REP	04-14-028	296-24-20699	REP	04-14-028	296-24-23037	REP	04-19-051
296-24-200	REP-P	04-03-085	296-24-20700	REP-P	04-03-085	296-24-233	AMD-P	04-12-071
296-24-200	REP	04-14-028	296-24-20700	REP	04-14-028	296-24-233	AMD	04-20-079
296-24-20001	REP-P	04-03-085	296-24-20710	REP-P	04-03-085	296-24-260	REP	04-09-099
296-24-20001	REP	04-14-028	296-24-20710	REP	04-14-028	296-24-33009	AMD-X	04-12-069
296-24-20003	REP-P	04-03-085	296-24-20720	REP-P	04-03-085	296-24-33009	AMD	04-18-080
296-24-20003	REP	04-14-028	296-24-20720	REP	04-14-028	296-24-37013	AMD-X	04-12-069
296-24-20005	REP-P	04-03-085	296-24-20730	REP-P	04-03-085	296-24-37013	AMD	04-18-080
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296-24-20007	REP-P	04-03-085	296-24-21701	REP-P	04-12-071	296-24-47511	AMD	04-19-051
296-24-20007	REP	04-14-028	296-24-21701	REP	04-20-079	296-24-56527	AMD	04-07-161
296-24-20009	REP-P	04-03-085	296-24-21703	REP-P	04-12-071	296-24-58513	AMD-X	04-20-080
296-24-20009	REP	04-14-028	296-24-21703	REP	04-20-079	296-24-58515	AMD-X	04-20-080
296-24-20011	REP-P	04-03-085	296-24-21705	REP-P	04-12-071	296-24-58517	AMD-X	04-20-080
296-24-20011	REP	04-14-028	296-24-21705	REP	04-20-079	296-24-61703	AMD	04-07-161
296-24-20013	REP-P	04-03-085	296-24-21707	REP-P	04-12-071	296-24-63399	AMD	04-07-161
296-24-20013	REP	04-14-028	296-24-21707	REP	04-20-079	296-24-67509	PREP	04-07-155
296-24-20015	REP-P	04-03-085	296-24-21709	REP-P	04-12-071	296-24-67515	AMD-X	04-20-080
296-24-20015	REP	04-14-028	296-24-21709	REP	04-20-079	296-24-67517	AMD-X	04-20-080
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296-24-20019	REP	04-14-028	296-24-21713	REP	04-20-079	296-24-71519	AMD-X	04-20-080
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296-24-20021	REP	04-14-028	296-24-230	REP	04-19-051	296-24-860	REP-P	04-14-027
296-24-205	REP-P	04-03-085	296-24-23001	REP-P	04-08-039	296-24-860	REP	05-01-054
296-24-205	REP	04-14-028	296-24-23001	REP	04-19-051	296-24-86005	REP-P	04-14-027
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296-24-20505	REP-P	04-03-085	296-24-23007	REP-P	04-08-039	296-24-86015	REP	05-01-054
296-24-20505	REP	04-14-028	296-24-23007	REP	04-19-051	296-24-86020	REP-P	04-14-027
296-24-20507	REP-P	04-03-085	296-24-23009	REP-P	04-08-039	296-24-86020	REP	05-01-054
296-24-20507	REP	04-14-028	296-24-23009	REP	04-19-051	296-24-861	REP-P	04-14-027
296-24-20509	REP-P	04-03-085	296-24-23011	REP-P	04-08-039	296-24-861	REP	05-01-054
296-24-20509	REP	04-14-028	296-24-23011	REP	04-19-051	296-24-86105	REP-P	04-14-027
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296-24-20511	REP	04-14-028	296-24-23013	REP	04-19-051	296-24-86110	REP-P	04-14-027
296-24-20513	REP-P	04-03-085	296-24-23015	REP-P	04-08-039	296-24-86110	REP	05-01-054
296-24-20513	REP	04-14-028	296-24-23015	REP	04-19-051	296-24-86115	REP-P	04-14-027
296-24-20515	REP-P	04-03-085	296-24-23017	REP-P	04-08-039	296-24-86115	REP	05-01-054
296-24-20515	REP	04-14-028	296-24-23017	REP	04-19-051	296-24-86120	REP-P	04-14-027
296-24-20517	REP-P	04-03-085	296-24-23019	REP-P	04-08-039	296-24-86120	REP	05-01-054
296-24-20517	REP	04-14-028	296-24-23019	REP	04-19-051	296-24-86125	REP-P	04-14-027
296-24-20519	REP-P	04-03-085	296-24-23021	REP-P	04-08-039	296-24-86125	REP	05-01-054

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296-24-86130	REP	05-01-054	296-46B-905	AMD-P	04-17-094	296-52-70020	AMD-P	05-01-171
296-24-88020	AMD-P	04-03-085	296-46B-905	AMD	04-21-086	296-52-70025	AMD-P	05-01-171
296-24-88020	AMD	04-14-028	296-46B-910	AMD-P	04-08-088	296-52-70030	AMD-P	05-01-171
296-24-90003	AMD-P	04-03-085	296-46B-910	AMD	04-12-049	296-52-70040	AMD-P	05-01-171
296-24-90003	AMD	04-14-028	296-46B-911	AMD-P	04-08-088	296-52-70045	AMD-P	05-01-171
296-24-95603	AMD	04-07-161	296-46B-911	AMD	04-12-049	296-52-70050	AMD-P	05-01-171
296-24-975	AMD-P	04-03-102	296-46B-915	AMD-P	04-08-088	296-52-70055	AMD-P	05-01-171
296-24-975	AMD	04-15-105	296-46B-915	AMD	04-12-049	296-52-70060	AMD-P	05-01-171
296-24-980	AMD-X	04-12-069	296-46B-915	PREP	04-14-088	296-52-71020	AMD-P	05-01-171
296-24-980	AMD	04-18-080	296-46B-915	AMD-P	04-17-094	296-52-71080	AMD-P	05-01-171
296-30-081	PREP	04-04-099	296-46B-915	AMD	04-21-086	296-52-725	AMD-P	05-01-171
296-30-081	AMD-P	04-08-091	296-46B-920	AMD-P	04-08-088	296-54-51150	AMD-X	04-20-080
296-30-081	AMD	04-14-069	296-46B-920	AMD	04-12-049	296-54-573	AMD-P	04-03-085
296-30-090	AMD-P	04-17-093	296-46B-925	AMD-P	04-08-088	296-54-573	AMD	04-14-028
296-30-090	AMD-E	04-18-112	296-46B-925	AMD	04-12-049	296-54-57310	AMD-P	04-03-102
296-30-090	AMD-P	05-01-170	296-46B-925	PREP	04-14-088	296-54-57310	AMD	04-15-105
296-31-070	AMD-P	04-08-091	296-46B-925	AMD-P	04-17-094	296-56	PREP	04-07-154
296-31-070	AMD	04-14-069	296-46B-925	AMD	04-21-086	296-56-60001	AMD-X	04-20-080
296-37-510	AMD-X	04-11-065	296-46B-930	AMD-P	04-08-088	296-56-60005	AMD-X	04-20-080
296-37-510	AMD	04-18-078	296-46B-930	AMD	04-12-049	296-56-60053	AMD-X	04-20-080
296-37-515	AMD-X	04-11-065	296-46B-935	AMD-P	04-08-088	296-56-60057	AMD-X	04-20-080
296-37-515	AMD	04-18-078	296-46B-935	AMD	04-12-049	296-56-60107	AMD-X	04-20-080
296-37-570	AMD-X	04-11-065	296-46B-940	AMD-P	04-08-088	296-56-60110	AMD-X	04-20-080
296-37-570	AMD	04-18-078	296-46B-940	AMD	04-12-049	296-56-60115	AMD-X	04-05-072
296-37-575	AMD	04-10-026	296-46B-945	AMD-P	04-08-088	296-56-60115	AMD	04-11-066
296-37-595	NEW-X	04-11-065	296-46B-945	AMD	04-12-049	296-56-60235	AMD-X	04-20-080
296-37-595	NEW	04-18-078	296-46B-950	AMD-P	04-08-088	296-56-60243	AMD-X	04-05-072
296-45-125	AMD	04-07-160	296-46B-950	AMD	04-12-049	296-56-60243	AMD	04-11-066
296-45-175	AMD-P	04-03-102	296-46B-970	AMD-P	04-08-088	296-59-130	AMD-P	04-03-085
296-45-175	AMD	04-15-105	296-46B-970	AMD	04-12-049	296-59-130	AMD	04-14-028
296-46B	PREP	04-20-077	296-46B-970	PREP	04-14-088	296-62	PREP	04-05-073
296-46B-010	AMD-P	04-08-088	296-46B-970	AMD-E	04-16-076	296-62	PREP	04-07-155
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296-46B-030	AMD-P	04-08-088	296-46B-990	AMD	04-12-049	296-62	PREP	05-01-169
296-46B-030	AMD	04-12-049	296-46B-995	AMD-P	04-08-088	296-62-052	REP	04-10-026
296-46B-110	AMD-P	04-08-088	296-46B-995	AMD	04-12-049	296-62-05201	REP	04-10-026
296-46B-110	AMD	04-12-049	296-46B-999	AMD-P	04-08-088	296-62-05203	REP	04-10-026
296-46B-210	AMD-P	04-08-088	296-46B-999	AMD	04-12-049	296-62-05205	REP	04-10-026
296-46B-210	AMD	04-12-049	296-52	PREP	04-21-067	296-62-05207	REP	04-10-026
296-46B-250	AMD-P	04-08-088	296-52-60130	AMD-P	05-01-171	296-62-05209	REP	04-10-026
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296-46B-300	AMD	04-12-049	296-52-62010	AMD-P	05-01-171	296-62-05217	REP	04-10-026
296-46B-314	AMD-P	04-08-088	296-52-63010	AMD-P	05-01-171	296-62-05219	REP	04-10-026
296-46B-314	AMD	04-12-049	296-52-64005	AMD-P	05-01-171	296-62-05221	REP	04-10-026
296-46B-334	AMD-P	04-08-088	296-52-64040	AMD-P	05-01-171	296-62-05223	REP	04-10-026
296-46B-334	AMD	04-12-049	296-52-64050	AMD-P	05-01-171	296-62-05305	AMD-P	04-07-159
296-46B-410	AMD-P	04-08-088	296-52-64090	AMD-P	05-01-171	296-62-05305	AMD	04-14-026
296-46B-410	AMD	04-12-049	296-52-64095	AMD-P	05-01-171	296-62-071	REP-P	04-15-107
296-46B-430	AMD-P	04-08-088	296-52-64100	AMD-P	05-01-171	296-62-071	REP	05-01-166
296-46B-430	AMD	04-12-049	296-52-65005	AMD-P	05-01-171	296-62-07101	REP-P	04-15-107
296-46B-900	AMD-P	04-08-088	296-52-65010	AMD-P	05-01-171	296-62-07101	REP	05-01-166
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296-46B-900	PREP	04-14-088	296-52-66010	AMD-P	05-01-171	296-62-07102	REP	05-01-166
296-46B-900	AMD-E	04-16-076	296-52-67080	AMD-P	05-01-171	296-62-07103	REP-P	04-15-107
296-46B-900	AMD-P	04-17-094	296-52-67165	AMD-P	05-01-171	296-62-07103	REP	05-01-166
296-46B-900	AMD	04-21-086	296-52-69020	AMD-P	05-01-171	296-62-07105	REP-P	04-15-107
296-46B-905	AMD-P	04-08-088	296-52-70005	AMD-P	05-01-171	296-62-07105	REP	05-01-166
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296-62-07342	AMD	04-10-026	296-62-09029	REP-P	04-15-107	296-62-14173	REP-P	04-15-107
296-62-07342	AMD-X	04-20-080	296-62-09029	REP	05-01-166	296-62-14173	REP	05-01-166
296-62-07347	REP-P	04-18-077	296-62-09031	REP-P	04-15-107	296-62-14174	REP-P	04-15-107
296-62-07347	REP	05-01-173	296-62-09031	REP	05-01-166	296-62-14174	REP	05-01-166
296-62-07367	AMD-X	04-20-080	296-62-09033	REP-P	04-15-107	296-62-14175	REP-P	04-15-107
296-62-07375	AMD	04-10-026	296-62-09033	REP	05-01-166	296-62-14175	REP	05-01-166
296-62-07413	AMD-X	04-20-080	296-62-09035	REP-P	04-15-107	296-62-14176	REP-P	04-15-107
296-62-07427	AMD	04-10-026	296-62-09035	REP	05-01-166	296-62-14176	REP	05-01-166
296-62-07460	AMD	04-10-026	296-62-09037	REP-P	04-15-107	296-62-14533	AMD	04-10-026
296-62-07460	AMD-X	04-20-080	296-62-09037	REP	05-01-166	296-62-14533	AMD-X	04-20-080
296-62-07470	AMD	04-10-026	296-62-09039	REP-P	04-15-107	296-62-20011	AMD-X	04-20-080
296-62-075	REP-P	04-15-107	296-62-09039	REP	05-01-166	296-62-20019	AMD-X	04-20-080
296-62-075	REP	05-01-166	296-62-09041	AMD	04-10-026	296-62-20023	AMD	04-10-026
296-62-07501	REP-P	04-15-107	296-62-09041	REP-P	04-15-107	296-62-300	AMD	04-02-053
296-62-07501	REP	05-01-166	296-62-09041	REP	05-01-166	296-62-300	REP-P	04-15-107
296-62-07503	REP-P	04-15-107	296-62-09043	REP-P	04-15-107	296-62-300	REP	05-01-166
296-62-07503	REP	05-01-166	296-62-09043	REP	05-01-166	296-62-30001	REP-P	04-15-107
296-62-07505	REP-P	04-15-107	296-62-09045	REP-P	04-15-107	296-62-30001	REP	05-01-166
296-62-07505	REP	05-01-166	296-62-09045	REP	05-01-166	296-62-30003	REP-P	04-15-107
296-62-07507	REP-P	04-15-107	296-62-09047	REP-P	04-15-107	296-62-30003	REP	05-01-166
296-62-07507	REP	05-01-166	296-62-09047	REP	05-01-166	296-62-3010	REP-P	04-15-107
296-62-07509	REP-P	04-15-107	296-62-09049	REP-P	04-15-107	296-62-3010	REP	05-01-166
296-62-07509	REP	05-01-166	296-62-09049	REP	05-01-166	296-62-30105	REP-P	04-15-107
296-62-07510	REP-P	04-15-107	296-62-09051	REP-P	04-15-107	296-62-30105	REP	05-01-166
296-62-07510	REP	05-01-166	296-62-09051	REP	05-01-166	296-62-30110	REP-P	04-15-107
296-62-07511	REP-P	04-15-107	296-62-09053	REP-P	04-15-107	296-62-30110	REP	05-01-166
296-62-07511	REP	05-01-166	296-62-09053	REP	05-01-166	296-62-30115	REP-P	04-15-107
296-62-07513	REP-P	04-15-107	296-62-09055	REP-P	04-15-107	296-62-30115	REP	05-01-166
296-62-07513	REP	05-01-166	296-62-09055	REP	05-01-166	296-62-30120	REP-P	04-15-107
296-62-07515	REP-P	04-15-107	296-62-141	AMD	04-03-081	296-62-30120	REP	05-01-166
296-62-07515	REP	05-01-166	296-62-141	REP-P	04-15-107	296-62-30125	REP-P	04-15-107
296-62-07521	AMD	04-10-026	296-62-141	REP	05-01-166	296-62-30125	REP	05-01-166
296-62-07521	AMD-X	04-20-080	296-62-14100	REP-P	04-15-107	296-62-30130	REP-P	04-15-107
296-62-07523	AMD-P	04-15-106	296-62-14100	REP	05-01-166	296-62-30130	REP	05-01-166
296-62-07523	AMD	05-01-172	296-62-14105	REP-P	04-15-107	296-62-30135	REP-P	04-15-107
296-62-07540	AMD	04-10-026	296-62-14105	REP	05-01-166	296-62-30135	REP	05-01-166
296-62-07540	AMD-X	04-20-080	296-62-14110	REP-P	04-15-107	296-62-30140	REP-P	04-15-107
296-62-07615	AMD-X	04-20-080	296-62-14110	REP	05-01-166	296-62-30140	REP	05-01-166
296-62-07631	AMD	04-10-026	296-62-14115	REP-P	04-15-107	296-62-30145	REP-P	04-15-107
296-62-07722	AMD-X	04-20-080	296-62-14115	REP	05-01-166	296-62-30145	REP	05-01-166
296-62-07727	AMD	04-10-026	296-62-14120	REP-P	04-15-107	296-62-3020	REP-P	04-15-107
296-62-08001	REP-P	04-15-107	296-62-14120	REP	05-01-166	296-62-3020	REP	05-01-166
296-62-08001	REP	05-01-166	296-62-14125	REP-P	04-15-107	296-62-30205	REP-P	04-15-107
296-62-08050	REP-P	04-15-107	296-62-14125	REP	05-01-166	296-62-30205	REP	05-01-166
296-62-08050	REP	05-01-166	296-62-14130	REP-P	04-15-107	296-62-30210	REP-P	04-15-107
296-62-09015	REP-P	04-15-107	296-62-14130	REP	05-01-166	296-62-30210	REP	05-01-166
296-62-09015	REP	05-01-166	296-62-14135	REP-P	04-15-107	296-62-30215	REP-P	04-15-107
296-62-09017	REP-P	04-15-107	296-62-14135	REP	05-01-166	296-62-30215	REP	05-01-166
296-62-09017	REP	05-01-166	296-62-14140	REP-P	04-15-107	296-62-30220	REP-P	04-15-107
296-62-09019	REP-P	04-15-107	296-62-14140	REP	05-01-166	296-62-30220	REP	05-01-166
296-62-09019	REP	05-01-166	296-62-14145	REP-P	04-15-107	296-62-30225	REP-P	04-15-107
296-62-09021	REP-P	04-15-107	296-62-14145	REP	05-01-166	296-62-30225	REP	05-01-166
296-62-09021	REP	05-01-166	296-62-14150	REP-P	04-15-107	296-62-30230	REP-P	04-15-107
296-62-09023	REP-P	04-15-107	296-62-14150	REP	05-01-166	296-62-30230	REP	05-01-166
296-62-09023	REP	05-01-166	296-62-14155	REP-P	04-15-107	296-62-30235	REP-P	04-15-107
296-62-09024	REP-P	04-15-107	296-62-14155	REP	05-01-166	296-62-30235	REP	05-01-166
296-62-09025	REP-P	04-15-107	296-62-14170	REP-P	04-15-107	296-62-3030	REP-P	04-15-107
296-62-09025	REP	05-01-166	296-62-14170	REP	05-01-166	296-62-3030	REP	05-01-166
296-62-09026	REP-P	04-15-107	296-62-14171	REP-P	04-15-107	296-62-30305	REP-P	04-15-107
296-62-09026	REP	05-01-166	296-62-14171	REP	05-01-166	296-62-30305	REP	05-01-166
296-62-09027	REP-P	04-15-107	296-62-14172	REP-P	04-15-107	296-62-30310	REP-P	04-15-107

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-62-30310	REP	05-01-166	296-62-30715	REP-P	04-15-107	296-62-31425	REP-P	04-15-107
296-62-30315	REP-P	04-15-107	296-62-30715	REP	05-01-166	296-62-31425	REP	05-01-166
296-62-30315	REP	05-01-166	296-62-3080	REP-P	04-15-107	296-62-31430	REP-P	04-15-107
296-62-3040	REP-P	04-15-107	296-62-3080	REP	05-01-166	296-62-31430	REP	05-01-166
296-62-3040	REP	05-01-166	296-62-3090	REP-P	04-15-107	296-62-31435	REP-P	04-15-107
296-62-30405	REP-P	04-15-107	296-62-3090	REP	05-01-166	296-62-31435	REP	05-01-166
296-62-30405	REP	05-01-166	296-62-30905	REP-P	04-15-107	296-62-31440	REP-P	04-15-107
296-62-30410	REP-P	04-15-107	296-62-30905	REP	05-01-166	296-62-31440	REP	05-01-166
296-62-30410	REP	05-01-166	296-62-30910	REP-P	04-15-107	296-62-31445	REP-P	04-15-107
296-62-30415	REP-P	04-15-107	296-62-30910	REP	05-01-166	296-62-31445	REP	05-01-166
296-62-30415	REP	05-01-166	296-62-30915	REP-P	04-15-107	296-62-31450	REP-P	04-15-107
296-62-30420	REP-P	04-15-107	296-62-30915	REP	05-01-166	296-62-31450	REP	05-01-166
296-62-30420	REP	05-01-166	296-62-30920	REP-P	04-15-107	296-62-31455	REP-P	04-15-107
296-62-30425	REP-P	04-15-107	296-62-30920	REP	05-01-166	296-62-31455	REP	05-01-166
296-62-30425	REP	05-01-166	296-62-30925	REP-P	04-15-107	296-62-31460	REP-P	04-15-107
296-62-30430	REP-P	04-15-107	296-62-30925	REP	05-01-166	296-62-31460	REP	05-01-166
296-62-30430	REP	05-01-166	296-62-30930	REP-P	04-15-107	296-62-31465	REP-P	04-15-107
296-62-30435	REP-P	04-15-107	296-62-30930	REP	05-01-166	296-62-31465	REP	05-01-166
296-62-30435	REP	05-01-166	296-62-30935	REP-P	04-15-107	296-62-31470	REP-P	04-15-107
296-62-30440	REP-P	04-15-107	296-62-30935	REP	05-01-166	296-62-31470	REP	05-01-166
296-62-30440	REP	05-01-166	296-62-30940	REP-P	04-15-107	296-62-3152	REP-P	04-15-107
296-62-30445	REP-P	04-15-107	296-62-30940	REP	05-01-166	296-62-3152	REP	05-01-166
296-62-30445	REP	05-01-166	296-62-3100	REP-P	04-15-107	296-62-3160	REP-P	04-15-107
296-62-30450	REP-P	04-15-107	296-62-3100	REP	05-01-166	296-62-3160	REP	05-01-166
296-62-30450	REP	05-01-166	296-62-31005	REP-P	04-15-107	296-62-3170	REP-P	04-15-107
296-62-30455	REP-P	04-15-107	296-62-31005	REP	05-01-166	296-62-3170	REP	05-01-166
296-62-30455	REP	05-01-166	296-62-31010	REP	05-01-166	296-62-3180	REP-P	04-15-107
296-62-30460	REP-P	04-15-107	296-62-31015	REP	05-01-166	296-62-3180	REP	05-01-166
296-62-30460	REP	05-01-166	296-62-31020	REP	05-01-166	296-62-3190	REP-P	04-15-107
296-62-30465	REP-P	04-15-107	296-62-31105	REP	05-01-166	296-62-3190	REP	05-01-166
296-62-30465	REP	05-01-166	296-62-31110	REP-P	04-15-107	296-62-3195	REP-P	04-15-107
296-62-3050	REP-P	04-15-107	296-62-31110	REP	05-01-166	296-62-3195	AMD-X	04-20-080
296-62-3050	REP	05-01-166	296-62-3120	REP-P	04-15-107	296-62-3195	REP	05-01-166
296-62-30505	REP-P	04-15-107	296-62-3120	REP	05-01-166	296-62-40001	AMD-X	04-20-080
296-62-30505	REP	05-01-166	296-62-3130	REP-P	04-15-107	296-62-40007	AMD-X	04-20-080
296-62-30510	REP-P	04-15-107	296-62-3130	REP	05-01-166	296-62-40019	AMD	04-10-026
296-62-30510	REP	05-01-166	296-62-31305	REP-P	04-15-107	296-65	PREP	04-05-073
296-62-30515	REP-P	04-15-107	296-62-31305	REP	05-01-166	296-78-540	AMD	04-07-160
296-62-30515	REP	05-01-166	296-62-31310	REP-P	04-15-107	296-78-56511	AMD-P	04-03-085
296-62-30520	REP-P	04-15-107	296-62-31310	REP	05-01-166	296-78-56511	AMD	04-14-028
296-62-30520	REP	05-01-166	296-62-31315	REP-P	04-15-107	296-78-590	AMD-P	04-03-085
296-62-30525	REP-P	04-15-107	296-62-31315	REP	05-01-166	296-78-590	AMD	04-14-028
296-62-30525	REP	05-01-166	296-62-31320	REP-P	04-15-107	296-78-605	AMD-P	04-03-085
296-62-30530	REP-P	04-15-107	296-62-31320	REP	05-01-166	296-78-605	AMD	04-14-028
296-62-30530	REP	05-01-166	296-62-31325	REP-P	04-15-107	296-78-615	AMD-P	04-03-085
296-62-30535	REP-P	04-15-107	296-62-31325	REP	05-01-166	296-78-615	AMD	04-14-028
296-62-30535	REP	05-01-166	296-62-31330	REP-P	04-15-107	296-78-650	AMD-P	04-03-085
296-62-3060	REP-P	04-15-107	296-62-31330	REP	05-01-166	296-78-650	AMD	04-14-028
296-62-3060	AMD-X	04-20-080	296-62-31335	REP-P	04-15-107	296-78-660	AMD-P	04-03-085
296-62-3060	REP	05-01-166	296-62-31335	REP	05-01-166	296-78-660	AMD	04-14-028
296-62-30605	REP-P	04-15-107	296-62-3138	REP-P	04-15-107	296-78-665	AMD-P	04-03-085
296-62-30605	REP	05-01-166	296-62-3138	REP	05-01-166	296-78-665	AMD	04-14-028
296-62-30610	REP-P	04-15-107	296-62-3140	REP-P	04-15-107	296-78-665	AMD-X	04-20-080
296-62-30610	REP	05-01-166	296-62-3140	REP	05-01-166	296-78-690	AMD-P	04-03-085
296-62-30615	REP-P	04-15-107	296-62-31405	REP-P	04-15-107	296-78-690	AMD	04-14-028
296-62-30615	REP	05-01-166	296-62-31405	REP	05-01-166	296-78-70503	AMD-P	04-03-085
296-62-3070	REP-P	04-15-107	296-62-31410	REP-P	04-15-107	296-78-70503	AMD	04-14-028
296-62-3070	REP	05-01-166	296-62-31410	REP	05-01-166	296-78-710	PREP	04-06-078
296-62-30705	REP-P	04-15-107	296-62-31415	REP-P	04-15-107	296-78-710	PREP-W	04-18-044
296-62-30705	REP	05-01-166	296-62-31415	REP	05-01-166	296-78-71001	AMD-X	04-12-069
296-62-30710	REP-P	04-15-107	296-62-31420	REP-P	04-15-107	296-78-71001	AMD	04-18-080
296-62-30710	REP	05-01-166	296-62-31420	REP	05-01-166	296-78-71007	AMD-P	04-03-085

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-78-71007	AMD	04-14-028	296-96-01007	NEW-P	04-08-087	296-96-02355	AMD-P	04-11-063
296-78-71015	AMD-X	04-20-080	296-96-01007	NEW	04-12-047	296-96-02355	AMD	04-15-104
296-78-71017	AMD-P	04-03-085	296-96-01009	NEW-P	04-08-087	296-96-02360	AMD-P	04-08-087
296-78-71017	AMD	04-14-028	296-96-01009	NEW	04-12-047	296-96-02360	AMD	04-12-047
296-78-71019	AMD-X	04-20-080	296-96-01010	AMD-P	04-08-087	296-96-02361	NEW-P	04-08-087
296-78-71505	AMD-P	04-03-085	296-96-01010	AMD	04-12-047	296-96-02361	NEW	04-12-047
296-78-71505	AMD	04-14-028	296-96-01027	AMD-P	04-08-087	296-96-02362	NEW-P	04-08-087
296-78-84005	AMD-X	04-20-080	296-96-01027	AMD	04-12-047	296-96-02362	NEW	04-12-047
296-79-030	AMD-P	04-03-085	296-96-01035	AMD-P	04-08-087	296-96-02363	NEW-P	04-08-087
296-79-030	AMD	04-14-028	296-96-01035	AMD	04-12-047	296-96-02363	NEW	04-12-047
296-79-220	AMD-P	04-03-102	296-96-01070	AMD-P	04-08-087	296-96-02364	NEW-P	04-08-087
296-79-220	AMD	04-15-105	296-96-01070	AMD	04-12-047	296-96-02364	NEW	04-12-047
296-79-29007	AMD-X	04-20-080	296-96-01075	NEW-P	04-08-087	296-96-02365	REP-P	04-08-087
296-96	PREP	04-24-024	296-96-01075	NEW	04-12-047	296-96-02365	REP	04-12-047
296-96-00500	AMD-P	04-08-087	296-96-01080	REP-P	04-08-087	296-96-02366	NEW-P	04-08-087
296-96-00500	AMD	04-12-047	296-96-01080	REP	04-12-047	296-96-02366	NEW	04-12-047
296-96-00600	AMD-P	04-08-087	296-96-02230	NEW-P	04-08-087	296-96-02366	NEW	04-12-047
296-96-00600	AMD	04-12-047	296-96-02230	NEW	04-12-047	296-96-02367	NEW-P	04-08-087
296-96-00650	AMD-P	04-08-087	296-96-02232	NEW-P	04-08-087	296-96-02367	NEW	04-12-047
296-96-00650	AMD	04-12-047	296-96-02232	NEW	04-12-047	296-96-02370	NEW-P	04-08-087
296-96-00700	AMD-P	04-08-087	296-96-02235	NEW-P	04-08-087	296-96-02370	NEW	04-12-047
296-96-00700	AMD	04-12-047	296-96-02235	NEW	04-08-087	296-96-02371	NEW-P	04-08-087
296-96-00800	AMD-P	04-08-087	296-96-02240	AMD-P	04-08-087	296-96-02371	NEW	04-12-047
296-96-00800	AMD	04-12-047	296-96-02240	AMD	04-12-047	296-96-05010	AMD-P	04-08-087
296-96-00805	NEW-P	04-08-087	296-96-02240	AMD	04-12-047	296-96-05010	AMD	04-12-047
296-96-00805	NEW	04-12-047	296-96-02275	AMD-P	04-08-087	296-96-05030	AMD-P	04-08-087
296-96-00900	NEW-P	04-08-087	296-96-02275	AMD	04-12-047	296-96-05030	AMD	04-12-047
296-96-00900	NEW	04-12-047	296-96-02276	NEW-P	04-08-087	296-96-05070	AMD-P	04-08-087
296-96-00902	NEW-P	04-08-087	296-96-02276	NEW	04-12-047	296-96-05070	AMD	04-12-047
296-96-00902	NEW	04-12-047	296-96-02277	AMD-P	04-08-087	296-96-05160	AMD-P	04-08-087
296-96-00903	NEW-P	04-08-087	296-96-02277	AMD	04-12-047	296-96-05160	AMD	04-12-047
296-96-00903	NEW	04-12-047	296-96-02278	AMD-P	04-08-087	296-96-05170	AMD-P	04-08-087
296-96-00904	NEW-P	04-08-087	296-96-02278	AMD	04-12-047	296-96-05170	AMD	04-12-047
296-96-00904	NEW	04-12-047	296-96-02280	AMD-P	04-08-087	296-96-05230	AMD-P	04-08-087
296-96-00906	NEW-P	04-08-087	296-96-02280	AMD	04-12-047	296-96-05230	AMD	04-12-047
296-96-00906	NEW	04-12-047	296-96-02281	AMD-P	04-08-087	296-96-05290	AMD-P	04-08-087
296-96-00910	NEW-P	04-08-087	296-96-02281	AMD	04-12-047	296-96-05290	AMD	04-12-047
296-96-00910	NEW	04-12-047	296-96-02282	NEW-P	04-08-087	296-96-07010	AMD-P	04-08-087
296-96-00912	NEW-P	04-08-087	296-96-02282	NEW	04-12-047	296-96-07010	AMD	04-12-047
296-96-00912	NEW	04-12-047	296-96-02283	NEW-P	04-08-087	296-96-07021	NEW-P	04-08-087
296-96-00914	NEW-P	04-08-087	296-96-02283	NEW	04-12-047	296-96-07021	NEW	04-12-047
296-96-00914	NEW	04-12-047	296-96-02285	NEW-P	04-08-087	296-96-07024	NEW-P	04-08-087
296-96-00916	NEW-P	04-08-087	296-96-02285	NEW	04-12-047	296-96-07024	NEW	04-12-047
296-96-00916	NEW	04-12-047	296-96-02290	NEW-P	04-08-087	296-96-07080	AMD-P	04-08-087
296-96-00918	NEW-P	04-08-087	296-96-02290	NEW	04-12-047	296-96-07080	AMD	04-12-047
296-96-00918	NEW	04-12-047	296-96-02310	AMD-P	04-08-087	296-96-07100	AMD-P	04-08-087
296-96-00920	NEW-P	04-08-087	296-96-02310	AMD	04-12-047	296-96-07100	AMD	04-12-047
296-96-00920	NEW	04-12-047	296-96-02315	AMD-P	04-08-087	296-96-07170	AMD-P	04-08-087
296-96-00922	NEW-P	04-08-087	296-96-02315	AMD	04-12-047	296-96-07170	AMD	04-12-047
296-96-00922	NEW	04-12-047	296-96-02317	NEW-P	04-08-087	296-96-07180	AMD-P	04-08-087
296-96-00924	NEW-P	04-08-087	296-96-02317	NEW	04-12-047	296-96-07180	AMD	04-12-047
296-96-00924	NEW	04-12-047	296-96-02318	NEW-P	04-08-087	296-96-07190	AMD-P	04-08-087
296-96-00926	NEW-P	04-08-087	296-96-02318	NEW	04-12-047	296-96-07190	AMD	04-12-047
296-96-00926	NEW	04-12-047	296-96-02320	AMD-P	04-08-087	296-96-07200	AMD-P	04-08-087
296-96-00930	NEW-P	04-08-087	296-96-02320	AMD	04-12-047	296-96-07200	AMD	04-12-047
296-96-00930	NEW	04-12-047	296-96-02325	AMD-P	04-08-087	296-96-07215	NEW-P	04-08-087
296-96-01000	AMD-P	04-08-087	296-96-02325	AMD	04-12-047	296-96-07215	NEW	04-12-047
296-96-01000	AMD	04-12-047	296-96-02330	AMD-P	04-08-087	296-96-07230	AMD-P	04-08-087
296-96-01005	AMD-P	04-08-087	296-96-02330	AMD	04-12-047	296-96-07230	AMD	04-12-047
296-96-01005	AMD	04-12-047	296-96-02340	AMD-P	04-08-087	296-96-07250	AMD-P	04-08-087
296-96-01006	NEW-P	04-08-087	296-96-02340	AMD	04-12-047	296-96-07250	AMD	04-12-047
296-96-01006	NEW	04-12-047	296-96-02350	AMD-P	04-08-087	296-96-08010	AMD-P	04-08-087
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296-96-08020	AMD	04-12-047	296-96-11057	AMD	04-12-047	296-96-23270	AMD	04-12-047
296-96-08022	NEW-P	04-08-087	296-96-11078	AMD-P	04-08-087	296-96-23287	AMD-P	04-08-087
296-96-08022	NEW	04-12-047	296-96-11078	AMD	04-12-047	296-96-23287	AMD	04-12-047
296-96-08024	NEW-P	04-08-087	296-96-11080	NEW-P	04-08-087	296-96-23303	NEW-P	04-11-063
296-96-08024	NEW	04-12-047	296-96-11080	NEW	04-12-047	296-96-23303	NEW	04-15-104
296-96-08030	AMD-P	04-08-087	296-96-13135	NEW-P	04-08-087	296-96-23610	AMD-P	04-08-087
296-96-08030	AMD	04-12-047	296-96-13135	NEW	04-12-047	296-96-23610	AMD	04-12-047
296-96-08050	AMD-P	04-08-087	296-96-13139	NEW-P	04-08-087	296-104	PREP	04-08-114
296-96-08050	AMD	04-12-047	296-96-13139	NEW	04-12-047	296-104-010	AMD-P	04-17-100
296-96-08060	AMD-P	04-08-087	296-96-13143	NEW-P	04-08-087	296-104-010	AMD	04-21-069
296-96-08060	AMD	04-12-047	296-96-13143	NEW	04-12-047	296-104-050	AMD-P	04-17-100
296-96-08090	AMD-P	04-08-087	296-96-13145	NEW-P	04-08-087	296-104-050	AMD	04-21-069
296-96-08090	AMD	04-12-047	296-96-13145	NEW	04-12-047	296-104-100	AMD-P	04-17-100
296-96-08100	AMD-P	04-08-087	296-96-13147	NEW-P	04-08-087	296-104-100	AMD	04-21-069
296-96-08100	AMD	04-12-047	296-96-13147	NEW	04-12-047	296-104-102	AMD-P	04-17-100
296-96-08110	AMD-P	04-08-087	296-96-13149	NEW-P	04-08-087	296-104-102	AMD	04-21-069
296-96-08110	AMD	04-12-047	296-96-13149	NEW	04-12-047	296-104-140	AMD-P	04-17-100
296-96-08140	AMD-P	04-08-087	296-96-13151	NEW-P	04-08-087	296-104-140	AMD	04-21-069
296-96-08140	AMD	04-12-047	296-96-13151	NEW	04-12-047	296-104-200	AMD-P	04-17-100
296-96-08150	AMD-P	04-08-087	296-96-13153	NEW-P	04-08-087	296-104-200	AMD	04-21-069
296-96-08150	AMD	04-12-047	296-96-13153	NEW	04-12-047	296-104-300	AMD-P	04-17-100
296-96-08160	AMD-P	04-08-087	296-96-13155	NEW-P	04-08-087	296-104-300	AMD	04-21-069
296-96-08160	AMD	04-12-047	296-96-13155	NEW	04-12-047	296-104-301	NEW-P	04-17-100
296-96-08170	AMD-P	04-08-087	296-96-13157	NEW-P	04-08-087	296-104-301	NEW	04-21-069
296-96-08170	AMD	04-12-047	296-96-13157	NEW	04-12-047	296-104-302	NEW-P	04-17-100
296-96-08175	AMD-P	04-08-087	296-96-13159	NEW-P	04-08-087	296-104-302	NEW	04-21-069
296-96-08175	AMD	04-12-047	296-96-13159	NEW	04-12-047	296-104-303	NEW-P	04-17-100
296-96-08180	AMD-P	04-08-087	296-96-13161	NEW-P	04-08-087	296-104-303	NEW	04-21-069
296-96-08180	AMD	04-12-047	296-96-13161	NEW	04-12-047	296-104-405	AMD-P	04-17-100
296-96-08190	AMD-P	04-08-087	296-96-13167	NEW-P	04-08-087	296-104-405	AMD	04-21-069
296-96-08190	AMD	04-12-047	296-96-13167	NEW	04-12-047	296-104-502	AMD-P	04-17-100
296-96-08200	AMD-P	04-08-087	296-96-13169	NEW-P	04-08-087	296-104-502	AMD	04-21-069
296-96-08200	AMD	04-12-047	296-96-13169	NEW	04-12-047	296-104-520	AMD-P	04-17-100
296-96-08215	NEW-P	04-08-087	296-96-13171	NEW-P	04-08-087	296-104-520	AMD	04-21-069
296-96-08215	NEW	04-12-047	296-96-13171	NEW	04-12-047	296-104-700	AMD-P	04-08-115
296-96-08220	AMD-P	04-08-087	296-96-14045	AMD-P	04-08-087	296-104-700	AMD	04-13-044
296-96-08220	AMD	04-12-047	296-96-14045	AMD	04-12-047	296-104-700	AMD-P	04-17-100
296-96-08230	AMD-P	04-08-087	296-96-14060	AMD-P	04-08-087	296-104-700	AMD	04-21-069
296-96-08230	AMD	04-12-047	296-96-14060	AMD	04-12-047	296-104-701	AMD-P	04-17-100
296-96-08250	AMD-P	04-08-087	296-96-14070	AMD-P	04-08-087	296-104-701	AMD	04-21-069
296-96-08250	AMD	04-12-047	296-96-14070	AMD	04-12-047	296-115-050	AMD-P	04-03-085
296-96-09002	AMD-P	04-08-087	296-96-14080	AMD-P	04-08-087	296-115-050	AMD	04-14-028
296-96-09002	AMD	04-12-047	296-96-14080	AMD	04-12-047	296-127	PREP	04-06-063
296-96-09003	NEW-P	04-08-087	296-96-16040	AMD-P	04-08-087	296-127-011	AMD-X	04-03-083
296-96-09003	NEW	04-12-047	296-96-16040	AMD	04-12-047	296-127-011	AMD	04-10-083
296-96-09004	NEW-P	04-08-087	296-96-16150	AMD-P	04-08-087	296-127-01377	AMD-P	04-12-068
296-96-09004	NEW	04-12-047	296-96-16150	AMD	04-12-047	296-127-01377	AMD	04-16-094
296-96-10002	NEW-P	04-08-087	296-96-23100	AMD-P	04-08-087	296-150C	PREP	04-13-132
296-96-10002	NEW	04-12-047	296-96-23100	AMD	04-12-047	296-150C-0020	AMD-P	04-20-078
296-96-11000	REP-P	04-08-087	296-96-23101	AMD-P	04-08-087	296-150C-0020	AMD	05-01-102
296-96-11000	REP	04-12-047	296-96-23101	AMD	04-12-047	296-150C-0800	AMD-P	04-20-078
296-96-11001	AMD-P	04-08-087	296-96-23117	NEW-P	04-08-087	296-150C-0800	AMD	05-01-102
296-96-11001	AMD	04-12-047	296-96-23117	NEW	04-12-047	296-150C-0910	AMD-P	04-20-078
296-96-11016	AMD-P	04-08-087	296-96-23118	NEW-P	04-08-087	296-150C-0910	AMD	05-01-102
296-96-11016	AMD	04-12-047	296-96-23118	NEW	04-12-047	296-150C-1080	AMD-P	04-20-078
296-96-11019	AMD-P	04-08-087	296-96-23119	NEW-P	04-08-087	296-150C-1080	AMD	05-01-102
296-96-11019	AMD	04-12-047	296-96-23119	NEW	04-12-047	296-150C-1150	AMD-P	04-20-078
296-96-11022	AMD-P	04-08-087	296-96-23151	AMD-P	04-08-087	296-150C-1150	AMD	05-01-102
296-96-11022	AMD	04-12-047	296-96-23151	AMD	04-12-047	296-150C-1175	AMD-P	04-20-078
296-96-11045	AMD-P	04-08-087	296-96-23240	AMD-P	04-08-087	296-150C-1175	AMD	05-01-102
296-96-11045	AMD	04-12-047	296-96-23240	AMD	04-12-047	296-150C-1180	AMD-P	04-20-078

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296-150C-1345	REP-P	04-20-078	296-155-174	AMD	04-10-026	296-155-610	AMD	04-24-089
296-150C-1345	REP	05-01-102	296-155-174	AMD-X	04-20-080	296-155-615	AMD-P	04-14-083
296-150C-1510	AMD-P	04-20-078	296-155-17613	AMD-X	04-20-080	296-155-615	AMD	04-24-089
296-150C-1510	AMD	05-01-102	296-155-17625	AMD-X	04-20-080	296-155-617	PREP	04-07-154
296-150C-1520	AMD-P	04-20-078	296-155-17652	AMD-X	04-20-080	296-155-617	REP-P	04-12-071
296-150C-1520	AMD	05-01-102	296-155-17652	AMD-X	04-20-080	296-155-617	REP	04-20-079
296-150C-3000	AMD-P	04-08-092	296-155-200	AMD-P	04-14-083	296-155-61701	REP-P	04-12-071
296-150C-3000	AMD	04-12-048	296-155-200	AMD	04-24-089	296-155-61701	REP	04-20-079
296-150C-3000	AMD-P	04-20-078	296-155-20301	AMD-X	04-20-080	296-155-61703	REP-P	04-12-071
296-150C-3000	AMD-P	04-20-078	296-155-220	AMD-X	04-20-080	296-155-61703	REP	04-20-079
296-150C-3000	AMD	05-01-102	296-155-300	REP-X	04-12-069	296-155-61705	REP-P	04-12-071
296-150F	PREP	04-13-132	296-155-300	AMD-P	04-14-083	296-155-61705	REP-P	04-12-071
296-150F-0605	AMD-P	04-20-078	296-155-300	REP	04-18-080	296-155-61705	REP	04-20-079
296-150F-0605	AMD	05-01-102	296-155-300	AMD-W	05-01-035	296-155-61707	REP-P	04-12-071
296-150F-0615	REP-P	04-20-078	296-155-305	AMD-P	04-14-083	296-155-61707	REP	04-20-079
296-150F-0615	REP	05-01-102	296-155-305	AMD	04-24-089	296-155-61707	REP-P	04-12-071
296-150F-3000	AMD-P	04-08-092	296-155-310	AMD-P	04-14-083	296-155-61709	REP-P	04-12-071
296-150F-3000	AMD	04-12-048	296-155-310	AMD	04-24-089	296-155-61709	REP	04-20-079
296-150F-3000	AMD-P	04-20-078	296-155-315	AMD-P	04-14-083	296-155-61711	REP-P	04-12-071
296-150F-3000	AMD	05-01-102	296-155-315	AMD	04-24-089	296-155-61711	REP	04-20-079
296-150M	PREP	04-13-132	296-155-315	AMD	04-24-089	296-155-61713	REP-P	04-12-071
296-150M-0120	AMD-P	04-20-078	296-155-367	AMD-X	04-20-080	296-155-61713	REP	04-20-079
296-150M-0120	AMD	05-01-102	296-155-429	AMD-P	04-03-102	296-155-655	AMD-P	04-14-083
296-150M-0260	AMD-P	04-20-078	296-155-429	AMD	04-15-105	296-155-655	AMD-X	04-20-080
296-150M-0260	AMD	05-01-102	296-155-481	REP-P	04-14-027	296-155-655	AMD	04-24-089
296-150M-0302	AMD-P	04-20-078	296-155-481	REP-W	05-01-053	296-155-682	AMD-P	04-03-085
296-150M-0302	AMD	05-01-102	296-155-482	REP-P	04-14-027	296-155-682	AMD	04-14-028
296-150M-0310	AMD-P	04-20-078	296-155-482	REP-W	05-01-053	296-155-730	AMD-X	04-20-080
296-150M-0310	AMD	05-01-102	296-155-483	REP-P	04-14-027	296-200A-900	AMD-P	04-08-092
296-150M-0614	AMD-P	04-20-078	296-155-483	REP	05-01-054	296-200A-900	AMD	04-12-048
296-150M-0614	AMD	05-01-102	296-155-484	REP-P	04-14-027	296-301-020	AMD-P	04-03-085
296-150M-0614	AMD	05-01-102	296-155-484	REP	05-01-054	296-301-020	PREP	04-06-078
296-150M-3000	AMD-P	04-08-092	296-155-485	REP-P	04-14-027	296-301-020	AMD-X	04-12-069
296-150M-3000	AMD	04-12-048	296-155-485	REP	05-01-054	296-301-020	AMD	04-14-028
296-150P	PREP	04-13-132	296-155-487	AMD-P	04-03-085	296-301-020	PREP-W	04-18-044
296-150P-3000	AMD-P	04-08-092	296-155-487	REP-P	04-14-027	296-301-020	AMD	04-18-080
296-150P-3000	AMD	04-12-048	296-155-487	AMD	04-14-028	296-301-170	AMD-P	04-03-085
296-150R	PREP	04-13-132	296-155-487	REP-W	05-01-053	296-301-170	AMD	04-14-028
296-150R-3000	AMD-P	04-08-092	296-155-488	AMD-P	04-03-085	296-301-220	AMD-X	04-20-080
296-150R-3000	AMD	04-12-048	296-155-488	REP-P	04-14-027	296-302-010	REP-P	04-03-085
296-150T	PREP	04-13-132	296-155-488	AMD	04-14-028	296-302-010	REP	04-14-028
296-150T-3000	AMD-P	04-08-092	296-155-488	REP-W	05-01-053	296-302-015	REP-P	04-03-085
296-150T-3000	AMD	04-12-048	296-155-489	REP-P	04-14-027	296-302-015	REP	04-14-028
296-150T-3000	AMD-P	04-20-078	296-155-489	REP-W	05-01-053	296-302-020	REP-P	04-03-085
296-150T-3000	AMD	05-01-102	296-155-490	REP-P	04-14-027	296-302-020	REP	04-14-028
296-150V	PREP	04-13-132	296-155-490	REP-W	05-01-053	296-302-025	REP-P	04-03-085
296-150V-0205	NEW-P	04-20-078	296-155-493	REP-P	04-14-027	296-302-025	REP	04-14-028
296-150V-0205	NEW	05-01-102	296-155-493	REP	05-01-054	296-302-02501	REP-P	04-03-085
296-150V-1180	AMD-P	04-20-078	296-155-494	REP-P	04-14-027	296-302-02501	REP	04-14-028
296-150V-1180	AMD	05-01-102	296-155-494	REP	05-01-054	296-302-02503	REP-P	04-03-085
296-150V-3000	AMD-P	04-08-092	296-155-496	REP-P	04-14-027	296-302-02503	REP	04-14-028
296-150V-3000	AMD	04-12-048	296-155-496	REP-W	05-01-053	296-302-02505	REP-P	04-03-085
296-150V-3000	AMD-P	04-20-078	296-155-497	REP-P	04-14-027	296-302-02505	REP	04-14-028
296-150V-3000	AMD	05-01-102	296-155-497	REP	05-01-054	296-302-02507	REP-P	04-03-085
296-155	PREP	04-03-084	296-155-498	REP-P	04-14-027	296-302-02507	REP	04-14-028
296-155	PREP	04-05-074	296-155-498	REP	05-01-054	296-302-02509	REP-P	04-03-085
296-155	PREP	04-11-062	296-155-525	AMD-P	04-03-085	296-302-02509	REP	04-14-028
296-155	PREP	05-01-169	296-155-525	AMD	04-14-028	296-302-02511	REP-P	04-03-085
296-155-120	AMD	04-07-160	296-155-525	AMD-X	04-20-080	296-302-02511	REP	04-14-028
296-155-160	AMD-X	04-20-080	296-155-575	REP	04-09-099	296-302-02513	REP-P	04-03-085
296-155-165	AMD-P	04-14-083	296-155-576	REP	04-09-099	296-302-02513	REP	04-14-028
296-155-165	AMD	04-24-089	296-155-610	AMD-E	04-10-107	296-302-02515	REP-P	04-03-085
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296-302-02519	REP-P	04-03-085	296-305-01515	AMD	04-07-160	296-307-45450	REP-P	04-15-107
296-302-02519	REP	04-14-028	296-305-02501	AMD	04-10-026	296-307-45450	REP	05-01-166
296-302-03001	REP-P	04-03-085	296-305-02501	AMD-X	04-20-080	296-307-45600	REP-P	04-15-107
296-302-03001	REP	04-14-028	296-305-04001	AMD-X	04-20-080	296-307-45600	REP	05-01-166
296-302-03003	REP-P	04-03-085	296-305-04501	PREP	04-08-090	296-307-45610	REP-P	04-15-107
296-302-03003	REP	04-14-028	296-305-04501	PREP	04-11-062	296-307-45610	REP	05-01-166
296-302-035	REP-P	04-03-085	296-305-05503	AMD-X	04-20-080	296-307-45620	REP-P	04-15-107
296-302-035	REP	04-14-028	296-305-06519	AMD-P	04-03-085	296-307-45620	REP	05-01-166
296-302-040	REP-P	04-03-085	296-305-06519	AMD	04-14-028	296-307-45800	REP-P	04-15-107
296-302-040	REP	04-14-028	296-307	PREP	04-09-097	296-307-45800	REP	05-01-166
296-302-045	REP-P	04-03-085	296-307	AMD-C	04-21-066	296-307-46000	REP-P	04-15-107
296-302-045	REP	04-14-028	296-307-018	AMD-P	04-15-107	296-307-46000	REP	05-01-166
296-302-050	REP-P	04-03-085	296-307-018	AMD	05-01-166	296-307-50025	AMD-P	04-15-107
296-302-050	REP	04-14-028	296-307-039	AMD	04-07-160	296-307-50025	AMD	05-01-166
296-302-05501	REP-P	04-03-085	296-307-039	AMD-P	04-15-107	296-307-50029	AMD-P	04-15-107
296-302-05501	REP	04-14-028	296-307-039	AMD	05-01-166	296-307-50029	AMD	05-01-166
296-302-05503	REP-P	04-03-085	296-307-03905	AMD	04-07-160	296-307-550	AMD-P	04-15-107
296-302-05503	REP	04-14-028	296-307-03910	REP	04-07-160	296-307-550	AMD	05-01-166
296-302-060	REP-P	04-03-085	296-307-03915	REP	04-07-160	296-307-55015	AMD-P	04-15-107
296-302-060	REP	04-14-028	296-307-03920	AMD-P	04-15-107	296-307-55015	AMD	05-01-166
296-302-065	REP-P	04-03-085	296-307-03920	AMD	05-01-166	296-307-55030	AMD-P	04-15-107
296-302-065	REP	04-14-028	296-307-03925	REP	04-07-160	296-307-55030	AMD	05-01-166
296-302-06501	REP-P	04-03-085	296-307-061	AMD-P	04-15-107	296-307-55035	AMD-P	04-15-107
296-302-06501	REP	04-14-028	296-307-061	AMD	05-01-166	296-307-55035	AMD	05-01-166
296-302-06503	REP-P	04-03-085	296-307-07013	AMD-P	04-15-107	296-307-55060	AMD-P	04-15-107
296-302-06503	REP	04-14-028	296-307-07013	AMD	05-01-166	296-307-55060	AMD	05-01-166
296-302-06505	REP-P	04-03-085	296-307-11015	AMD-P	04-15-107	296-307-560	AMD-P	04-15-107
296-302-06505	REP	04-14-028	296-307-11015	AMD	05-01-166	296-307-560	AMD	05-01-166
296-302-06507	REP-P	04-03-085	296-307-13045	AMD-P	04-15-107	296-307-56025	AMD-P	04-15-107
296-302-06507	REP	04-14-028	296-307-13045	AMD	05-01-166	296-307-56025	AMD	05-01-166
296-302-06509	REP-P	04-03-085	296-307-14505	AMD-X	04-07-162	296-307-56050	AMD-P	04-15-107
296-302-06509	REP	04-14-028	296-307-14505	AMD	04-13-129	296-307-56050	AMD	05-01-166
296-302-06511	REP-P	04-03-085	296-307-14510	AMD-X	04-07-162	296-307-594	NEW-P	04-15-107
296-302-06511	REP	04-14-028	296-307-14510	AMD	04-13-129	296-307-594	NEW	05-01-166
296-302-06513	REP-P	04-03-085	296-307-16340	AMD-P	04-15-107	296-307-596	NEW-P	04-15-107
296-302-06513	REP	04-14-028	296-307-16340	AMD	05-01-166	296-307-596	NEW	05-01-166
296-302-06515	REP-P	04-03-085	296-307-45010	AMD-P	04-15-107	296-307-59605	NEW-P	04-15-107
296-302-06515	REP	04-14-028	296-307-45010	AMD	05-01-166	296-307-59605	NEW	05-01-166
296-302-06517	REP-P	04-03-085	296-307-45035	AMD-P	04-15-107	296-307-598	NEW-P	04-15-107
296-302-06517	REP	04-14-028	296-307-45035	AMD	05-01-166	296-307-598	NEW	05-01-166
296-302-06519	REP-P	04-03-085	296-307-45045	AMD-P	04-15-107	296-307-59805	NEW-P	04-15-107
296-302-06519	REP	04-14-028	296-307-45045	AMD	05-01-166	296-307-59805	NEW	05-01-166
296-302-06521	REP-P	04-03-085	296-307-452	REP-P	04-15-107	296-307-59810	NEW-P	04-15-107
296-302-06521	REP	04-14-028	296-307-452	REP	05-01-166	296-307-59810	NEW	05-01-166
296-302-06523	REP-P	04-03-085	296-307-45210	REP-P	04-15-107	296-307-600	NEW-P	04-15-107
296-302-06523	REP	04-14-028	296-307-45210	REP	05-01-166	296-307-600	NEW	05-01-166
296-302-06525	REP-P	04-03-085	296-307-45220	REP-P	04-15-107	296-307-60005	NEW-P	04-15-107
296-302-06525	REP	04-14-028	296-307-45220	REP	05-01-166	296-307-60005	NEW	05-01-166
296-302-06527	REP-P	04-03-085	296-307-45230	REP-P	04-15-107	296-307-60010	NEW-P	04-15-107
296-302-06527	REP	04-14-028	296-307-45230	REP	05-01-166	296-307-60010	NEW	05-01-166
296-302-06529	REP-P	04-03-085	296-307-45240	REP-P	04-15-107	296-307-602	NEW-P	04-15-107
296-302-06529	REP	04-14-028	296-307-45240	REP	05-01-166	296-307-602	NEW	05-01-166
296-302-06531	REP-P	04-03-085	296-307-45400	REP-P	04-15-107	296-307-60205	NEW-P	04-15-107
296-302-06531	REP	04-14-028	296-307-45400	REP	05-01-166	296-307-60205	NEW	05-01-166
296-303-030	AMD-P	04-03-085	296-307-45410	REP-P	04-15-107	296-307-604	NEW-P	04-15-107
296-303-030	AMD	04-14-028	296-307-45410	REP	05-01-166	296-307-604	NEW	05-01-166
296-304-02003	AMD-X	04-20-080	296-307-45420	REP-P	04-15-107	296-307-60405	NEW-P	04-15-107
296-304-03001	AMD-X	04-20-080	296-307-45420	REP	05-01-166	296-307-60405	NEW	05-01-166
296-304-03005	AMD-X	04-20-080	296-307-45430	REP-P	04-15-107	296-307-606	NEW-P	04-15-107
296-304-03007	AMD-X	04-20-080	296-307-45430	REP	05-01-166	296-307-606	NEW	05-01-166

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-307-60605	NEW-P	04-15-107	296-307-628	NEW-P	04-15-107	296-307-644	NEW-P	04-15-107
296-307-60605	NEW	05-01-166	296-307-628	NEW	05-01-166	296-307-644	NEW	05-01-166
296-307-608	NEW-P	04-15-107	296-307-630	NEW-P	04-15-107	296-307-64402	NEW-P	04-15-107
296-307-608	NEW	05-01-166	296-307-630	NEW	05-01-166	296-307-64402	NEW	05-01-166
296-307-60805	NEW-P	04-15-107	296-307-632	NEW-P	04-15-107	296-307-64404	NEW-P	04-15-107
296-307-60805	NEW	05-01-166	296-307-632	NEW	05-01-166	296-307-64404	NEW	05-01-166
296-307-610	NEW-P	04-15-107	296-307-63205	NEW-P	04-15-107	296-307-64406	NEW-P	04-15-107
296-307-610	NEW	05-01-166	296-307-63205	NEW	05-01-166	296-307-64406	NEW	05-01-166
296-307-61005	NEW-P	04-15-107	296-307-63210	NEW-P	04-15-107	296-307-646	NEW-P	04-15-107
296-307-61005	NEW	05-01-166	296-307-63210	NEW	05-01-166	296-307-646	NEW	05-01-166
296-307-61010	NEW-P	04-15-107	296-307-63215	NEW-P	04-15-107	296-307-64602	NEW-P	04-15-107
296-307-61010	NEW	05-01-166	296-307-63215	NEW	05-01-166	296-307-64602	NEW	05-01-166
296-307-61015	NEW-P	04-15-107	296-307-63220	NEW-P	04-15-107	296-307-64604	NEW-P	04-15-107
296-307-61015	NEW	05-01-166	296-307-63220	NEW	05-01-166	296-307-64604	NEW	05-01-166
296-307-612	NEW-P	04-15-107	296-307-63225	NEW-P	04-15-107	296-307-648	NEW-P	04-15-107
296-307-612	NEW	05-01-166	296-307-63225	NEW	05-01-166	296-307-648	NEW	05-01-166
296-307-61205	NEW-P	04-15-107	296-307-63230	NEW-P	04-15-107	296-307-64802	NEW-P	04-15-107
296-307-61205	NEW	05-01-166	296-307-63230	NEW	05-01-166	296-307-64802	NEW	05-01-166
296-307-61210	NEW-P	04-15-107	296-307-63235	NEW-P	04-15-107	296-307-64804	NEW-P	04-15-107
296-307-61210	NEW	05-01-166	296-307-63235	NEW	05-01-166	296-307-64804	NEW	05-01-166
296-307-614	NEW-P	04-15-107	296-307-63240	NEW-P	04-15-107	296-307-650	NEW-P	04-15-107
296-307-614	NEW	05-01-166	296-307-63240	NEW	05-01-166	296-307-650	NEW	05-01-166
296-307-61405	NEW-P	04-15-107	296-307-634	NEW-P	04-15-107	296-307-65002	NEW-P	04-15-107
296-307-61405	NEW	05-01-166	296-307-634	NEW	05-01-166	296-307-65002	NEW	05-01-166
296-307-616	NEW-P	04-15-107	296-307-63405	NEW-P	04-15-107	296-307-65004	NEW-P	04-15-107
296-307-616	NEW	05-01-166	296-307-63405	NEW	05-01-166	296-307-65004	NEW	05-01-166
296-307-61605	NEW-P	04-15-107	296-307-63410	NEW-P	04-15-107	296-307-65006	NEW-P	04-15-107
296-307-61605	NEW	05-01-166	296-307-63410	NEW	05-01-166	296-307-65006	NEW	05-01-166
296-307-61610	NEW-P	04-15-107	296-307-63415	NEW-P	04-15-107	296-307-65008	NEW-P	04-15-107
296-307-61610	NEW	05-01-166	296-307-63415	NEW	05-01-166	296-307-65008	NEW	05-01-166
296-307-61615	NEW-P	04-15-107	296-307-636	NEW-P	04-15-107	296-307-65010	NEW-P	04-15-107
296-307-61615	NEW	05-01-166	296-307-636	NEW	05-01-166	296-307-65010	NEW	05-01-166
296-307-618	NEW-P	04-15-107	296-307-63605	NEW-P	04-15-107	296-307-65012	NEW-P	04-15-107
296-307-618	NEW	05-01-166	296-307-63605	NEW	05-01-166	296-307-65012	NEW	05-01-166
296-307-61805	NEW-P	04-15-107	296-307-63610	NEW-P	04-15-107	296-307-65014	NEW-P	04-15-107
296-307-61805	NEW	05-01-166	296-307-63610	NEW	05-01-166	296-307-65014	NEW	05-01-166
296-307-620	NEW-P	04-15-107	296-307-63615	NEW-P	04-15-107	296-307-65016	NEW-P	04-15-107
296-307-620	NEW	05-01-166	296-307-63615	NEW	05-01-166	296-307-65016	NEW	05-01-166
296-307-62005	NEW-P	04-15-107	296-307-63620	NEW-P	04-15-107	296-307-65018	NEW-P	04-15-107
296-307-62005	NEW	05-01-166	296-307-63620	NEW	05-01-166	296-307-65018	NEW	05-01-166
296-307-62010	NEW-P	04-15-107	296-307-63625	NEW-P	04-15-107	296-307-65020	NEW-P	04-15-107
296-307-62010	NEW	05-01-166	296-307-63625	NEW	05-01-166	296-307-65020	NEW	05-01-166
296-307-62015	NEW-P	04-15-107	296-307-63630	NEW-P	04-15-107	296-307-65022	NEW-P	04-15-107
296-307-62015	NEW	05-01-166	296-307-63630	NEW	05-01-166	296-307-65022	NEW	05-01-166
296-307-62020	NEW-P	04-15-107	296-307-63635	NEW-P	04-15-107	296-307-65024	NEW-P	04-15-107
296-307-62020	NEW	05-01-166	296-307-63635	NEW	05-01-166	296-307-65024	NEW	05-01-166
296-307-622	NEW-P	04-15-107	296-307-638	NEW-P	04-15-107	296-307-652	NEW-P	04-15-107
296-307-622	NEW	05-01-166	296-307-638	NEW	05-01-166	296-307-652	NEW	05-01-166
296-307-624	NEW-P	04-15-107	296-307-63805	NEW-P	04-15-107	296-307-65202	NEW-P	04-15-107
296-307-624	NEW	05-01-166	296-307-63805	NEW	05-01-166	296-307-65202	NEW	05-01-166
296-307-626	NEW-P	04-15-107	296-307-63810	NEW-P	04-15-107	296-307-65204	NEW-P	04-15-107
296-307-626	NEW	05-01-166	296-307-63810	NEW	05-01-166	296-307-65204	NEW	05-01-166
296-307-62605	NEW-P	04-15-107	296-307-63815	NEW-P	04-15-107	296-307-654	NEW-P	04-15-107
296-307-62605	NEW	05-01-166	296-307-63815	NEW	05-01-166	296-307-654	NEW	05-01-166
296-307-62610	NEW-P	04-15-107	296-307-63820	NEW-P	04-15-107	296-307-65402	NEW-P	04-15-107
296-307-62610	NEW	05-01-166	296-307-63820	NEW	05-01-166	296-307-65402	NEW	05-01-166
296-307-62615	NEW-P	04-15-107	296-307-63825	NEW-P	04-15-107	296-307-65404	NEW-P	04-15-107
296-307-62615	NEW	05-01-166	296-307-63825	NEW	05-01-166	296-307-65404	NEW	05-01-166
296-307-62620	NEW-P	04-15-107	296-307-640	NEW-P	04-15-107	296-307-656	NEW-P	04-15-107
296-307-62620	NEW	05-01-166	296-307-640	NEW	05-01-166	296-307-656	NEW	05-01-166
296-307-62625	NEW-P	04-15-107	296-307-642	NEW-P	04-15-107	296-307-686	NEW-P	04-15-107
296-307-62625	NEW	05-01-166	296-307-642	NEW	05-01-166	296-307-688	NEW-P	04-15-107

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-307-68805	NEW-P	04-15-107	296-307-70470	NEW	05-01-166	296-800-180	AMD	04-10-026
296-307-68810	NEW-P	04-15-107	296-307-70475	NEW-P	04-15-107	296-800-310	AMD-W	04-11-058
296-307-690	NEW-P	04-15-107	296-307-70475	NEW	05-01-166	296-800-31010	AMD-W	04-11-058
296-307-69005	NEW-P	04-15-107	296-307-70480	NEW-P	04-15-107	296-800-31020	AMD-W	04-11-058
296-307-69010	NEW-P	04-15-107	296-307-70480	NEW	05-01-166	296-800-31070	AMD-W	04-11-058
296-307-69015	NEW-P	04-15-107	296-400A	PREP	04-16-093	296-800-35052	PREP	04-06-078
296-307-692	NEW-P	04-15-107	296-400A-005	AMD-P	04-08-089	296-800-35052	AMD-X	04-12-069
296-307-69205	NEW-P	04-15-107	296-400A-005	AMD	04-12-046	296-800-35052	PREP-W	04-18-044
296-307-69210	NEW-P	04-15-107	296-400A-020	AMD-P	04-08-089	296-800-35052	AMD	04-18-080
296-307-694	NEW-P	04-15-107	296-400A-020	AMD	04-12-046	296-800-370	AMD-W	04-11-058
296-307-69405	NEW-P	04-15-107	296-400A-021	AMD-P	04-08-089	296-802-100	NEW	04-10-026
296-307-69410	NEW-P	04-15-107	296-400A-021	AMD	04-12-046	296-802-200	NEW	04-10-026
296-307-69415	NEW-P	04-15-107	296-400A-023	NEW-P	04-08-089	296-802-20005	NEW	04-10-026
296-307-69420	NEW-P	04-15-107	296-400A-023	NEW	04-12-046	296-802-20010	NEW	04-10-026
296-307-69425	NEW-P	04-15-107	296-400A-026	AMD-P	04-08-089	296-802-20015	NEW	04-10-026
296-307-69430	NEW-P	04-15-107	296-400A-026	AMD	04-12-046	296-802-300	NEW	04-10-026
296-307-69435	NEW-P	04-15-107	296-400A-028	NEW-P	04-08-089	296-802-30005	NEW	04-10-026
296-307-69440	NEW-P	04-15-107	296-400A-028	NEW	04-12-046	296-802-400	NEW	04-10-026
296-307-696	NEW-P	04-15-107	296-400A-029	NEW-P	04-08-089	296-802-40005	NEW	04-10-026
296-307-69605	NEW-P	04-15-107	296-400A-029	NEW	04-12-046	296-802-40010	NEW	04-10-026
296-307-69610	NEW-P	04-15-107	296-400A-030	AMD-P	04-08-089	296-802-40015	NEW	04-10-026
296-307-69615	NEW-P	04-15-107	296-400A-030	AMD	04-12-046	296-802-500	NEW	04-10-026
296-307-69620	NEW-P	04-15-107	296-400A-031	AMD-P	04-08-089	296-802-50005	NEW	04-10-026
296-307-69625	NEW-P	04-15-107	296-400A-031	AMD	04-12-046	296-802-50010	NEW	04-10-026
296-307-69630	NEW-P	04-15-107	296-400A-035	AMD-P	04-08-089	296-802-600	NEW	04-10-026
296-307-698	NEW-P	04-15-107	296-400A-035	AMD	04-12-046	296-802-60005	NEW	04-10-026
296-307-69805	NEW-P	04-15-107	296-400A-045	AMD-P	04-08-089	296-802-900	NEW	04-10-026
296-307-69810	NEW-P	04-15-107	296-400A-045	AMD	04-12-046	296-803-100	NEW-P	04-03-102
296-307-69815	NEW-P	04-15-107	296-400A-120	AMD-P	04-08-089	296-803-100	NEW	04-15-105
296-307-69820	NEW-P	04-15-107	296-400A-120	AMD	04-12-046	296-803-200	NEW-P	04-03-102
296-307-69825	NEW-P	04-15-107	296-400A-121	AMD-P	04-08-089	296-803-200	NEW	04-15-105
296-307-69830	NEW-P	04-15-107	296-400A-121	AMD	04-12-046	296-803-20005	NEW-P	04-03-102
296-307-700	NEW-P	04-15-107	296-400A-122	AMD-P	04-08-089	296-803-20005	NEW	04-15-105
296-307-70005	NEW-P	04-15-107	296-400A-122	AMD	04-12-046	296-803-300	NEW-P	04-03-102
296-307-702	NEW-P	04-15-107	296-400A-130	AMD-P	04-08-089	296-803-300	NEW	04-15-105
296-307-704	NEW-P	04-15-107	296-400A-130	AMD	04-12-046	296-803-30005	NEW-P	04-03-102
296-307-704	NEW	05-01-166	296-400A-135	NEW-P	04-08-089	296-803-30005	NEW	04-15-105
296-307-70410	NEW-P	04-15-107	296-400A-135	NEW	04-12-046	296-803-400	NEW-P	04-03-102
296-307-70410	NEW	05-01-166	296-400A-140	AMD-P	04-08-089	296-803-400	NEW	04-15-105
296-307-70415	NEW-P	04-15-107	296-400A-140	AMD	04-12-046	296-803-40005	NEW-P	04-03-102
296-307-70415	NEW	05-01-166	296-400A-150	NEW-P	04-08-089	296-803-40005	NEW	04-15-105
296-307-70420	NEW-P	04-15-107	296-400A-150	NEW	04-12-046	296-803-40010	NEW-P	04-03-102
296-307-70420	NEW	05-01-166	296-400A-155	NEW-P	04-08-089	296-803-40010	NEW	04-15-105
296-307-70425	NEW-P	04-15-107	296-400A-155	NEW	04-12-046	296-803-40015	NEW-P	04-03-102
296-307-70425	NEW	05-01-166	296-400A-300	AMD-P	04-08-089	296-803-40015	NEW	04-15-105
296-307-70430	NEW-P	04-15-107	296-400A-300	AMD	04-12-046	296-803-40020	NEW-P	04-03-102
296-307-70430	NEW	05-01-166	296-400A-400	AMD-P	04-08-089	296-803-40020	NEW	04-15-105
296-307-70435	NEW-P	04-15-107	296-400A-400	AMD	04-12-046	296-803-500	NEW-P	04-03-102
296-307-70435	NEW	05-01-166	296-400A-425	AMD-P	04-08-089	296-803-500	NEW	04-15-105
296-307-70440	NEW-P	04-15-107	296-400A-425	AMD	04-12-046	296-803-50005	NEW-P	04-03-102
296-307-70440	NEW	05-01-166	296-800	PREP	04-07-157	296-803-50005	NEW	04-15-105
296-307-70445	NEW-P	04-15-107	296-800-11045	PREP	04-06-078	296-803-50010	NEW-P	04-03-102
296-307-70445	NEW	05-01-166	296-800-11045	AMD-X	04-12-069	296-803-50010	NEW	04-15-105
296-307-70450	NEW-P	04-15-107	296-800-11045	PREP-W	04-18-044	296-803-50015	NEW-P	04-03-102
296-307-70450	NEW	05-01-166	296-800-11045	AMD	04-18-080	296-803-50015	NEW	04-15-105
296-307-70455	NEW-P	04-15-107	296-800-150	AMD	04-07-160	296-803-50020	NEW-P	04-03-102
296-307-70455	NEW	05-01-166	296-800-15005	AMD	04-07-160	296-803-50020	NEW	04-15-105
296-307-70460	NEW-P	04-15-107	296-800-15010	REP	04-07-160	296-803-50025	NEW-P	04-03-102
296-307-70460	NEW	05-01-166	296-800-15015	REP	04-07-160	296-803-50025	NEW	04-15-105
296-307-70465	NEW-P	04-15-107	296-800-15025	REP	04-07-160	296-803-50030	NEW-P	04-03-102
296-307-70465	NEW	05-01-166	296-800-160	AMD-X	04-20-080	296-803-50030	NEW	04-15-105
296-307-70470	NEW-P	04-15-107	296-800-17005	AMD	04-10-026	296-803-50035	NEW-P	04-03-102

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-806-48064	NEW	04-14-028	296-816-100	NEW-P	04-07-159	296-823-18055	AMD-X	04-07-158
296-806-48066	NEW-P	04-03-085	296-816-100	NEW	04-14-026	296-823-18055	AMD	04-12-070
296-806-48066	NEW	04-14-028	296-816-200	NEW-P	04-07-159	296-823-200	AMD-X	04-07-158
296-806-48068	NEW-P	04-03-085	296-816-200	NEW	04-14-026	296-823-200	AMD	04-12-070
296-806-48068	NEW	04-14-028	296-816-20005	NEW-P	04-07-159	296-824-20005	AMD-X	04-20-080
296-806-48070	NEW-P	04-03-085	296-816-20005	NEW	04-14-026	296-824-40005	AMD-X	04-20-080
296-806-48070	NEW	04-14-028	296-816-20010	NEW-P	04-07-159	296-824-60005	AMD-X	04-20-080
296-806-48072	NEW-P	04-03-085	296-816-20010	NEW	04-14-026	296-824-70005	AMD-X	04-20-080
296-806-48072	NEW	04-14-028	296-816-20015	NEW-P	04-07-159	296-824-800	AMD-X	04-20-080
296-806-48074	NEW-P	04-03-085	296-816-20015	NEW	04-14-026	296-829-100	NEW	04-09-099
296-806-48074	NEW	04-14-028	296-816-20020	NEW-P	04-07-159	296-829-200	NEW	04-09-099
296-806-48076	NEW-P	04-03-085	296-816-20020	NEW	04-14-026	296-829-20005	NEW	04-09-099
296-806-48076	NEW	04-14-028	296-816-300	NEW-P	04-07-159	296-829-20010	NEW	04-09-099
296-806-48078	NEW-P	04-03-085	296-816-300	NEW	04-14-026	296-829-300	NEW	04-09-099
296-806-48078	NEW	04-14-028	296-823-100	AMD-X	04-07-158	296-829-30005	NEW	04-09-099
296-806-48080	NEW-P	04-03-085	296-823-100	AMD	04-12-070	296-829-30010	NEW	04-09-099
296-806-48080	NEW	04-14-028	296-823-11010	AMD-X	04-07-158	296-829-400	NEW	04-09-099
296-806-48082	NEW-P	04-03-085	296-823-11010	AMD	04-12-070	296-829-40005	NEW	04-09-099
296-806-48082	NEW	04-14-028	296-823-12010	AMD-X	04-07-158	296-829-40010	NEW	04-09-099
296-806-48084	NEW-P	04-03-085	296-823-12010	AMD	04-12-070	296-829-40015	NEW	04-09-099
296-806-48084	NEW	04-14-028	296-823-13005	AMD-X	04-07-158	296-829-40020	NEW	04-09-099
296-806-48086	NEW-P	04-03-085	296-823-13005	AMD	04-12-070	296-829-500	NEW	04-09-099
296-806-48086	NEW	04-14-028	296-823-14005	AMD-X	04-07-158	296-835-11045	AMD-X	04-20-080
296-806-48088	NEW-P	04-03-085	296-823-14005	AMD	04-12-070	296-839-30005	AMD-X	04-20-080
296-806-48088	NEW	04-14-028	296-823-14015	AMD-X	04-07-158	296-839-500	AMD-X	04-20-080
296-806-485	NEW	04-14-028	296-823-14015	AMD	04-12-070	296-841	PREP	04-07-155
296-806-48502	NEW-P	04-03-085	296-823-14025	AMD-X	04-07-158	296-841	PREP	04-07-156
296-806-48502	NEW	04-14-028	296-823-14025	AMD	04-12-070	296-841	PREP	05-01-169
296-806-500	NEW-P	04-03-085	296-823-14050	AMD-X	04-07-158	296-841-100	AMD-X	04-11-064
296-806-500	NEW	04-14-028	296-823-14050	AMD	04-12-070	296-841-100	AMD	04-18-079
296-809-100	NEW	04-03-081	296-823-14060	AMD-X	04-07-158	296-841-20005	AMD-X	04-11-064
296-809-200	NEW	04-03-081	296-823-14060	AMD	04-12-070	296-841-20005	AMD	04-18-079
296-809-20002	NEW	04-03-081	296-823-14065	AMD-X	04-07-158	296-841-20010	AMD-X	04-11-064
296-809-20004	NEW	04-03-081	296-823-14065	AMD	04-12-070	296-841-20010	AMD	04-18-079
296-809-20006	NEW	04-03-081	296-823-15010	AMD-X	04-07-158	296-841-20020	AMD-X	04-11-064
296-809-300	NEW	04-03-081	296-823-15010	AMD	04-12-070	296-841-20020	AMD	04-18-079
296-809-30002	NEW	04-03-081	296-823-15015	AMD-X	04-07-158	296-841-20025	NEW-X	04-11-064
296-809-30004	NEW	04-03-081	296-823-15015	AMD	04-12-070	296-841-20025	NEW	04-18-079
296-809-400	NEW	04-03-081	296-823-15020	AMD-X	04-07-158	296-841-300	AMD-X	04-11-064
296-809-40002	NEW	04-03-081	296-823-15020	AMD	04-12-070	296-841-300	AMD	04-18-079
296-809-40004	NEW	04-03-081	296-823-160	AMD-X	04-07-158	296-843-100	NEW	04-02-053
296-809-500	NEW	04-03-081	296-823-160	AMD	04-12-070	296-843-110	NEW	04-02-053
296-809-50002	NEW	04-03-081	296-823-16005	AMD-X	04-07-158	296-843-11005	NEW	04-02-053
296-809-50004	NEW	04-03-081	296-823-16005	AMD	04-12-070	296-843-11010	NEW	04-02-053
296-809-50006	NEW	04-03-081	296-823-16010	AMD-X	04-07-158	296-843-120	NEW	04-02-053
296-809-50008	NEW	04-03-081	296-823-16010	AMD	04-12-070	296-843-12005	NEW	04-02-053
296-809-50010	NEW	04-03-081	296-823-16015	AMD-X	04-07-158	296-843-130	NEW	04-02-053
296-809-50012	NEW	04-03-081	296-823-16015	AMD	04-12-070	296-843-13005	NEW	04-02-053
296-809-50014	NEW	04-03-081	296-823-16025	AMD-X	04-07-158	296-843-13010	NEW	04-02-053
296-809-50016	NEW	04-03-081	296-823-16025	AMD	04-12-070	296-843-140	NEW	04-02-053
296-809-50018	NEW	04-03-081	296-823-16030	AMD-X	04-07-158	296-843-14005	NEW	04-02-053
296-809-50020	NEW	04-03-081	296-823-16030	AMD	04-12-070	296-843-150	NEW	04-02-053
296-809-50022	NEW	04-03-081	296-823-17010	AMD-X	04-07-158	296-843-15005	NEW	04-02-053
296-809-50024	NEW	04-03-081	296-823-17010	AMD	04-12-070	296-843-15010	NEW	04-02-053
296-809-600	NEW	04-03-081	296-823-180	AMD-X	04-07-158	296-843-15015	NEW	04-02-053
296-809-60002	NEW	04-03-081	296-823-180	AMD	04-12-070	296-843-160	NEW	04-02-053
296-809-60004	NEW	04-03-081	296-823-18015	AMD-X	04-07-158	296-843-16005	NEW	04-02-053
296-809-700	NEW	04-03-081	296-823-18015	AMD	04-12-070	296-843-170	NEW	04-02-053
296-809-70002	NEW	04-03-081	296-823-18045	AMD-X	04-07-158	296-843-17005	NEW	04-02-053
296-809-70004	NEW	04-03-081	296-823-18045	AMD	04-12-070	296-843-180	NEW	04-02-053
296-809-800	NEW	04-03-081	296-823-18050	AMD-X	04-07-158	296-843-18005	NEW	04-02-053
			296-823-18050	AMD	04-12-070	296-843-18010	NEW	04-02-053

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-843-18015	NEW	04-02-053	296-849-11010	NEW-P	04-15-106	296-863-30015	NEW-P	04-08-039
296-843-18020	NEW	04-02-053	296-849-11010	NEW	05-01-172	296-863-30015	NEW	04-19-051
296-843-190	NEW	04-02-053	296-849-11020	NEW-P	04-15-106	296-863-30020	NEW-P	04-08-039
296-843-19005	NEW	04-02-053	296-849-11020	NEW	05-01-172	296-863-30020	NEW	04-19-051
296-843-200	NEW	04-02-053	296-849-11030	NEW-P	04-15-106	296-863-30025	NEW-P	04-08-039
296-843-20005	NEW	04-02-053	296-849-11030	NEW	05-01-172	296-863-30025	NEW	04-19-051
296-843-20010	NEW	04-02-053	296-849-11040	NEW-P	04-15-106	296-863-30030	NEW-P	04-08-039
296-843-20015	NEW	04-02-053	296-849-11040	NEW	05-01-172	296-863-30030	NEW	04-19-051
296-843-20020	NEW	04-02-053	296-849-11050	NEW-P	04-15-106	296-863-30035	NEW-P	04-08-039
296-843-20025	NEW	04-02-053	296-849-11050	NEW	05-01-172	296-863-30035	NEW	04-19-051
296-843-20030	NEW	04-02-053	296-849-11065	NEW-P	04-15-106	296-863-30040	NEW-P	04-08-039
296-843-20035	NEW	04-02-053	296-849-11065	NEW	05-01-172	296-863-30040	NEW	04-19-051
296-843-210	NEW	04-02-053	296-849-11070	NEW-P	04-15-106	296-863-400	NEW-P	04-08-039
296-843-21005	NEW	04-02-053	296-849-11070	NEW	05-01-172	296-863-400	NEW	04-19-051
296-843-220	NEW	04-02-053	296-849-11090	NEW-P	04-15-106	296-863-40005	NEW-P	04-08-039
296-843-22005	NEW	04-02-053	296-849-11090	NEW	05-01-172	296-863-40005	NEW	04-19-051
296-843-22010	NEW	04-02-053	296-849-120	NEW-P	04-15-106	296-863-40010	NEW-P	04-08-039
296-843-300	NEW	04-02-053	296-849-120	NEW	05-01-172	296-863-40010	NEW	04-19-051
296-848-100	NEW-P	04-18-077	296-849-12010	NEW-P	04-15-106	296-863-40015	NEW-P	04-08-039
296-848-100	NEW	05-01-173	296-849-12010	NEW	05-01-172	296-863-40015	NEW	04-19-051
296-848-200	NEW-P	04-18-077	296-849-12030	NEW-P	04-15-106	296-863-40020	NEW-P	04-08-039
296-848-200	NEW	05-01-173	296-849-12030	NEW	05-01-172	296-863-40020	NEW	04-19-051
296-848-20010	NEW-P	04-18-077	296-849-12050	NEW-P	04-15-106	296-863-40025	NEW-P	04-08-039
296-848-20010	NEW	05-01-173	296-849-12050	NEW	05-01-172	296-863-40025	NEW	04-19-051
296-848-20025	NEW-P	04-18-077	296-849-12080	NEW-P	04-15-106	296-863-40030	NEW-P	04-08-039
296-848-20025	NEW	05-01-173	296-849-12080	NEW	05-01-172	296-863-40030	NEW	04-19-051
296-848-20060	NEW-P	04-18-077	296-849-130	NEW-P	04-15-106	296-863-40035	NEW-P	04-08-039
296-848-20060	NEW	05-01-173	296-849-130	NEW	05-01-172	296-863-40035	NEW	04-19-051
296-848-20070	NEW-P	04-18-077	296-849-13005	NEW-P	04-15-106	296-863-40040	NEW-P	04-08-039
296-848-20070	NEW	05-01-173	296-849-13005	NEW	05-01-172	296-863-40040	NEW	04-19-051
296-848-20090	NEW-P	04-18-077	296-849-13020	NEW-P	04-15-106	296-863-40045	NEW-P	04-08-039
296-848-20090	NEW	05-01-173	296-849-13020	NEW	05-01-172	296-863-40045	NEW	04-19-051
296-848-300	NEW-P	04-18-077	296-849-13045	NEW-P	04-15-106	296-863-40050	NEW-P	04-08-039
296-848-300	NEW	05-01-173	296-849-13045	NEW	05-01-172	296-863-40050	NEW	04-19-051
296-848-30005	NEW-P	04-18-077	296-849-190	NEW-P	04-15-106	296-863-40055	NEW-P	04-08-039
296-848-30005	NEW	05-01-173	296-849-190	NEW	05-01-172	296-863-40055	NEW	04-19-051
296-848-30010	NEW-P	04-18-077	296-863-10005	NEW-P	04-08-039	296-863-40060	NEW-P	04-08-039
296-848-30010	NEW	05-01-173	296-863-10005	NEW	04-19-051	296-863-40060	NEW	04-19-051
296-848-30030	NEW-P	04-18-077	296-863-200	NEW-P	04-08-039	296-863-40065	NEW-P	04-08-039
296-848-30030	NEW	05-01-173	296-863-200	NEW	04-19-051	296-863-40065	NEW	04-19-051
296-848-30080	NEW-P	04-18-077	296-863-20005	NEW-P	04-08-039	296-863-500	NEW-P	04-08-039
296-848-30080	NEW	05-01-173	296-863-20005	NEW	04-19-051	296-863-500	NEW	04-19-051
296-848-400	NEW-P	04-18-077	296-863-20010	NEW-P	04-08-039	296-863-50005	NEW-P	04-08-039
296-848-400	NEW	05-01-173	296-863-20010	NEW	04-19-051	296-863-50005	NEW	04-19-051
296-848-40005	NEW-P	04-18-077	296-863-20015	NEW-P	04-08-039	296-863-600	NEW-P	04-08-039
296-848-40005	NEW	05-01-173	296-863-20015	NEW	04-19-051	296-863-600	NEW	04-19-051
296-848-40020	NEW-P	04-18-077	296-863-20020	NEW-P	04-08-039	296-863-60005	NEW-P	04-08-039
296-848-40020	NEW	05-01-173	296-863-20020	NEW	04-19-051	296-863-60005	NEW	04-19-051
296-848-40025	NEW-P	04-18-077	296-863-20025	NEW-P	04-08-039	296-863-60010	NEW-P	04-08-039
296-848-40025	NEW	05-01-173	296-863-20025	NEW	04-19-051	296-863-60010	NEW	04-19-051
296-848-40030	NEW-P	04-18-077	296-863-20030	NEW-P	04-08-039	296-863-60015	NEW-P	04-08-039
296-848-40030	NEW	05-01-173	296-863-20030	NEW	04-19-051	296-863-60015	NEW	04-19-051
296-848-40040	NEW-P	04-18-077	296-863-20035	NEW-P	04-08-039	296-863-700	NEW-P	04-08-039
296-848-40040	NEW	05-01-173	296-863-20035	NEW	04-19-051	296-863-700	NEW	04-19-051
296-848-40045	NEW-P	04-18-077	296-863-20040	NEW-P	04-08-039	296-864-100	NEW-P	04-12-071
296-848-40045	NEW	05-01-173	296-863-20040	NEW	04-19-051	296-864-100	NEW	04-20-079
296-848-500	NEW-P	04-18-077	296-863-300	NEW-P	04-08-039	296-864-200	NEW-P	04-12-071
296-848-500	NEW	05-01-173	296-863-300	NEW	04-19-051	296-864-200	NEW	04-20-079
296-849-100	NEW-P	04-15-106	296-863-30005	NEW-P	04-08-039	296-864-20005	NEW-P	04-12-071
296-849-100	NEW	05-01-172	296-863-30005	NEW	04-19-051	296-864-20005	NEW	04-20-079
296-849-110	NEW-P	04-15-106	296-863-30010	NEW-P	04-08-039	296-864-20010	NEW-P	04-12-071
296-849-110	NEW	05-01-172	296-863-30010	NEW	04-19-051	296-864-20010	NEW	04-20-079

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-874-40020	NEW-P	04-14-027	308-15-020	AMD	05-01-174	308-56A-040	AMD	04-07-168
296-874-40020	NEW	05-01-054	308-15-030	AMD-P	04-19-071	308-56A-075	AMD-X	04-09-033
296-874-40022	NEW-P	04-14-027	308-15-030	AMD	05-01-174	308-56A-075	AMD	04-13-118
296-874-40022	NEW	05-01-054	308-15-040	AMD-P	04-19-071	308-56A-140	AMD-P	04-04-006
296-874-40024	NEW-P	04-14-027	308-15-040	AMD	05-01-174	308-56A-140	AMD	04-08-080
296-874-40024	NEW	05-01-054	308-15-050	AMD-P	04-19-071	308-56A-150	AMD-P	04-04-022
296-874-40026	NEW-P	04-14-027	308-15-050	AMD	05-01-174	308-56A-150	AMD	04-08-002
296-874-40026	NEW	05-01-054	308-15-053	NEW-P	04-19-071	308-56A-250	PREP	04-08-006
296-874-40028	NEW-P	04-14-027	308-15-053	NEW	05-01-174	308-56A-250	AMD-P	04-14-016
296-874-40028	NEW	05-01-054	308-15-055	NEW-P	04-19-071	308-56A-250	AMD	04-19-017
296-874-40030	NEW-P	04-14-027	308-15-055	NEW	05-01-174	308-56A-405	PREP	04-11-106
296-874-40030	NEW	05-01-054	308-15-057	NEW-P	04-19-071	308-56A-405	AMD-P	05-01-226
296-874-40032	NEW-P	04-14-027	308-15-057	NEW	05-01-174	308-56A-410	PREP	04-11-106
296-874-40032	NEW	05-01-054	308-15-060	AMD-P	04-19-071	308-56A-410	AMD-P	05-01-226
296-874-40034	NEW-P	04-14-027	308-15-060	AMD	05-01-174	308-56A-415	PREP	04-11-106
296-874-40034	NEW	05-01-054	308-15-070	AMD-P	04-19-071	308-56A-415	AMD-P	05-01-226
296-874-40036	NEW-P	04-14-027	308-15-070	AMD	05-01-174	308-56A-420	PREP	04-11-106
296-874-40036	NEW	05-01-054	308-15-075	AMD-P	04-19-071	308-56A-420	AMD-P	05-01-226
296-874-40038	NEW-P	04-14-027	308-15-075	AMD	05-01-174	308-56A-450	AMD-P	04-04-022
296-874-40038	NEW	05-01-054	308-15-080	AMD-P	04-19-071	308-56A-450	AMD	04-08-002
296-874-40040	NEW-P	04-14-027	308-15-080	AMD	05-01-174	308-56A-455	AMD-P	04-04-006
296-874-40040	NEW	05-01-054	308-15-090	REP-P	04-19-071	308-56A-455	AMD	04-08-080
296-874-40042	NEW-P	04-14-027	308-15-090	REP	05-01-174	308-56A-460	AMD-P	04-04-006
296-874-40042	NEW	05-01-054	308-15-100	AMD-P	04-19-071	308-56A-460	AMD	04-08-080
296-874-500	NEW-P	04-14-027	308-15-100	AMD	05-01-174	308-56A-500	AMD-P	04-04-049
296-874-500	NEW	05-01-054	308-15-101	AMD-P	04-19-071	308-56A-500	AMD	04-08-081
308-08	PREP	04-15-040	308-15-101	AMD	05-01-174	308-56A-500	PREP	04-17-064
308-08-416	AMD-P	04-20-112	308-15-102	REP-P	04-19-071	308-56A-500	AMD-P	04-22-110
308-08-416	AMD-C	04-23-017	308-15-102	REP	05-01-174	308-56A-505	AMD-P	04-04-049
308-08-515	NEW-P	04-20-112	308-15-103	AMD-P	04-19-071	308-56A-505	AMD	04-08-081
308-08-515	NEW-C	04-23-017	308-15-103	AMD	05-01-174	308-56A-505	PREP	04-18-040
308-08-525	NEW-P	04-20-112	308-15-140	AMD-P	04-19-071	308-56A-505	AMD-P	04-21-049
308-08-525	NEW-C	04-23-017	308-15-140	AMD	05-01-174	308-56A-505	AMD	05-01-209
308-11-030	AMD-P	04-14-075	308-15-150	AMD-P	04-19-071	308-56A-525	PREP	04-08-058
308-11-030	AMD	04-17-074	308-15-150	AMD	05-01-174	308-56A-525	AMD-P	04-15-080
308-13-150	PREP	04-06-030	308-17-150	AMD-P	04-07-032	308-56A-525	AMD-W	04-16-070
308-13-150	AMD-P	04-13-143	308-17-150	AMD	04-12-024	308-56A-530	PREP	04-17-064
308-13-150	AMD	04-17-026	308-18-150	AMD-P	04-07-031	308-56A-530	AMD-P	04-22-110
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308-66-160	AMD	04-16-090	308-96A-072	AMD-P	04-03-121	308-104-105	AMD	04-18-059
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308-66-227	AMD	04-16-090	308-96A-312	AMD	04-14-077	308-127-140	AMD-P	04-05-098
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308-390-101	AMD	04-15-100	314- 07-090	NEW-P	04-24-095	314- 19-040	AMD	04-24-007
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308-390-102	AMD	04-15-100	314- 07-100	NEW-P	04-24-095	314- 20	PREP	04-19-153
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308-390-401	AMD	04-15-100	314- 12-110	REP-P	04-24-095	314- 24	PREP	04-19-153
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316-25-001	AMD	04-20-083	316-25-610	AMD	04-20-083	326-20-092	AMD	04-08-075
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316-25-010	AMD	04-20-083	316-25-630	AMD	04-20-083	326-20-094	AMD	04-08-075
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316-25-030	AMD	04-20-083	316-25-650	AMD	04-20-083	326-20-095	AMD	04-08-075
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316-25-050	AMD	04-20-083	316-25-670	AMD	04-20-083	326-20-096	AMD	04-08-075
316-25-070	AMD-X	04-16-091	316-35-001	AMD-X	04-16-091	326-20-098	AMD-P	04-02-041
316-25-070	AMD	04-20-083	316-35-001	AMD	04-20-083	326-20-098	AMD	04-08-075
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316-25-090	AMD	04-20-083	316-35-010	AMD	04-20-083	326-20-110	AMD	04-08-093
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316-25-290	AMD	04-20-083	316-35-250	AMD	04-20-083	332-44-050	REP-X	04-19-086
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356- 05-375	AMD	04-15-018	356- 26-140	AMD	04-11-046	357- 01-015	NEW	05-01-204
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357-01-090	NEW-P	04-13-179	357-01-240	NEW	05-01-204	357-04-035	NEW	04-15-016
357-01-090	NEW	05-01-204	357-01-245	NEW-P	04-13-179	357-04-040	NEW-P	04-12-088
357-01-095	NEW-P	04-13-179	357-01-245	NEW	05-01-204	357-04-040	NEW	04-15-016
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357-01-100	NEW-P	04-13-179	357-01-250	NEW	05-01-204	357-04-045	NEW	04-15-016
357-01-100	NEW	05-01-204	357-01-255	NEW-P	04-13-179	357-04-050	NEW-P	04-12-088
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357-01-120	NEW	05-01-204	357-01-275	NEW	05-01-204	357-04-070	NEW-P	04-13-180
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357-01-125	NEW	05-01-204	357-01-280	NEW	05-01-204	357-04-075	NEW-P	04-13-180
357-01-130	NEW-P	04-13-179	357-01-285	NEW-P	04-13-179	357-04-075	NEW	05-01-203
357-01-130	NEW	05-01-204	357-01-285	NEW	05-01-204	357-04-080	NEW-P	04-13-180
357-01-135	NEW-P	04-13-179	357-01-290	NEW-P	04-13-179	357-04-080	NEW	05-01-203
357-01-135	NEW	05-01-204	357-01-290	NEW	05-01-204	357-04-085	NEW-P	04-13-180
357-01-140	NEW-P	04-13-179	357-01-295	NEW-P	04-13-179	357-04-085	NEW	05-01-203
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357-01-145	NEW	05-01-204	357-01-300	NEW	05-01-204	357-04-095	NEW-P	04-13-180
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357-01-150	NEW	05-01-204	357-01-305	NEW-P	04-13-179	357-04-100	NEW-P	04-13-180
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357-01-155	NEW	05-01-204	357-01-310	NEW-P	04-13-179	357-04-105	NEW-P	04-13-180
357-01-160	NEW-P	04-13-179	357-01-310	NEW	05-01-204	357-04-105	NEW	05-01-203
357-01-160	NEW	05-01-204	357-01-315	NEW-P	04-13-179	357-04-110	NEW-P	04-13-180
357-01-165	NEW-P	04-13-179	357-01-315	NEW	05-01-204	357-04-110	NEW	05-01-203
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357-01-170	NEW-P	04-13-179	357-01-320	NEW	05-01-204	357-04-115	NEW	05-01-203
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357-01-180	NEW-P	04-13-179	357-01-327	NEW	05-01-192	357-07-005	NEW	05-01-202
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357-01-195	NEW	05-01-204	357-01-345	NEW-P	04-13-179	357-07-025	NEW-P	04-13-181
357-01-200	NEW-P	04-13-179	357-01-345	NEW	05-01-204	357-07-025	NEW	05-01-202
357-01-200	NEW	05-01-204	357-01-350	NEW-P	04-13-179	357-07-030	NEW-P	04-13-181
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357- 07-055	NEW-P	04-13-181	357- 16-040	NEW-P	04-13-183	357- 16-195	NEW	05-01-200
357- 07-055	NEW	05-01-202	357- 16-040	NEW	05-01-200	357- 16-200	NEW-P	04-13-183
357- 07-060	NEW-P	04-13-181	357- 16-045	NEW-P	04-13-183	357- 16-200	NEW	05-01-200
357- 07-060	NEW	05-01-202	357- 16-045	NEW	05-01-200	357- 16-205	NEW-P	04-13-183
357- 07-065	NEW-P	04-13-181	357- 16-050	NEW-P	04-13-183	357- 16-205	NEW	05-01-200
357- 07-065	NEW	05-01-202	357- 16-050	NEW	05-01-200	357- 19-005	NEW-P	04-13-031
357- 07-070	NEW-P	04-13-181	357- 16-055	NEW-P	04-13-183	357- 19-005	NEW	05-01-206
357- 07-070	NEW	05-01-202	357- 16-055	NEW	05-01-200	357- 19-010	NEW-P	04-13-031
357- 07-075	NEW-P	04-13-181	357- 16-060	NEW-P	04-13-183	357- 19-010	NEW	05-01-206
357- 07-075	NEW	05-01-202	357- 16-060	NEW-W	04-18-116	357- 19-015	NEW-P	04-13-031
357- 10-005	NEW-P	04-04-109	357- 16-060	NEW-P	04-18-121	357- 19-015	NEW	05-01-206
357- 10-005	NEW	04-07-052	357- 16-060	NEW	05-01-188	357- 19-017	NEW-P	04-13-031
357- 10-010	NEW-P	04-04-109	357- 16-065	NEW-P	04-13-183	357- 19-017	NEW	05-01-206
357- 10-010	NEW	04-07-052	357- 16-065	NEW	05-01-200	357- 19-020	NEW-P	04-13-031
357- 10-020	NEW-P	04-04-109	357- 16-070	NEW-P	04-13-183	357- 19-020	NEW	05-01-206
357- 10-020	NEW	04-07-052	357- 16-070	NEW	05-01-200	357- 19-025	NEW-P	04-13-031
357- 13-010	NEW-P	04-13-182	357- 16-075	NEW-P	04-13-183	357- 19-025	NEW	05-01-206
357- 13-010	NEW	05-01-201	357- 16-075	NEW	05-01-200	357- 19-030	NEW-P	04-13-031
357- 13-015	NEW-P	04-13-182	357- 16-085	NEW-P	04-13-183	357- 19-030	NEW	05-01-206
357- 13-015	NEW	05-01-201	357- 16-085	NEW	05-01-200	357- 19-040	NEW-P	04-13-031
357- 13-020	NEW-P	04-13-182	357- 16-090	NEW-P	04-13-183	357- 19-040	NEW	05-01-206
357- 13-020	NEW	05-01-201	357- 16-090	NEW	05-01-200	357- 19-045	NEW-P	04-13-031
357- 13-025	NEW-P	04-13-182	357- 16-095	NEW-P	04-13-183	357- 19-045	NEW	05-01-206
357- 13-025	NEW	05-01-201	357- 16-095	NEW	05-01-200	357- 19-050	NEW-P	04-13-031
357- 13-030	NEW-P	04-13-182	357- 16-100	NEW-P	04-13-183	357- 19-050	NEW	05-01-206
357- 13-030	NEW	05-01-201	357- 16-100	NEW	05-01-200	357- 19-060	NEW-P	04-13-031
357- 13-035	NEW-P	04-13-182	357- 16-105	NEW-P	04-13-183	357- 19-060	NEW	05-01-206
357- 13-035	NEW	05-01-201	357- 16-105	NEW	05-01-200	357- 19-065	NEW-P	04-13-031
357- 13-040	NEW-P	04-13-182	357- 16-110	NEW-P	04-13-183	357- 19-065	NEW	05-01-206
357- 13-040	NEW	05-01-201	357- 16-110	NEW	05-01-200	357- 19-070	NEW-P	04-13-031
357- 13-045	NEW-P	04-13-182	357- 16-115	NEW-P	04-13-183	357- 19-070	NEW	05-01-206
357- 13-045	NEW	05-01-201	357- 16-115	NEW	05-01-200	357- 19-075	NEW-P	04-13-031
357- 13-050	NEW-P	04-13-182	357- 16-120	NEW-P	04-13-183	357- 19-075	NEW	05-01-206
357- 13-050	NEW	05-01-201	357- 16-120	NEW	05-01-200	357- 19-080	NEW-P	04-13-031
357- 13-055	NEW-P	04-13-182	357- 16-125	NEW-P	04-13-183	357- 19-080	NEW	05-01-206
357- 13-055	NEW	05-01-201	357- 16-125	NEW	05-01-200	357- 19-085	NEW-P	04-13-031
357- 13-060	NEW-P	04-13-182	357- 16-130	NEW-P	04-13-183	357- 19-085	NEW	05-01-206
357- 13-060	NEW	05-01-201	357- 16-130	NEW	05-01-200	357- 19-090	NEW-P	04-13-031
357- 13-065	NEW-P	04-13-182	357- 16-135	NEW-P	04-13-183	357- 19-090	NEW	05-01-206
357- 13-065	NEW	05-01-201	357- 16-135	NEW	05-01-200	357- 19-095	NEW-P	04-13-031
357- 13-070	NEW-P	04-13-182	357- 16-140	NEW-P	04-13-183	357- 19-095	NEW	05-01-206
357- 13-070	NEW	05-01-201	357- 16-140	NEW	05-01-200	357- 19-100	NEW-P	04-13-031
357- 13-075	NEW-P	04-13-182	357- 16-150	NEW-P	04-13-183	357- 19-100	NEW	05-01-206
357- 13-075	NEW	05-01-201	357- 16-150	NEW	05-01-200	357- 19-105	NEW-P	04-13-031
357- 13-080	NEW-P	04-13-182	357- 16-155	NEW-P	04-13-183	357- 19-105	NEW	05-01-206
357- 13-080	NEW	05-01-201	357- 16-155	NEW	05-01-200	357- 19-110	NEW-P	04-13-031
357- 13-085	NEW-P	04-13-182	357- 16-160	NEW-P	04-13-183	357- 19-110	NEW	05-01-206
357- 13-085	NEW	05-01-201	357- 16-160	NEW	05-01-200	357- 19-115	NEW-P	04-13-031
357- 13-090	NEW-P	04-13-182	357- 16-170	NEW-P	04-13-183	357- 19-115	NEW	05-01-206
357- 13-090	NEW	05-01-201	357- 16-170	NEW-C	04-18-122	357- 19-117	NEW-P	04-13-031
357- 16-005	NEW-P	04-13-183	357- 16-170	NEW	05-01-187	357- 19-117	NEW	05-01-206
357- 16-005	NEW	05-01-200	357- 16-175	NEW-P	04-13-183	357- 19-120	NEW-P	04-13-031
357- 16-010	NEW-P	04-13-183	357- 16-175	NEW-C	04-18-122	357- 19-120	NEW	05-01-206
357- 16-010	NEW	05-01-200	357- 16-175	NEW	05-01-187	357- 19-135	NEW-P	04-13-031
357- 16-015	NEW-P	04-13-183	357- 16-177	NEW-P	04-18-121	357- 19-135	NEW	05-01-206
357- 16-015	NEW	05-01-200	357- 16-177	NEW	05-01-188	357- 19-140	NEW-P	04-13-031
357- 16-020	NEW-P	04-13-183	357- 16-180	NEW-P	04-13-183	357- 19-140	NEW	05-01-206

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
357- 19-145	NEW-P	04-13-031	357- 19-310	NEW-P	04-13-031	357- 19-448	NEW-P	04-16-113
357- 19-145	NEW	05-01-206	357- 19-310	NEW	05-01-206	357- 19-448	NEW	05-01-192
357- 19-155	NEW-P	04-13-031	357- 19-315	NEW-P	04-13-031	357- 19-450	NEW-P	04-16-113
357- 19-155	NEW	05-01-206	357- 19-315	NEW	05-01-206	357- 19-450	NEW	05-01-192
357- 19-160	NEW-P	04-13-031	357- 19-320	NEW-P	04-13-031	357- 19-455	NEW-P	04-13-031
357- 19-160	NEW	05-01-206	357- 19-320	NEW	05-01-206	357- 19-455	NEW	05-01-206
357- 19-165	NEW-P	04-13-031	357- 19-325	NEW-P	04-13-031	357- 19-460	NEW-P	04-13-031
357- 19-165	NEW	05-01-206	357- 19-325	NEW	05-01-206	357- 19-460	NEW	05-01-206
357- 19-170	NEW-P	04-13-031	357- 19-330	NEW-P	04-13-031	357- 19-465	NEW-P	04-13-031
357- 19-170	NEW	05-01-206	357- 19-330	NEW	05-01-206	357- 19-465	NEW	05-01-206
357- 19-175	NEW-P	04-13-031	357- 19-340	NEW-P	04-13-031	357- 19-470	NEW-P	04-13-031
357- 19-175	NEW	05-01-206	357- 19-340	NEW	05-01-206	357- 19-470	NEW	05-01-206
357- 19-177	NEW-P	04-13-031	357- 19-345	NEW-P	04-13-031	357- 19-475	NEW-P	04-13-031
357- 19-177	NEW	05-01-206	357- 19-345	NEW	05-01-206	357- 19-475	NEW	05-01-206
357- 19-180	NEW-P	04-13-031	357- 19-360	NEW-P	04-13-031	357- 19-480	NEW-P	04-13-031
357- 19-180	NEW	05-01-206	357- 19-360	NEW	05-01-206	357- 19-480	NEW	05-01-206
357- 19-190	NEW-P	04-13-031	357- 19-365	NEW-P	04-13-031	357- 19-505	NEW-P	04-13-031
357- 19-190	NEW	05-01-206	357- 19-365	NEW	05-01-206	357- 19-505	NEW	05-01-206
357- 19-193	NEW-P	04-13-184	357- 19-370	NEW-P	04-13-031	357- 19-510	NEW-P	04-13-031
357- 19-193	NEW	05-01-199	357- 19-370	NEW	05-01-206	357- 19-510	NEW	05-01-206
357- 19-195	NEW-P	04-13-031	357- 19-373	NEW-P	04-13-031	357- 19-515	NEW-P	04-13-031
357- 19-195	NEW	05-01-206	357- 19-373	NEW	05-01-206	357- 19-515	NEW	05-01-206
357- 19-200	NEW-P	04-13-031	357- 19-375	NEW-P	04-13-031	357- 19-525	NEW-P	04-13-031
357- 19-200	NEW	05-01-206	357- 19-375	NEW	05-01-206	357- 19-525	NEW	05-01-206
357- 19-205	NEW-P	04-13-031	357- 19-377	NEW-P	04-13-031	357- 19-530	NEW-P	04-13-031
357- 19-205	NEW	05-01-206	357- 19-377	NEW	05-01-206	357- 19-530	NEW	05-01-206
357- 19-215	NEW-P	04-13-031	357- 19-380	NEW-P	04-13-031	357- 19-535	NEW-P	04-13-031
357- 19-215	NEW	05-01-206	357- 19-380	NEW	05-01-206	357- 19-535	NEW	05-01-206
357- 19-220	NEW-P	04-13-031	357- 19-385	NEW-P	04-13-031	357- 22-010	NEW-P	04-13-185
357- 19-220	NEW	05-01-206	357- 19-385	NEW	05-01-206	357- 22-010	NEW	05-01-198
357- 19-225	NEW-P	04-13-031	357- 19-388	NEW-P	04-13-031	357- 22-015	NEW-P	04-13-185
357- 19-225	NEW	05-01-206	357- 19-388	NEW	05-01-206	357- 22-015	NEW	05-01-198
357- 19-230	NEW-P	04-13-031	357- 19-395	NEW-P	04-13-031	357- 22-020	NEW-P	04-13-185
357- 19-230	NEW	05-01-206	357- 19-395	NEW	05-01-206	357- 22-020	NEW	05-01-198
357- 19-235	NEW-P	04-13-031	357- 19-400	NEW-P	04-13-031	357- 22-025	NEW-P	04-13-185
357- 19-235	NEW	05-01-206	357- 19-400	NEW	05-01-206	357- 22-025	NEW	05-01-198
357- 19-240	NEW-P	04-13-031	357- 19-410	NEW-P	04-13-031	357- 22-030	NEW-P	04-13-185
357- 19-240	NEW	05-01-206	357- 19-410	NEW	05-01-206	357- 22-030	NEW	05-01-198
357- 19-245	NEW-P	04-13-031	357- 19-420	NEW-P	04-13-031	357- 22-035	NEW-P	04-13-185
357- 19-245	NEW	05-01-206	357- 19-420	NEW	05-01-206	357- 22-035	NEW	05-01-198
357- 19-250	NEW-P	04-13-031	357- 19-425	NEW-P	04-13-031	357- 22-040	NEW-P	04-13-185
357- 19-250	NEW	05-01-206	357- 19-425	NEW	05-01-206	357- 22-040	NEW	05-01-198
357- 19-255	NEW-P	04-13-031	357- 19-430	NEW-P	04-13-031	357- 22-045	NEW-P	04-13-185
357- 19-255	NEW	05-01-206	357- 19-430	NEW	05-01-206	357- 22-045	NEW	05-01-198
357- 19-260	NEW-P	04-13-031	357- 19-435	NEW-P	04-16-113	357- 25-005	NEW-P	04-13-186
357- 19-260	NEW	05-01-206	357- 19-435	NEW	05-01-192	357- 25-005	NEW	05-01-197
357- 19-265	NEW-P	04-13-031	357- 19-440	NEW-P	04-16-113	357- 25-010	NEW-P	04-13-186
357- 19-265	NEW	05-01-206	357- 19-440	NEW	05-01-192	357- 25-010	NEW	05-01-197
357- 19-270	NEW-P	04-13-031	357- 19-441	NEW-P	04-16-113	357- 25-015	NEW-P	04-13-186
357- 19-270	NEW	05-01-206	357- 19-441	NEW	05-01-192	357- 25-015	NEW	05-01-197
357- 19-280	NEW-P	04-13-031	357- 19-442	NEW-P	04-16-113	357- 25-020	NEW-P	04-13-186
357- 19-280	NEW	05-01-206	357- 19-442	NEW	05-01-192	357- 25-020	NEW	05-01-197
357- 19-285	NEW-P	04-13-031	357- 19-443	NEW-P	04-16-113	357- 25-025	NEW	05-01-197
357- 19-285	NEW	05-01-206	357- 19-443	NEW	05-01-192	357- 25-030	NEW-P	04-13-186
357- 19-290	NEW-P	04-13-031	357- 19-444	NEW-P	04-16-113	357- 25-030	NEW	05-01-197
357- 19-290	NEW	05-01-206	357- 19-444	NEW	05-01-192	357- 25-035	NEW-P	04-13-186
357- 19-295	NEW-P	04-13-031	357- 19-445	NEW-P	04-16-113	357- 25-035	NEW	05-01-197
357- 19-295	NEW	05-01-206	357- 19-445	NEW	05-01-192	357- 25-040	NEW-P	04-13-186
357- 19-297	NEW-P	04-13-031	357- 19-446	NEW-P	04-16-113	357- 25-040	NEW	05-01-197
357- 19-297	NEW	05-01-206	357- 19-446	NEW-W	05-01-238	357- 25-045	NEW-P	04-13-186
357- 19-305	NEW-P	04-13-031	357- 19-447	NEW-P	04-16-113	357- 25-045	NEW	05-01-197
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357-25-055	NEW-P	04-13-186	357-28-145	NEW-P	04-13-029	357-28-325	NEW-P	04-13-029
357-25-055	NEW	05-01-197	357-28-145	NEW	05-01-205	357-28-325	NEW	05-01-205
357-26-005	NEW-P	04-13-187	357-28-150	NEW-P	04-13-029	357-31-001	NEW-P	05-01-249
357-26-005	NEW	05-01-196	357-28-150	NEW	05-01-205	357-31-005	NEW-P	05-01-249
357-26-010	NEW-P	04-13-187	357-28-155	NEW-P	04-13-029	357-31-010	NEW-P	05-01-249
357-26-010	NEW	05-01-196	357-28-155	NEW	05-01-205	357-31-015	NEW-P	05-01-249
357-26-015	NEW-P	04-13-187	357-28-160	NEW-P	04-13-029	357-31-020	NEW-P	05-01-249
357-26-015	NEW	05-01-196	357-28-160	NEW	05-01-205	357-31-025	NEW-P	05-01-249
357-26-020	NEW-P	04-13-187	357-28-165	NEW-P	04-13-029	357-31-030	NEW-P	05-01-249
357-26-020	NEW	05-01-196	357-28-165	NEW	05-01-205	357-31-035	NEW-P	05-01-249
357-26-025	NEW-P	04-13-187	357-28-175	NEW-P	04-13-029	357-31-040	NEW-P	05-01-249
357-26-025	NEW	05-01-196	357-28-175	NEW	05-01-205	357-31-045	NEW-P	05-01-249
357-28-010	NEW-P	04-13-029	357-28-180	NEW-P	04-13-029	357-31-050	NEW-P	05-01-249
357-28-010	NEW	05-01-205	357-28-180	NEW	05-01-205	357-31-055	NEW-P	05-01-249
357-28-015	NEW-P	04-13-029	357-28-185	NEW-P	04-13-029	357-31-060	NEW-P	05-01-249
357-28-015	NEW	05-01-205	357-28-185	NEW	05-01-205	357-31-065	NEW-P	05-01-249
357-28-020	NEW-P	04-13-029	357-28-190	NEW-P	04-13-029	357-31-070	NEW-P	05-01-249
357-28-020	NEW	05-01-205	357-28-190	NEW	05-01-205	357-31-075	NEW-P	05-01-249
357-28-025	NEW-P	04-13-029	357-28-195	NEW-P	04-13-029	357-31-080	NEW-P	05-01-249
357-28-025	NEW	05-01-205	357-28-195	NEW	05-01-205	357-31-090	NEW-P	05-01-249
357-28-030	NEW-P	04-13-029	357-28-200	NEW-P	04-13-029	357-31-095	NEW-P	05-01-249
357-28-030	NEW	05-01-205	357-28-200	NEW	05-01-205	357-31-100	NEW-P	05-01-249
357-28-035	NEW-P	04-13-029	357-28-205	NEW-P	04-13-029	357-31-105	NEW-P	05-01-249
357-28-035	NEW	05-01-205	357-28-205	NEW	05-01-205	357-31-110	NEW-P	05-01-249
357-28-040	NEW-P	04-13-029	357-28-210	NEW-P	04-13-029	357-31-115	NEW-P	05-01-249
357-28-040	NEW	05-01-205	357-28-210	NEW	05-01-205	357-31-120	NEW-P	05-01-249
357-28-045	NEW-P	04-13-029	357-28-220	NEW-P	04-13-029	357-31-125	NEW-P	05-01-249
357-28-045	NEW	05-01-205	357-28-220	NEW	05-01-205	357-31-130	NEW-P	05-01-249
357-28-050	NEW-P	04-13-029	357-28-225	NEW-P	04-13-029	357-31-135	NEW-P	05-01-249
357-28-050	NEW	05-01-205	357-28-225	NEW	05-01-205	357-31-140	NEW-P	05-01-249
357-28-055	NEW-P	04-13-029	357-28-230	NEW-P	04-13-029	357-31-145	NEW-P	05-01-249
357-28-055	NEW	05-01-205	357-28-230	NEW	05-01-205	357-31-150	NEW-P	05-01-249
357-28-060	NEW-P	04-13-029	357-28-235	NEW-P	04-13-029	357-31-155	NEW-P	05-01-249
357-28-060	NEW	05-01-205	357-28-235	NEW	05-01-205	357-31-160	NEW-P	05-01-249
357-28-065	NEW-P	04-13-029	357-28-240	NEW-P	04-13-029	357-31-165	NEW-P	05-01-250
357-28-065	NEW	05-01-205	357-28-240	NEW	05-01-205	357-31-170	NEW-P	05-01-250
357-28-070	NEW-P	04-13-029	357-28-245	NEW-P	04-13-029	357-31-175	NEW-P	05-01-250
357-28-070	NEW	05-01-205	357-28-245	NEW	05-01-205	357-31-180	NEW-P	05-01-250
357-28-075	NEW-P	04-13-029	357-28-250	NEW-P	04-13-029	357-31-185	NEW-P	05-01-250
357-28-075	NEW	05-01-205	357-28-250	NEW	05-01-205	357-31-190	NEW-P	05-01-250
357-28-080	NEW-P	04-13-029	357-28-252	NEW-P	04-13-029	357-31-195	NEW-P	05-01-250
357-28-080	NEW	05-01-205	357-28-252	NEW	05-01-205	357-31-200	NEW-P	05-01-250
357-28-090	NEW-P	04-13-029	357-28-255	NEW-P	04-13-029	357-31-205	NEW-P	05-01-250
357-28-090	NEW	05-01-205	357-28-255	NEW	05-01-205	357-31-210	NEW-P	05-01-250
357-28-095	NEW-P	04-13-029	357-28-260	NEW-P	04-13-029	357-31-215	NEW-P	05-01-250
357-28-095	NEW	05-01-205	357-28-260	NEW	05-01-205	357-31-220	NEW-P	05-01-250
357-28-100	NEW-P	04-13-029	357-28-265	NEW-P	04-13-029	357-31-225	NEW-P	05-01-250
357-28-100	NEW	05-01-205	357-28-265	NEW	05-01-205	357-31-230	NEW-P	05-01-250
357-28-110	NEW-P	04-13-029	357-28-275	NEW-P	04-13-029	357-31-235	NEW-P	05-01-250
357-28-110	NEW	05-01-205	357-28-275	NEW	05-01-205	357-31-240	NEW-P	05-01-250
357-28-115	NEW-P	04-13-029	357-28-280	NEW-P	04-13-029	357-31-245	NEW-P	05-01-250
357-28-115	NEW	05-01-205	357-28-280	NEW	05-01-205	357-31-250	NEW-P	05-01-250
357-28-120	NEW-P	04-13-029	357-28-285	NEW-P	04-13-029	357-31-255	NEW-P	05-01-250
357-28-120	NEW	05-01-205	357-28-285	NEW	05-01-205	357-31-260	NEW-P	05-01-250
357-28-125	NEW-P	04-13-029	357-28-295	NEW-P	04-13-029	357-31-265	NEW-P	05-01-250
357-28-125	NEW	05-01-205	357-28-295	NEW	05-01-205	357-31-270	NEW-P	05-01-250
357-28-130	NEW-P	04-13-029	357-28-300	NEW-P	04-13-029	357-31-275	NEW-P	05-01-250
357-28-130	NEW	05-01-205	357-28-300	NEW	05-01-205	357-31-280	NEW-P	05-01-250
357-28-135	NEW-P	04-13-029	357-28-310	NEW-P	04-13-029	357-31-285	NEW-P	05-01-250
357-28-135	NEW	05-01-205	357-28-310	NEW	05-01-205	357-31-290	NEW-P	05-01-250
357-28-140	NEW-P	04-13-029	357-28-315	NEW-P	04-13-029	357-31-295	NEW-P	05-01-250

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
357-31-300	NEW-P	05-01-250	357-34-025	NEW	05-01-195	357-40-025	NEW	04-18-113
357-31-305	NEW-P	05-01-250	357-34-030	NEW-P	04-13-188	357-40-030	NEW-P	04-13-190
357-31-310	NEW-P	05-01-248	357-34-030	NEW	05-01-195	357-40-030	NEW	04-18-113
357-31-315	NEW-P	05-01-248	357-34-035	NEW-P	04-13-188	357-40-035	NEW-P	04-13-190
357-31-320	NEW-P	05-01-248	357-34-035	NEW	05-01-195	357-40-035	NEW	04-18-113
357-31-325	NEW-P	05-01-248	357-34-045	NEW-P	04-13-188	357-40-040	NEW-P	04-13-190
357-31-330	NEW-P	05-01-248	357-34-045	NEW	05-01-195	357-40-040	NEW	04-18-113
357-31-335	NEW-P	05-01-248	357-34-050	NEW-P	04-13-188	357-40-045	NEW-P	04-13-190
357-31-340	NEW-P	05-01-248	357-34-050	NEW	05-01-195	357-40-045	NEW	04-18-113
357-31-345	NEW-P	05-01-248	357-34-055	NEW-P	04-12-087	357-40-050	NEW-P	04-13-190
357-31-350	NEW-P	05-01-248	357-34-055	NEW	04-15-015	357-40-050	NEW-W	04-18-115
357-31-355	NEW-P	05-01-248	357-34-060	NEW-P	04-13-188	357-40-055	NEW-P	04-13-190
357-31-360	NEW-P	05-01-248	357-34-060	NEW	05-01-195	357-40-055	NEW-W	04-18-115
357-31-370	NEW-P	05-01-248	357-34-065	NEW-P	04-13-188	357-40-060	NEW-P	04-13-190
357-31-375	NEW-P	05-01-248	357-34-065	NEW	05-01-195	357-40-060	NEW-W	04-18-115
357-31-380	NEW-P	05-01-247	357-34-070	NEW-P	04-12-087	357-40-065	NEW-P	04-13-190
357-31-385	NEW-P	05-01-247	357-34-070	NEW	04-15-015	357-40-065	NEW-W	04-18-115
357-31-390	NEW-P	05-01-247	357-34-075	NEW-P	04-12-087	357-43-001	NEW-P	04-13-191
357-31-395	NEW-P	05-01-247	357-34-075	NEW	04-15-015	357-43-001	NEW	05-01-193
357-31-400	NEW-P	05-01-247	357-34-080	NEW-P	04-12-087	357-43-005	NEW-P	04-13-191
357-31-405	NEW-P	05-01-247	357-34-080	NEW-W	04-15-014	357-43-005	NEW	05-01-193
357-31-410	NEW-P	05-01-247	357-34-085	NEW-P	04-12-087	357-43-007	NEW-P	04-18-124
357-31-415	NEW-P	05-01-247	357-34-085	NEW	04-15-015	357-43-007	NEW	05-01-185
357-31-420	NEW-P	05-01-247	357-34-090	NEW-P	04-13-188	357-43-008	NEW-P	04-20-113
357-31-425	NEW-P	05-01-247	357-34-090	NEW	05-01-195	357-43-010	NEW-P	04-13-191
357-31-430	NEW-P	05-01-247	357-37-010	NEW-P	04-13-189	357-43-010	NEW	05-01-193
357-31-435	NEW-P	05-01-247	357-37-010	NEW	05-01-194	357-43-015	NEW-P	04-13-191
357-31-440	NEW-P	05-01-247	357-37-015	NEW-P	04-13-189	357-43-015	NEW	05-01-193
357-31-445	NEW-P	05-01-247	357-37-015	NEW	05-01-194	357-43-020	NEW-P	04-13-191
357-31-450	NEW-P	05-01-247	357-37-020	NEW-P	04-13-189	357-43-020	NEW	05-01-193
357-31-455	NEW-P	05-01-247	357-37-020	NEW	05-01-194	357-43-025	NEW-P	04-13-191
357-31-460	NEW-P	05-01-246	357-37-025	NEW-P	04-13-189	357-43-025	NEW	05-01-193
357-31-465	NEW-P	05-01-246	357-37-025	NEW	05-01-194	357-43-030	NEW-P	04-13-191
357-31-470	NEW-P	05-01-246	357-37-030	NEW-P	04-13-189	357-43-030	NEW	05-01-193
357-31-475	NEW-P	05-01-246	357-37-030	NEW	05-01-194	357-43-035	NEW-P	04-13-191
357-31-480	NEW-P	05-01-246	357-37-035	NEW-P	04-13-189	357-43-035	NEW	05-01-193
357-31-485	NEW-P	05-01-246	357-37-035	NEW	05-01-194	357-43-040	NEW-P	04-13-191
357-31-490	NEW-P	05-01-246	357-37-040	NEW-P	04-13-189	357-43-040	NEW	05-01-193
357-31-495	NEW-P	05-01-246	357-37-040	NEW	05-01-194	357-43-045	NEW-P	04-13-191
357-31-500	NEW-P	05-01-246	357-37-045	NEW-P	04-13-189	357-43-050	NEW-P	04-13-191
357-31-505	NEW-P	05-01-246	357-37-045	NEW	05-01-194	357-43-050	NEW	05-01-193
357-31-510	NEW-P	05-01-246	357-37-050	NEW-P	04-13-189	357-43-055	NEW-P	04-13-191
357-31-515	NEW-P	05-01-246	357-37-050	NEW	05-01-194	357-43-055	NEW	05-01-193
357-31-520	NEW-P	05-01-246	357-37-055	NEW-P	04-13-189	357-43-060	NEW-P	04-13-191
357-31-525	NEW-P	05-01-246	357-37-055	NEW	05-01-194	357-43-060	NEW	05-01-193
357-31-530	NEW-P	05-01-246	357-37-060	NEW-P	04-13-189	357-43-065	NEW-P	04-13-191
357-31-535	NEW-P	05-01-246	357-37-060	NEW	05-01-194	357-43-065	NEW	05-01-193
357-31-540	NEW-P	05-01-246	357-37-065	NEW-P	04-13-189	357-43-070	NEW-P	04-13-191
357-31-545	NEW-P	05-01-246	357-37-065	NEW	05-01-194	357-43-070	NEW	05-01-193
357-31-550	NEW-P	05-01-246	357-37-070	NEW-P	04-13-189	357-43-075	NEW-P	04-13-191
357-31-555	NEW-P	05-01-246	357-37-070	NEW	05-01-194	357-43-075	NEW	05-01-193
357-31-560	NEW-P	05-01-246	357-37-075	NEW-P	04-13-189	357-43-080	NEW-P	04-13-191
357-31-565	NEW-P	05-01-246	357-37-075	NEW	05-01-194	357-43-080	NEW	05-01-193
357-34-005	NEW-P	04-13-188	357-37-080	NEW-P	04-13-189	357-43-085	NEW-P	04-13-191
357-34-005	NEW	05-01-195	357-37-080	NEW	05-01-194	357-43-085	NEW	05-01-193
357-34-010	NEW-P	04-13-188	357-40-010	NEW-P	04-13-190	357-43-090	NEW-P	04-13-191
357-34-010	NEW	05-01-195	357-40-010	NEW	04-18-113	357-43-090	NEW-W	04-18-117
357-34-015	NEW-P	04-13-188	357-40-015	NEW-P	04-13-190	357-43-095	NEW-P	04-13-191
357-34-015	NEW	05-01-195	357-40-015	NEW	04-18-113	357-43-095	NEW-C	04-18-123
357-34-020	NEW-P	04-13-188	357-40-020	NEW-P	04-13-190	357-43-095	NEW	05-01-186
357-34-020	NEW	05-01-195	357-40-020	NEW	04-18-113	357-43-100	NEW-P	04-13-191
357-34-025	NEW-P	04-13-188	357-40-025	NEW-P	04-13-190	357-43-100	NEW-C	04-18-123

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
357-43-100	NEW	05-01-186	357-46-140	NEW-S	04-18-125	357-52-050	NEW	05-01-190
357-43-105	NEW-P	04-13-191	357-46-140	NEW	05-01-184	357-52-055	NEW-P	04-18-119
357-43-105	NEW	05-01-193	357-46-145	NEW-P	04-13-030	357-52-055	NEW	05-01-190
357-43-110	NEW-P	04-13-191	357-46-145	NEW	04-18-114	357-52-060	NEW-P	04-18-119
357-43-110	NEW	05-01-193	357-46-147	NEW-P	04-18-120	357-52-060	NEW	05-01-190
357-43-115	NEW-P	04-13-191	357-46-147	NEW	05-01-189	357-52-065	NEW-P	04-18-119
357-43-115	NEW	05-01-193	357-46-150	NEW-P	04-13-030	357-52-065	NEW	05-01-190
357-46-005	NEW-P	04-13-030	357-46-150	NEW	04-18-114	357-52-070	NEW-P	04-18-119
357-46-005	NEW	04-18-114	357-46-155	NEW-P	04-13-030	357-52-070	NEW	05-01-190
357-46-010	NEW-P	04-13-030	357-46-155	NEW	04-18-114	357-52-075	NEW-P	04-18-119
357-46-010	NEW	04-18-114	357-46-160	NEW-P	04-13-030	357-52-075	NEW	05-01-190
357-46-010	AMD-P	04-20-114	357-46-160	NEW	04-18-114	357-52-077	NEW-P	04-18-119
357-46-012	NEW-P	04-20-114	357-46-165	NEW-P	04-13-030	357-52-077	NEW	05-01-190
357-46-015	NEW-P	04-13-030	357-46-165	NEW	04-18-114	357-52-080	NEW-P	04-18-119
357-46-015	NEW	04-18-114	357-46-170	NEW-P	04-13-030	357-52-080	NEW	05-01-190
357-46-020	NEW-P	04-13-030	357-46-170	NEW	04-18-114	357-52-085	NEW-P	04-18-119
357-46-020	NEW	04-18-114	357-46-175	NEW-P	04-13-030	357-52-085	NEW	05-01-190
357-46-025	NEW-P	04-13-030	357-46-175	NEW	04-18-114	357-52-090	NEW-P	04-18-119
357-46-025	NEW	04-18-114	357-46-180	NEW-P	04-13-030	357-52-090	NEW	05-01-190
357-46-030	NEW-P	04-13-030	357-46-180	NEW	04-18-114	357-52-095	NEW-P	04-18-119
357-46-030	NEW	04-18-114	357-46-185	NEW-P	04-13-030	357-52-095	NEW	05-01-190
357-46-035	NEW-P	04-13-030	357-46-185	NEW	04-18-114	357-52-100	NEW-P	04-18-118
357-46-035	NEW	04-18-114	357-46-190	NEW-P	04-13-030	357-52-100	NEW	05-01-191
357-46-040	NEW-P	04-13-030	357-46-190	NEW	04-18-114	357-52-105	NEW-P	04-18-118
357-46-040	NEW	04-18-114	357-46-195	NEW-P	04-13-030	357-52-105	NEW	05-01-191
357-46-045	NEW-P	04-13-030	357-46-195	NEW	04-18-114	357-52-110	NEW-P	04-18-118
357-46-045	NEW	04-18-114	357-46-200	NEW-P	04-13-030	357-52-110	NEW	05-01-191
357-46-050	NEW-P	04-13-030	357-46-200	NEW	04-18-114	357-52-115	NEW-P	04-18-118
357-46-050	NEW	04-18-114	357-46-205	NEW-P	04-13-030	357-52-115	NEW	05-01-191
357-46-055	NEW-P	05-01-242	357-46-205	NEW	04-18-114	357-52-120	NEW-P	04-18-118
357-46-056	NEW-P	05-01-242	357-46-210	NEW	04-18-114	357-52-120	NEW	05-01-191
357-46-060	NEW-P	04-13-030	357-46-215	NEW	04-18-114	357-52-125	NEW-P	04-18-118
357-46-060	NEW	04-18-114	357-46-220	NEW	04-18-114	357-52-125	NEW	05-01-191
357-46-070	NEW-P	04-13-030	357-46-225	NEW	04-18-114	357-52-130	NEW-P	04-18-118
357-46-070	NEW	04-18-114	357-49-010	NEW-P	04-13-192	357-52-130	NEW	05-01-191
357-46-075	NEW-P	04-13-030	357-49-010	NEW-S	04-18-127	357-52-135	NEW-P	04-18-118
357-46-075	NEW	04-18-114	357-49-010	NEW	05-01-182	357-52-135	NEW	05-01-191
357-46-080	NEW-P	04-13-030	357-49-015	NEW-P	04-13-192	357-52-140	NEW-P	04-18-118
357-46-080	NEW	04-18-114	357-49-015	NEW-C	04-18-126	357-52-140	NEW	05-01-191
357-46-085	NEW-P	04-13-030	357-49-015	NEW	05-01-183	357-52-145	NEW-P	04-18-118
357-46-085	NEW	04-18-114	357-49-020	NEW-P	04-13-192	357-52-145	NEW	05-01-191
357-46-090	NEW-P	04-13-030	357-49-020	NEW-C	04-18-126	357-52-150	NEW-P	04-18-118
357-46-090	NEW	04-18-114	357-49-020	NEW	05-01-183	357-52-150	NEW	05-01-191
357-46-095	NEW-P	04-13-030	357-52-005	NEW-P	04-18-119	357-52-155	NEW-P	04-18-118
357-46-095	NEW	04-18-114	357-52-005	NEW	05-01-190	357-52-155	NEW	05-01-191
357-46-100	NEW-P	04-13-030	357-52-010	NEW-P	04-18-119	357-52-160	NEW-P	04-18-118
357-46-100	NEW	04-18-114	357-52-010	NEW	05-01-190	357-52-160	NEW	05-01-191
357-46-105	NEW-P	04-13-030	357-52-015	NEW-P	04-18-119	357-52-165	NEW-P	04-18-118
357-46-105	NEW	04-18-114	357-52-015	NEW	05-01-190	357-52-165	NEW	05-01-191
357-46-110	NEW-P	04-13-030	357-52-020	NEW-P	04-18-119	357-52-170	NEW-P	04-18-118
357-46-110	NEW	04-18-114	357-52-020	NEW	05-01-190	357-52-170	NEW	05-01-191
357-46-115	NEW-P	04-13-030	357-52-025	NEW-P	04-18-119	357-52-175	NEW-P	04-18-118
357-46-115	NEW	04-18-114	357-52-025	NEW	05-01-190	357-52-175	NEW	05-01-191
357-46-120	NEW-P	04-13-030	357-52-030	NEW-P	04-18-119	357-52-180	NEW-P	04-18-118
357-46-120	NEW	04-18-114	357-52-030	NEW	05-01-190	357-52-180	NEW	05-01-191
357-46-125	NEW-P	04-13-030	357-52-035	NEW-P	04-18-119	357-52-185	NEW-P	04-18-118
357-46-125	NEW	04-18-114	357-52-035	NEW	05-01-190	357-52-185	NEW	05-01-191
357-46-130	NEW-P	04-13-030	357-52-040	NEW-P	04-18-119	357-52-190	NEW-P	04-18-118
357-46-130	NEW	04-18-114	357-52-040	NEW	05-01-190	357-52-190	NEW	05-01-191
357-46-135	NEW-P	04-13-030	357-52-045	NEW-P	04-18-119	357-52-195	NEW-P	04-18-118
357-46-135	NEW	04-18-114	357-52-045	NEW	05-01-190	357-52-195	NEW	05-01-191
357-46-140	NEW-P	04-13-030	357-52-050	NEW-P	04-18-119	357-52-200	NEW-P	04-18-118

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357- 52-200	NEW	05-01-191	357- 55-625	NEW-P	05-01-240	365-230-200	NEW-P	04-05-062
357- 52-205	NEW-P	04-18-118	357- 55-630	NEW-P	05-01-240	365-230-200	NEW	04-10-037
357- 52-205	NEW	05-01-191	357- 55-635	NEW-P	05-01-240	365-230-210	NEW-P	04-05-062
357- 52-210	NEW-P	04-18-118	357- 55-640	NEW-P	05-01-240	365-230-210	NEW	04-10-037
357- 52-210	NEW	05-01-191	357- 55-645	NEW-P	05-01-240	365-230-220	NEW-P	04-05-062
357- 52-215	NEW-P	04-18-118	363-116-070	AMD-P	04-10-030	365-230-220	NEW	04-10-037
357- 52-215	NEW	05-01-191	363-116-070	AMD	04-14-017	365-230-230	NEW-P	04-05-062
357- 52-220	NEW-P	04-18-118	363-116-082	AMD-E	04-23-048	365-230-230	NEW	04-10-037
357- 52-220	NEW	05-01-191	363-116-082	AMD-P	04-24-070	365-230-240	NEW-P	04-05-062
357- 52-225	NEW-P	04-18-118	363-116-185	AMD-P	04-10-031	365-230-240	NEW	04-10-037
357- 52-225	NEW	05-01-191	363-116-185	AMD	04-14-018	365-230-250	NEW-P	04-05-062
357- 52-230	NEW-P	04-18-118	363-116-300	AMD-P	04-08-008	365-230-250	NEW	04-10-037
357- 52-230	NEW	05-01-191	363-116-300	AMD	04-12-014	365-230-260	NEW-P	04-05-062
357- 52-235	NEW-P	04-18-118	365-110-035	AMD-X	04-17-139	365-230-260	NEW	04-10-037
357- 52-235	NEW	05-01-191	365-230-010	NEW-P	04-05-062	365-230-270	NEW-P	04-05-062
357- 52-240	NEW-P	04-18-118	365-230-010	NEW	04-10-037	365-230-270	NEW	04-10-037
357- 52-240	NEW	05-01-191	365-230-015	NEW-P	04-05-062	371- 08	PREP	04-15-009
357- 52-245	NEW-P	04-18-118	365-230-015	NEW	04-10-037	371- 08-305	AMD-E	04-15-010
357- 52-245	NEW	05-01-191	365-230-016	NEW-P	04-05-062	371- 08-306	NEW	04-03-001
357- 52-250	NEW-P	04-18-118	365-230-016	NEW	04-10-037	371- 08-315	AMD	04-03-001
357- 52-250	NEW	05-01-191	365-230-020	NEW-P	04-05-062	371- 08-335	AMD-E	04-15-010
357- 52-255	NEW-P	04-18-118	365-230-020	NEW	04-10-037	388- 02-0215	AMD-E	04-07-090
357- 52-255	NEW	05-01-191	365-230-030	NEW-P	04-05-062	388- 02-0215	AMD-E	04-15-056
357- 52-260	NEW-P	04-18-118	365-230-030	NEW	04-10-037	388- 02-0215	AMD-P	04-20-042
357- 52-260	NEW	05-01-191	365-230-035	NEW-P	04-05-062	388- 11-032	PREP-W	04-07-112
357- 52-265	NEW-P	04-18-118	365-230-035	NEW	04-10-037	388- 11-045	PREP-W	04-07-112
357- 52-265	NEW	05-01-191	365-230-040	NEW-P	04-05-062	388- 11-048	PREP-W	04-07-112
357- 55-010	NEW-P	05-01-245	365-230-040	NEW	04-10-037	388- 11-205	PREP-W	04-07-112
357- 55-020	NEW-P	05-01-245	365-230-050	NEW-P	04-05-062	388- 14-045	PREP-W	04-07-112
357- 55-030	NEW-P	05-01-245	365-230-050	NEW	04-10-037	388- 14-450	PREP-W	04-07-112
357- 55-040	NEW-P	05-01-245	365-230-060	NEW-P	04-05-062	388- 14A	PREP	04-07-113
357- 55-110	NEW-P	05-01-245	365-230-060	NEW	04-10-037	388- 14A	PREP	04-19-129
357- 55-210	NEW-P	05-01-245	365-230-070	NEW-P	04-05-062	388- 14A-1020	PREP	04-06-053
357- 55-215	NEW-P	05-01-245	365-230-070	NEW	04-10-037	388- 14A-1020	AMD-E	04-07-057
357- 55-220	NEW-P	05-01-245	365-230-080	NEW-P	04-05-062	388- 14A-1020	PREP	04-09-036
357- 55-225	NEW-P	05-01-245	365-230-080	NEW	04-10-037	388- 14A-1020	AMD-P	04-13-139
357- 55-230	NEW-P	05-01-245	365-230-090	NEW-P	04-05-062	388- 14A-1020	AMD-E	04-14-054
357- 55-235	NEW-P	05-01-245	365-230-090	NEW	04-10-037	388- 14A-1020	AMD	04-17-119
357- 55-240	NEW-P	05-01-245	365-230-100	NEW-P	04-05-062	388- 14A-3140	PREP	04-09-036
357- 55-245	NEW-P	05-01-245	365-230-100	NEW	04-10-037	388- 14A-3350	PREP	04-19-130
357- 55-250	NEW-P	05-01-245	365-230-110	NEW-P	04-05-062	388- 14A-3370	PREP	04-09-036
357- 55-255	NEW-P	05-01-245	365-230-110	NEW	04-10-037	388- 14A-3600	PREP	04-09-036
357- 55-260	NEW-P	05-01-245	365-230-120	NEW-P	04-05-062	388- 14A-3810	PREP	04-06-053
357- 55-265	NEW-P	05-01-240	365-230-120	NEW	04-10-037	388- 14A-3810	PREP	04-09-036
357- 55-270	NEW-P	05-01-240	365-230-130	NEW-P	04-05-062	388- 14A-4040	AMD-E	04-07-057
357- 55-275	NEW-P	05-01-240	365-230-130	NEW	04-10-037	388- 14A-4040	AMD-P	04-13-139
357- 55-280	NEW-P	05-01-240	365-230-132	NEW-P	04-05-062	388- 14A-4040	AMD-E	04-14-054
357- 55-285	NEW-P	05-01-240	365-230-132	NEW	04-10-037	388- 14A-4040	AMD	04-17-119
357- 55-310	NEW-P	05-01-240	365-230-134	NEW-P	04-05-062	388- 14A-4100	PREP-W	04-07-022
357- 55-320	NEW-P	05-01-240	365-230-134	NEW	04-10-037	388- 14A-4100	AMD-E	04-07-057
357- 55-330	NEW-P	05-01-240	365-230-140	NEW-P	04-05-062	388- 14A-4100	PREP	04-07-062
357- 55-410	NEW-P	05-01-240	365-230-140	NEW	04-10-037	388- 14A-4100	AMD-P	04-13-139
357- 55-415	NEW-P	05-01-240	365-230-150	NEW-P	04-05-062	388- 14A-4100	AMD-E	04-14-054
357- 55-420	NEW-P	05-01-240	365-230-150	NEW	04-10-037	388- 14A-4100	AMD	04-17-119
357- 55-425	NEW-P	05-01-240	365-230-160	NEW-P	04-05-062	388- 14A-4110	PREP-W	04-07-022
357- 55-430	NEW-P	05-01-240	365-230-160	NEW	04-10-037	388- 14A-4110	AMD-E	04-07-057
357- 55-510	NEW-P	05-01-240	365-230-170	NEW-P	04-05-062	388- 14A-4110	PREP	04-07-062
357- 55-515	NEW-P	05-01-240	365-230-170	NEW	04-10-037	388- 14A-4110	AMD-P	04-13-139
357- 55-520	NEW-P	05-01-240	365-230-180	NEW-P	04-05-062	388- 14A-4110	AMD-E	04-14-054
357- 55-610	NEW-P	05-01-240	365-230-180	NEW	04-10-037	388- 14A-4110	AMD	04-17-119
357- 55-615	NEW-P	05-01-240	365-230-190	NEW-P	04-05-062	388- 14A-4119	NEW-E	04-20-001
357- 55-620	NEW-P	05-01-240	365-230-190	NEW	04-10-037	388- 14A-4120	PREP-W	04-07-022

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388-14A-4120	AMD-E	04-07-057	388-14A-4165	NEW	04-17-119	388-27-0175	AMD-E	04-03-018
388-14A-4120	PREP	04-07-062	388-14A-4170	NEW-E	04-07-057	388-27-0175	AMD	04-06-024
388-14A-4120	AMD-P	04-13-139	388-14A-4170	NEW-P	04-13-139	388-27-0190	AMD-E	04-03-018
388-14A-4120	AMD-E	04-14-054	388-14A-4170	NEW-E	04-14-054	388-27-0190	AMD	04-06-024
388-14A-4120	AMD	04-17-119	388-14A-4170	NEW	04-17-119	388-27-0195	AMD-E	04-03-018
388-14A-4121	NEW-E	04-07-057	388-14A-4175	NEW-E	04-07-057	388-27-0195	AMD	04-06-024
388-14A-4121	NEW-P	04-13-139	388-14A-4175	NEW-P	04-13-139	388-27-0200	AMD-E	04-03-018
388-14A-4121	NEW-E	04-14-054	388-14A-4175	NEW-E	04-14-054	388-27-0200	AMD	04-06-024
388-14A-4121	NEW	04-17-119	388-14A-4175	NEW	04-17-119	388-27-0210	AMD-E	04-03-018
388-14A-4122	NEW-E	04-07-057	388-14A-4180	NEW-E	04-20-001	388-27-0210	AMD	04-06-024
388-14A-4122	NEW-P	04-13-139	388-14A-5000	PREP	04-07-166	388-27-0215	AMD-E	04-03-018
388-14A-4122	NEW-E	04-14-054	388-14A-5001	PREP	04-08-069	388-27-0215	AMD	04-06-024
388-14A-4122	NEW	04-17-119	388-14A-6300	PREP	04-09-036	388-27-0220	AMD-E	04-03-018
388-14A-4123	NEW-E	04-07-057	388-14A-6300	PREP	04-19-099	388-27-0220	AMD	04-06-024
388-14A-4123	NEW-P	04-13-139	388-14A-8100	PREP	04-23-037	388-27-0225	REP-E	04-03-018
388-14A-4123	NEW-E	04-14-054	388-14A-8100	AMD-E	04-23-055	388-27-0225	REP	04-06-024
388-14A-4123	NEW	04-17-119	388-25	PREP	04-07-059	388-27-0230	AMD-E	04-03-018
388-14A-4124	NEW-E	04-07-057	388-25-0225	PREP	04-08-068	388-27-0230	AMD	04-06-024
388-14A-4124	NEW-P	04-13-139	388-25-0225	AMD-E	04-15-082	388-27-0235	REP-E	04-03-018
388-14A-4124	NEW-E	04-14-054	388-25-0225	AMD-E	04-23-038	388-27-0235	REP	04-06-024
388-14A-4124	NEW	04-17-119	388-25-0226	PREP	04-08-068	388-27-0240	REP-E	04-03-018
388-14A-4125	NEW-E	04-07-057	388-25-0226	NEW-E	04-15-082	388-27-0240	REP	04-06-024
388-14A-4125	NEW-P	04-13-139	388-25-0226	NEW-E	04-23-038	388-27-0245	REP-E	04-03-018
388-14A-4125	NEW-E	04-14-054	388-25-0227	NEW-E	04-15-082	388-27-0245	REP	04-06-024
388-14A-4125	NEW	04-17-119	388-25-0227	NEW-E	04-23-038	388-27-0270	REP-E	04-03-018
388-14A-4126	NEW-E	04-07-057	388-25-0228	NEW-E	04-15-082	388-27-0270	REP	04-06-024
388-14A-4126	NEW-P	04-13-139	388-25-0228	NEW-E	04-23-038	388-61-001	AMD-P	04-16-105
388-14A-4126	NEW-E	04-14-054	388-25-0229	NEW-E	04-23-038	388-61-001	AMD	04-21-028
388-14A-4126	NEW	04-17-119	388-25-0230	PREP	04-08-068	388-71	PREP	04-19-100
388-14A-4130	PREP-W	04-07-022	388-25-0230	REP-E	04-15-082	388-71-0100	AMD-P	04-13-138
388-14A-4130	AMD-E	04-07-057	388-25-0230	REP-E	04-23-038	388-71-0100	AMD	04-19-136
388-14A-4130	PREP	04-07-062	388-25-0231	NEW-E	04-23-038	388-71-0105	AMD-E	04-06-039
388-14A-4130	AMD-P	04-13-139	388-25-1000	NEW-E	04-07-091	388-71-0105	AMD-P	04-13-138
388-14A-4130	AMD-E	04-14-054	388-25-1000	NEW-E	04-15-055	388-71-0105	AMD-E	04-14-013
388-14A-4130	AMD	04-17-119	388-25-1000	NEW-E	04-23-024	388-71-0105	AMD	04-19-136
388-14A-4135	NEW-E	04-07-057	388-25-1010	NEW-E	04-07-091	388-71-0110	AMD-P	04-13-138
388-14A-4135	NEW-P	04-13-139	388-25-1010	NEW-E	04-15-055	388-71-0110	AMD	04-19-136
388-14A-4135	NEW-E	04-14-054	388-25-1010	NEW-E	04-23-024	388-71-0115	AMD-P	04-13-138
388-14A-4135	NEW	04-17-119	388-25-1020	NEW-E	04-07-091	388-71-0115	AMD	04-19-136
388-14A-4140	NEW-E	04-07-057	388-25-1020	NEW-E	04-15-055	388-71-0116	NEW-E	04-06-039
388-14A-4140	NEW-P	04-13-139	388-25-1020	NEW-E	04-23-024	388-71-0116	NEW-E	04-14-013
388-14A-4140	NEW-E	04-14-054	388-25-1030	NEW-E	04-07-091	388-71-0120	REP-P	04-13-138
388-14A-4140	NEW	04-17-119	388-25-1030	NEW-E	04-15-055	388-71-0120	REP	04-19-136
388-14A-4143	NEW-E	04-07-057	388-25-1030	NEW-E	04-23-024	388-71-01205	NEW-P	04-13-138
388-14A-4143	NEW-P	04-13-139	388-25-1040	NEW-E	04-07-091	388-71-01205	NEW	04-19-136
388-14A-4143	NEW-E	04-14-054	388-25-1040	NEW-E	04-15-055	388-71-0121	NEW-P	04-13-138
388-14A-4143	NEW	04-17-119	388-25-1040	NEW-E	04-23-024	388-71-0121	NEW	04-19-136
388-14A-4145	NEW-E	04-07-057	388-25-1050	NEW-E	04-07-091	388-71-01210	NEW-P	04-13-138
388-14A-4145	NEW-P	04-13-139	388-25-1050	NEW-E	04-15-055	388-71-01210	NEW	04-19-136
388-14A-4145	NEW-E	04-14-054	388-25-1050	NEW-E	04-23-024	388-71-01215	NEW-P	04-13-138
388-14A-4145	NEW	04-17-119	388-27-0120	AMD-E	04-03-018	388-71-01215	NEW	04-19-136
388-14A-4150	NEW-E	04-07-057	388-27-0120	AMD	04-06-024	388-71-01220	NEW-P	04-13-138
388-14A-4150	NEW-P	04-13-139	388-27-0130	AMD-E	04-03-018	388-71-01220	NEW	04-19-136
388-14A-4150	NEW-E	04-14-054	388-27-0130	AMD	04-06-024	388-71-01225	NEW-P	04-13-138
388-14A-4150	NEW	04-17-119	388-27-0135	AMD-E	04-03-018	388-71-01225	NEW	04-19-136
388-14A-4160	NEW-E	04-07-057	388-27-0135	AMD	04-06-024	388-71-01230	NEW-P	04-13-138
388-14A-4160	NEW-P	04-13-139	388-27-0155	AMD-E	04-03-018	388-71-01230	NEW	04-19-136
388-14A-4160	NEW-E	04-14-054	388-27-0155	AMD	04-06-024	388-71-01235	NEW-P	04-13-138
388-14A-4160	NEW	04-17-119	388-27-0160	AMD-E	04-03-018	388-71-01235	NEW	04-19-136
388-14A-4165	NEW-E	04-07-057	388-27-0160	AMD	04-06-024	388-71-01240	NEW-P	04-13-138
388-14A-4165	NEW-P	04-13-139	388-27-0165	AMD-E	04-03-018	388-71-01240	NEW	04-19-136
388-14A-4165	NEW-E	04-14-054	388-27-0165	AMD	04-06-024	388-71-01245	NEW-P	04-13-138

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-71-01245	NEW	04-19-136	388-71-05665	AMD-E	04-10-062	388-72A-0036	NEW-W	04-11-082
388-71-01250	NEW-P	04-13-138	388-71-05665	AMD-P	04-10-101	388-72A-0036	NEW-S	04-11-086
388-71-01250	NEW	04-19-136	388-71-05665	AMD	04-16-029	388-72A-0036	NEW-W	04-14-096
388-71-01255	NEW-P	04-13-138	388-71-0700	AMD-E	04-10-062	388-72A-0036	NEW-P	04-14-099
388-71-01255	NEW	04-19-136	388-71-0700	AMD-P	04-10-101	388-72A-0036	NEW-E	04-15-013
388-71-01260	NEW-P	04-13-138	388-71-0700	AMD	04-16-029	388-72A-0036	NEW	04-19-103
388-71-01260	NEW	04-19-136	388-71-0708	AMD-E	04-10-062	388-72A-0037	NEW-E	04-09-094
388-71-01265	NEW-P	04-13-138	388-71-0708	AMD-P	04-10-101	388-72A-0037	NEW-P	04-14-099
388-71-01265	NEW	04-19-136	388-71-0708	AMD	04-16-029	388-72A-0037	NEW-E	04-15-013
388-71-01270	NEW-P	04-13-138	388-71-0734	AMD-P	04-23-068	388-72A-0037	NEW	04-19-103
388-71-01270	NEW	04-19-136	388-71-0900	PREP	04-07-061	388-72A-0038	NEW-E	04-09-094
388-71-01275	NEW-P	04-13-138	388-71-0900	PREP-W	05-01-130	388-72A-0038	NEW-P	04-14-099
388-71-01275	NEW	04-19-136	388-71-0905	PREP	04-07-061	388-72A-0038	NEW-E	04-15-013
388-71-01280	NEW-P	04-13-138	388-71-0905	PREP-W	05-01-130	388-72A-0038	NEW	04-19-103
388-71-01280	NEW	04-19-136	388-71-0910	PREP	04-07-061	388-72A-0039	NEW-E	04-09-094
388-71-0150	REP-P	04-13-138	388-71-0910	PREP-W	05-01-130	388-72A-0039	NEW-P	04-14-099
388-71-0150	REP	04-19-136	388-71-0915	PREP	04-07-061	388-72A-0039	NEW-E	04-15-013
388-71-0155	REP-P	04-13-138	388-71-0915	AMD-E	04-10-062	388-72A-0039	NEW	04-19-103
388-71-0155	REP	04-19-136	388-71-0915	AMD-P	04-10-101	388-72A-0040	REP-E	04-09-094
388-71-0194	AMD-E	04-10-062	388-71-0915	AMD	04-16-029	388-72A-0040	REP-P	04-14-099
388-71-0194	AMD-P	04-10-101	388-71-0915	AMD	04-16-029	388-72A-0040	REP-E	04-15-013
388-71-0194	AMD	04-16-029	388-71-0915	PREP-W	05-01-130	388-72A-0040	REP	04-19-103
388-71-0202	AMD	04-04-042	388-71-0920	PREP	04-07-061	388-72A-0040	REP	04-19-103
388-71-0202	AMD-E	04-10-062	388-71-0920	PREP-W	05-01-130	388-72A-0041	NEW-E	04-09-094
388-71-0202	AMD-P	04-10-101	388-71-0925	PREP	04-07-061	388-72A-0041	NEW-P	04-10-097
388-71-0202	AMD	04-16-029	388-71-0925	PREP-W	05-01-130	388-72A-0041	NEW-W	04-11-082
388-71-0405	AMD-E	04-10-062	388-71-0930	PREP	04-07-061	388-72A-0041	NEW-S	04-11-086
388-71-0405	AMD-P	04-10-101	388-71-0930	PREP-W	05-01-130	388-72A-0041	NEW-W	04-14-096
388-71-0405	AMD	04-16-029	388-71-0935	PREP	04-07-061	388-72A-0041	NEW-P	04-14-099
388-71-0410	AMD-E	04-10-062	388-71-0935	PREP-W	05-01-130	388-72A-0041	NEW-E	04-15-013
388-71-0410	AMD-P	04-10-101	388-71-0940	PREP	04-07-061	388-72A-0041	NEW	04-19-103
388-71-0410	AMD	04-16-029	388-71-0940	PREP-W	05-01-130	388-72A-0042	NEW-P	04-10-097
388-71-0415	AMD-E	04-10-062	388-71-0945	PREP	04-07-061	388-72A-0042	NEW-W	04-11-082
388-71-0415	AMD-P	04-10-101	388-71-0945	PREP-W	05-01-130	388-72A-0042	NEW-S	04-11-086
388-71-0415	AMD	04-16-029	388-71-0950	PREP	04-07-061	388-72A-0042	NEW-W	04-14-096
388-71-0420	AMD-E	04-10-062	388-71-0950	PREP-W	05-01-130	388-72A-0042	NEW-P	04-14-099
388-71-0420	AMD-P	04-10-101	388-71-0955	PREP	04-07-061	388-72A-0042	NEW-E	04-15-013
388-71-0420	AMD	04-16-029	388-71-0955	PREP-W	05-01-130	388-72A-0042	NEW-W	04-18-070
388-71-0425	AMD-E	04-10-062	388-71-0960	PREP	04-07-061	388-72A-0042	NEW-S	04-18-071
388-71-0425	AMD-P	04-10-101	388-71-0960	AMD-E	04-10-062	388-72A-0042	NEW-E	04-18-083
388-71-0425	AMD	04-16-029	388-71-0960	AMD-P	04-10-101	388-72A-0042	NEW	04-21-029
388-71-0440	AMD-E	04-10-062	388-71-0960	AMD	04-16-029	388-72A-0042	NEW-S	04-18-071
388-71-0440	AMD-P	04-10-101	388-71-0960	AMD	04-16-029	388-72A-0043	NEW-S	04-18-071
388-71-0440	AMD	04-16-029	388-71-0960	PREP-W	05-01-130	388-72A-0043	NEW-E	04-18-083
388-71-0465	AMD-E	04-10-062	388-71-0965	PREP	04-07-061	388-72A-0043	NEW-E	04-18-083
388-71-0465	AMD-P	04-10-101	388-71-0965	PREP-W	05-01-130	388-72A-0043	NEW	04-21-029
388-71-0465	AMD	04-16-029	388-71-0965	PREP-W	05-01-130	388-72A-0053	NEW-E	04-10-062
388-71-0470	AMD-E	04-10-062	388-71-1105	AMD-E	04-10-062	388-72A-0053	NEW-E	04-10-062
388-71-0470	AMD-P	04-10-101	388-71-1105	AMD-P	04-10-101	388-72A-0053	NEW-P	04-10-101
388-71-0470	AMD	04-16-029	388-71-1105	AMD	04-16-029	388-72A-0053	NEW	04-16-029
388-71-0480	AMD-E	04-10-062	388-72A	PREP	04-09-089	388-72A-0055	AMD-E	04-09-094
388-71-0480	AMD-P	04-10-101	388-72A-0010	PREP	04-19-100	388-72A-0055	AMD-P	04-14-099
388-71-0480	AMD	04-16-029	388-72A-0010	AMD-E	04-09-094	388-72A-0055	AMD-E	04-15-013
388-71-0510	AMD-E	04-10-062	388-72A-0010	AMD-P	04-10-097	388-72A-0055	AMD	04-19-103
388-71-0510	AMD-P	04-10-101	388-72A-0010	AMD-W	04-11-082	388-72A-0057	NEW-E	04-10-062
388-71-0510	AMD	04-16-029	388-72A-0010	AMD-S	04-11-086	388-72A-0057	NEW-P	04-10-101
388-71-0531	NEW	04-04-042	388-72A-0010	AMD-W	04-14-096	388-72A-0057	NEW	04-16-029
388-71-0531	REP-E	04-07-058	388-72A-0010	AMD-P	04-14-099	388-72A-0058	NEW-E	04-10-062
388-71-0531	PREP	04-07-060	388-72A-0010	AMD-E	04-15-013	388-72A-0058	NEW-P	04-10-101
388-71-0531	REP-P	04-11-085	388-72A-0010	AMD	04-19-103	388-72A-0058	NEW	04-16-029
388-71-0531	REP	04-15-001	388-72A-0036	NEW-E	04-09-094	388-72A-0060	AMD-E	04-09-094
388-71-0531	REP-E	04-15-011	388-72A-0036	NEW-P	04-10-097	388-72A-0060	AMD-E	04-10-062
						388-72A-0060	AMD-P	04-10-101
						388-72A-0060	AMD-P	04-14-099
						388-72A-0060	AMD-E	04-15-013
						388-72A-0060	AMD	04-16-029

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 72A-0060	AMD	04-19-103	388- 72A-0092	NEW-E	04-15-013	388- 78A-0200	REP	04-16-065
388- 72A-0065	AMD-E	04-09-094	388- 72A-0092	NEW	04-19-103	388- 78A-0210	REP-P	04-11-116
388- 72A-0065	AMD-E	04-10-062	388- 72A-0095	AMD-E	04-09-094	388- 78A-0210	REP	04-16-065
388- 72A-0065	AMD-P	04-10-101	388- 72A-0095	AMD-P	04-10-097	388- 78A-0220	REP-P	04-11-116
388- 72A-0065	AMD-P	04-14-099	388- 72A-0095	AMD-W	04-11-082	388- 78A-0220	REP	04-16-065
388- 72A-0065	AMD-E	04-15-013	388- 72A-0095	AMD-S	04-11-086	388- 78A-0230	REP-P	04-11-116
388- 72A-0065	AMD	04-16-029	388- 72A-0095	AMD-W	04-14-096	388- 78A-0230	REP	04-16-065
388- 72A-0065	AMD	04-19-103	388- 72A-0095	AMD-P	04-14-099	388- 78A-0240	REP-P	04-11-116
388- 72A-0069	NEW-E	04-09-094	388- 72A-0095	AMD-E	04-15-013	388- 78A-0240	REP	04-16-065
388- 72A-0069	NEW-P	04-14-099	388- 72A-0095	AMD	04-19-103	388- 78A-0250	REP-P	04-11-116
388- 72A-0069	NEW-E	04-15-013	388- 72A-0100	AMD-E	04-10-062	388- 78A-0250	REP	04-16-065
388- 72A-0069	NEW	04-19-103	388- 72A-0100	AMD-P	04-10-101	388- 78A-0260	REP-P	04-11-116
388- 72A-0070	AMD-E	04-09-094	388- 72A-0100	AMD	04-16-029	388- 78A-0260	REP	04-16-065
388- 72A-0070	AMD-P	04-14-099	388- 72A-0115	NEW-E	04-09-094	388- 78A-0270	REP-P	04-11-116
388- 72A-0070	AMD-E	04-15-013	388- 72A-0115	NEW-P	04-14-099	388- 78A-0270	REP	04-16-065
388- 72A-0070	AMD	04-19-103	388- 72A-0115	NEW-E	04-15-013	388- 78A-0280	REP-P	04-11-116
388- 72A-0075	REP-E	04-09-094	388- 72A-0115	NEW	04-19-103	388- 78A-0280	REP	04-16-065
388- 72A-0075	REP-P	04-14-099	388- 72A-0120	NEW-P	04-14-099	388- 78A-0290	REP-P	04-11-116
388- 72A-0075	REP-E	04-15-013	388- 72A-0120	NEW-E	04-15-013	388- 78A-0290	REP	04-16-065
388- 72A-0075	REP	04-19-103	388- 72A-0120	NEW	04-19-103	388- 78A-0300	REP-P	04-11-116
388- 72A-0080	AMD-E	04-09-094	388- 78A	PREP	04-06-072	388- 78A-0300	REP	04-16-065
388- 72A-0080	AMD-P	04-14-099	388- 78A	PREP	04-07-189	388- 78A-0310	REP-P	04-11-116
388- 72A-0080	AMD-E	04-15-013	388- 78A	PREP-W	04-08-034	388- 78A-0310	REP	04-16-065
388- 72A-0080	AMD	04-19-103	388- 78A-0010	REP-P	04-11-116	388- 78A-0320	REP-P	04-11-116
388- 72A-0081	NEW-E	04-09-094	388- 78A-0010	REP	04-16-065	388- 78A-0320	REP	04-16-065
388- 72A-0081	NEW-P	04-14-099	388- 78A-0020	REP-P	04-11-116	388- 78A-0330	REP-P	04-11-116
388- 72A-0081	NEW-E	04-15-013	388- 78A-0020	REP	04-16-065	388- 78A-0330	REP	04-16-065
388- 72A-0081	NEW	04-19-103	388- 78A-0030	REP-P	04-11-116	388- 78A-0340	REP-P	04-11-116
388- 72A-0082	NEW-E	04-09-094	388- 78A-0030	REP	04-16-065	388- 78A-0340	REP	04-16-065
388- 72A-0082	NEW-P	04-14-099	388- 78A-0040	REP-P	04-11-116	388- 78A-0350	REP-P	04-11-116
388- 72A-0082	NEW-E	04-15-013	388- 78A-0040	REP	04-16-065	388- 78A-0350	REP	04-16-065
388- 72A-0082	NEW	04-19-103	388- 78A-0050	REP-P	04-11-116	388- 78A-0360	REP-P	04-11-116
388- 72A-0083	NEW-E	04-09-094	388- 78A-0050	REP	04-16-065	388- 78A-0360	REP	04-16-065
388- 72A-0083	NEW-P	04-14-099	388- 78A-0060	REP-P	04-11-116	388- 78A-0370	REP-P	04-11-116
388- 72A-0083	NEW-E	04-15-013	388- 78A-0060	REP	04-16-065	388- 78A-0370	REP	04-16-065
388- 72A-0083	NEW	04-19-103	388- 78A-0070	REP-P	04-11-116	388- 78A-0380	REP-P	04-11-116
388- 72A-0084	NEW-E	04-09-094	388- 78A-0070	REP	04-16-065	388- 78A-0380	REP	04-16-065
388- 72A-0084	NEW-P	04-14-099	388- 78A-0080	REP-P	04-11-116	388- 78A-0390	REP-P	04-11-116
388- 72A-0084	NEW-E	04-15-013	388- 78A-0080	REP	04-16-065	388- 78A-0390	REP	04-16-065
388- 72A-0084	NEW	04-19-103	388- 78A-0090	REP-P	04-11-116	388- 78A-0400	REP-P	04-11-116
388- 72A-0085	AMD-E	04-09-094	388- 78A-0090	REP	04-16-065	388- 78A-0400	REP	04-16-065
388- 72A-0085	AMD-P	04-14-099	388- 78A-0100	REP-P	04-11-116	388- 78A-0410	REP-P	04-11-116
388- 72A-0085	AMD-E	04-15-013	388- 78A-0100	REP	04-16-065	388- 78A-0410	REP	04-16-065
388- 72A-0085	AMD	04-19-103	388- 78A-0110	REP-P	04-11-116	388- 78A-0420	REP-P	04-11-116
388- 72A-0086	NEW-E	04-09-094	388- 78A-0110	REP	04-16-065	388- 78A-0420	REP	04-16-065
388- 72A-0086	NEW-P	04-10-097	388- 78A-0120	REP-P	04-11-116	388- 78A-0430	REP-P	04-11-116
388- 72A-0086	NEW-W	04-11-082	388- 78A-0120	REP	04-16-065	388- 78A-0430	REP	04-16-065
388- 72A-0086	NEW-S	04-11-086	388- 78A-0130	REP-P	04-11-116	388- 78A-0440	REP-P	04-11-116
388- 72A-0086	NEW-W	04-14-096	388- 78A-0130	REP	04-16-065	388- 78A-0440	REP	04-16-065
388- 72A-0086	NEW-P	04-14-099	388- 78A-0140	REP-P	04-11-116	388- 78A-0450	REP-P	04-11-116
388- 72A-0086	NEW-E	04-15-013	388- 78A-0140	REP	04-16-065	388- 78A-0450	REP	04-16-065
388- 72A-0086	NEW	04-19-103	388- 78A-0150	REP-P	04-11-116	388- 78A-0460	REP-P	04-11-116
388- 72A-0087	NEW-E	04-09-094	388- 78A-0150	REP	04-16-065	388- 78A-0460	REP	04-16-065
388- 72A-0087	NEW-P	04-14-099	388- 78A-0160	REP-P	04-11-116	388- 78A-0470	REP-P	04-11-116
388- 72A-0087	NEW-E	04-15-013	388- 78A-0160	REP	04-16-065	388- 78A-0470	REP	04-16-065
388- 72A-0087	NEW	04-19-103	388- 78A-0170	REP-P	04-11-116	388- 78A-0480	REP-P	04-11-116
388- 72A-0090	AMD-E	04-09-094	388- 78A-0170	REP	04-16-065	388- 78A-0480	REP	04-16-065
388- 72A-0090	AMD-P	04-14-099	388- 78A-0180	REP-P	04-11-116	388- 78A-0490	REP-P	04-11-116
388- 72A-0090	AMD-E	04-15-013	388- 78A-0180	REP	04-16-065	388- 78A-0490	REP	04-16-065
388- 72A-0090	AMD	04-19-103	388- 78A-0190	REP-P	04-11-116	388- 78A-0500	REP-P	04-11-116
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388- 72A-0092	NEW-P	04-14-099	388- 78A-0200	REP-P	04-11-116	388- 78A-0510	REP-P	04-11-116

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388-78A-3120	NEW	04-16-065	388-96-742	AMD-P	04-17-144	388-110-040	AMD-P	04-13-021
388-78A-3130	NEW-P	04-11-116	388-96-742	AMD	04-21-027	388-110-040	AMD	04-16-063
388-78A-3130	NEW	04-16-065	388-96-749	NEW-P	04-17-144	388-110-050	AMD-P	04-13-021
388-78A-3140	NEW-P	04-11-116	388-96-749	NEW	04-21-027	388-110-050	AMD	04-16-063
388-78A-3140	NEW	04-16-065	388-96-766	AMD-P	04-17-144	388-110-060	REP-P	04-13-021
388-78A-3150	NEW-P	04-11-116	388-96-766	AMD	04-21-027	388-110-060	REP	04-16-063
388-78A-3150	NEW	04-16-065	388-96-776	AMD-P	04-17-144	388-110-070	AMD-P	04-13-021
388-78A-3160	NEW-P	04-11-116	388-96-776	AMD	04-21-027	388-110-070	AMD	04-16-063
388-78A-3160	NEW	04-16-065	388-96-779	REP-P	04-17-144	388-110-080	REP-P	04-13-021
388-78A-3170	NEW-P	04-11-116	388-96-779	REP	04-21-027	388-110-080	REP	04-16-063
388-78A-3170	NEW	04-16-065	388-96-780	REP-P	04-17-144	388-110-090	AMD-P	04-13-021
388-78A-3180	NEW-P	04-11-116	388-96-780	REP	04-21-027	388-110-090	AMD	04-16-063
388-78A-3180	NEW	04-16-065	388-96-782	AMD-P	04-17-144	388-110-100	AMD-P	04-13-021
388-78A-3190	NEW-P	04-11-116	388-96-782	AMD	04-21-027	388-110-100	AMD	04-16-063
388-78A-3190	NEW	04-16-065	388-96-783	NEW-P	04-17-144	388-110-120	AMD-P	04-13-021
388-78A-3200	NEW-P	04-11-116	388-96-783	NEW	04-21-027	388-110-120	AMD	04-16-063
388-78A-3200	NEW	04-16-065	388-96-901	AMD-P	04-17-144	388-110-140	AMD-P	04-13-021
388-78A-3210	NEW-P	04-11-116	388-96-901	AMD	04-21-027	388-110-140	AMD	04-16-063
388-78A-3210	NEW	04-16-065	388-96-904	AMD-P	04-17-144	388-110-140	AMD	04-18-001
388-78A-3220	NEW-P	04-11-116	388-96-904	AMD	04-21-027	388-110-150	AMD-P	04-13-021
388-78A-3220	NEW	04-16-065	388-97-017	PREP	04-12-095	388-110-150	AMD	04-16-063
388-78A-3230	NEW-P	04-11-116	388-97-017	AMD-P	04-17-107	388-110-170	REP-P	04-13-021
388-78A-3230	NEW	04-16-065	388-97-017	AMD	04-20-055	388-110-170	REP	04-16-063
388-96	PREP	04-08-133	388-97-125	PREP	04-06-055	388-110-180	REP-P	04-13-021
388-96-117	AMD-P	04-17-144	388-97-125	AMD-P	04-20-056	388-110-180	REP	04-16-063
388-96-117	AMD	04-21-027	388-97-125	AMD	04-23-085	388-110-190	REP-P	04-13-021
388-96-217	AMD-P	04-17-144	388-105	PREP	04-10-089	388-110-190	REP	04-16-063
388-96-217	AMD	04-21-027	388-105	PREP	04-18-066	388-110-200	REP-P	04-13-021
388-96-218	AMD-P	04-17-144	388-105	PREP	04-20-100	388-110-200	REP	04-16-063
388-96-218	AMD	04-21-027	388-105	PREP-W	04-20-102	388-110-220	AMD-P	04-13-021
388-96-369	AMD-P	04-17-144	388-105-0005	AMD-P	04-04-044	388-110-220	AMD	04-16-063
388-96-369	AMD	04-21-027	388-105-0005	AMD-E	04-06-038	388-110-220	AMD	04-18-001
388-96-372	AMD-P	04-17-144	388-105-0005	AMD-W	04-06-056	388-110-240	AMD-P	04-13-021
388-96-372	AMD	04-21-027	388-105-0005	AMD-P	04-06-075	388-110-240	AMD	04-16-063
388-96-708	AMD-P	04-17-144	388-105-0005	AMD	04-09-092	388-110-260	AMD-P	04-13-021
388-96-708	AMD	04-21-027	388-105-0030	AMD-P	04-04-044	388-110-260	AMD	04-16-063
388-96-709	AMD-P	04-17-144	388-105-0030	AMD-E	04-06-038	388-110-270	AMD-P	04-13-021
388-96-709	AMD	04-21-027	388-105-0030	AMD-W	04-06-056	388-110-270	AMD	04-16-063
388-96-713	AMD-P	04-17-144	388-105-0030	AMD-P	04-06-075	388-110-280	AMD-P	04-13-021
388-96-713	AMD	04-21-027	388-105-0030	AMD	04-09-092	388-110-280	AMD	04-16-063
388-96-714	REP-P	04-17-144	388-105-0040	AMD-P	04-04-044	388-140-0005	NEW-E	04-03-0100
388-96-714	REP	04-21-027	388-105-0040	AMD-E	04-06-038	388-140-0010	NEW-E	04-03-0100
388-96-723	AMD-P	04-17-144	388-105-0040	AMD-W	04-06-056	388-140-0015	NEW-E	04-03-0100
388-96-723	AMD	04-21-027	388-105-0040	AMD-P	04-06-075	388-140-0020	NEW-E	04-03-0100
388-96-724	AMD-P	04-17-144	388-105-0040	AMD	04-09-092	388-140-0025	NEW-E	04-03-0100
388-96-724	AMD	04-21-027	388-105-0045	NEW-P	04-04-044	388-140-0030	NEW-E	04-03-0100
388-96-725	AMD-P	04-17-144	388-105-0045	NEW-E	04-06-038	388-140-0035	NEW-E	04-03-0100
388-96-725	AMD	04-21-027	388-105-0045	NEW-W	04-06-056	388-140-0040	NEW-E	04-03-0100
388-96-726	AMD-P	04-17-144	388-105-0045	NEW-P	04-06-075	388-140-0045	NEW-E	04-03-0100
388-96-726	AMD	04-21-027	388-105-0045	NEW	04-09-092	388-140-0050	NEW-E	04-03-0100
388-96-728	REP-P	04-17-144	388-106	PREP	05-01-128	388-140-0055	NEW-E	04-03-0100
388-96-728	REP	04-21-027	388-110	AMD-P	04-13-021	388-140-0060	NEW-E	04-03-0100
388-96-729	REP-P	04-17-144	388-110	AMD	04-16-063	388-140-0065	NEW-E	04-03-0100
388-96-729	REP	04-21-027	388-110-005	AMD-P	04-13-021	388-140-0070	NEW-E	04-03-0100
388-96-730	AMD-P	04-17-144	388-110-005	AMD	04-16-063	388-140-0075	NEW-E	04-03-0100
388-96-730	AMD	04-21-027	388-110-010	AMD-P	04-13-021	388-140-0080	NEW-E	04-03-0100
388-96-731	AMD-P	04-17-144	388-110-010	AMD	04-16-063	388-140-0085	NEW-E	04-03-0100
388-96-731	AMD	04-21-027	388-110-020	AMD-P	04-13-021	388-140-0090	NEW-E	04-03-0100
388-96-732	REP-P	04-17-144	388-110-020	AMD	04-16-063	388-140-0095	NEW-E	04-03-0100
388-96-732	REP	04-21-027	388-110-020	AMD	04-18-001	388-140-0100	NEW-E	04-03-0100
388-96-740	AMD-P	04-17-144	388-110-030	AMD-P	04-13-021	388-140-0105	NEW-E	04-03-0100
388-96-740	AMD	04-21-027	388-110-030	AMD	04-16-063	388-140-0110	NEW-E	04-03-0100

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388-147-0410	NEW-P	04-18-045	388-147-0720	NEW-P	04-18-045	388-148-0127	NEW-P	04-03-116
388-147-0410	NEW	05-01-075	388-147-0720	NEW	05-01-075	388-148-0127	NEW	04-08-073
388-147-0420	NEW-P	04-18-045	388-148	AMD-P	04-03-116	388-148-0130	AMD-P	04-03-116
388-147-0420	NEW	05-01-075	388-148	AMD	04-08-073	388-148-0130	AMD	04-08-073
388-147-0430	NEW-P	04-18-045	388-148-0005	AMD-P	04-03-116	388-148-0135	AMD-P	04-03-116
388-147-0430	NEW	05-01-075	388-148-0005	AMD	04-08-073	388-148-0135	AMD	04-08-073
388-147-0440	NEW-P	04-18-045	388-148-0010	AMD-P	04-03-116	388-148-0140	AMD-P	04-03-116
388-147-0440	NEW	05-01-075	388-148-0010	AMD	04-08-073	388-148-0140	AMD-E	04-05-035
388-147-0450	NEW-P	04-18-045	388-148-0015	AMD-P	04-03-116	388-148-0140	AMD	04-08-073
388-147-0450	NEW	05-01-075	388-148-0015	AMD	04-08-073	388-148-0150	AMD-P	04-03-116
388-147-0460	NEW-P	04-18-045	388-148-0020	AMD-P	04-03-116	388-148-0150	AMD	04-08-073
388-147-0460	NEW	05-01-075	388-148-0020	AMD	04-08-073	388-148-0165	AMD-P	04-03-116
388-147-0470	NEW-P	04-18-045	388-148-0025	AMD-P	04-03-116	388-148-0165	AMD	04-08-073
388-147-0470	NEW	05-01-075	388-148-0025	AMD	04-08-073	388-148-0170	AMD-P	04-03-116
388-147-0480	NEW-P	04-18-045	388-148-0035	AMD-P	04-03-116	388-148-0170	AMD-E	04-05-035
388-147-0480	NEW	05-01-075	388-148-0035	AMD-E	04-05-035	388-148-0170	AMD	04-08-073
388-147-0490	NEW-P	04-18-045	388-148-0035	AMD	04-08-073	388-148-0180	AMD-P	04-03-116
388-147-0490	NEW	05-01-075	388-148-0040	AMD-P	04-03-116	388-148-0180	AMD	04-08-073
388-147-0500	NEW-P	04-18-045	388-148-0040	AMD-E	04-05-035	388-148-0185	AMD-P	04-03-116
388-147-0500	NEW	05-01-075	388-148-0040	AMD	04-08-073	388-148-0185	AMD	04-08-073
388-147-0510	NEW-P	04-18-045	388-148-0045	AMD-P	04-03-116	388-148-0200	AMD-P	04-03-116
388-147-0510	NEW	05-01-075	388-148-0045	AMD-E	04-05-035	388-148-0200	AMD	04-08-073
388-147-0520	NEW-P	04-18-045	388-148-0045	AMD	04-08-073	388-148-0210	AMD-P	04-03-116
388-147-0520	NEW	05-01-075	388-148-0050	AMD-P	04-03-116	388-148-0210	AMD	04-08-073
388-147-0530	NEW-P	04-18-045	388-148-0050	AMD-E	04-05-035	388-148-0220	AMD-P	04-03-116
388-147-0530	NEW	05-01-075	388-148-0050	AMD	04-08-073	388-148-0220	AMD-E	04-05-035
388-147-0540	NEW-P	04-18-045	388-148-0050	AMD-P	04-16-001	388-148-0220	AMD	04-08-073
388-147-0540	NEW	05-01-075	388-148-0050	AMD	04-21-063	388-148-0225	AMD-P	04-03-116
388-147-0550	NEW-P	04-18-045	388-148-0055	AMD-P	04-03-116	388-148-0225	AMD	04-08-073
388-147-0550	NEW	05-01-075	388-148-0055	AMD	04-08-073	388-148-0230	AMD-P	04-03-116
388-147-0560	NEW-P	04-18-045	388-148-0058	NEW-P	04-03-116	388-148-0230	AMD	04-08-073
388-147-0560	NEW	05-01-075	388-148-0058	NEW-E	04-05-035	388-148-0235	AMD-P	04-03-116
388-147-0570	NEW-P	04-18-045	388-148-0058	NEW	04-08-073	388-148-0235	AMD	04-08-073
388-147-0570	NEW	05-01-075	388-148-0060	AMD-P	04-03-116	388-148-0240	AMD-P	04-03-116
388-147-0580	NEW-P	04-18-045	388-148-0060	AMD-E	04-05-035	388-148-0240	AMD	04-08-073
388-147-0580	NEW	05-01-075	388-148-0060	AMD	04-08-073	388-148-0245	AMD-P	04-03-116
388-147-0590	NEW-P	04-18-045	388-148-0065	AMD-P	04-03-116	388-148-0245	AMD	04-08-073
388-147-0590	NEW	05-01-075	388-148-0065	AMD-E	04-05-035	388-148-0250	AMD-P	04-03-116
388-147-0600	NEW-P	04-18-045	388-148-0065	AMD	04-08-073	388-148-0250	AMD	04-08-073
388-147-0600	NEW	05-01-075	388-148-0070	AMD-P	04-03-116	388-148-0255	AMD-P	04-03-116
388-147-0610	NEW-P	04-18-045	388-148-0070	AMD	04-08-073	388-148-0255	AMD	04-08-073
388-147-0610	NEW	05-01-075	388-148-0075	AMD-P	04-03-116	388-148-0260	AMD-P	04-03-116
388-147-0620	NEW-P	04-18-045	388-148-0075	AMD	04-08-073	388-148-0260	AMD-E	04-05-035
388-147-0620	NEW	05-01-075	388-148-0085	AMD-P	04-03-116	388-148-0260	AMD	04-08-073
388-147-0630	NEW-P	04-18-045	388-148-0085	AMD	04-08-073	388-148-0265	AMD-P	04-03-116
388-147-0630	NEW	05-01-075	388-148-0090	AMD-P	04-03-116	388-148-0265	AMD	04-08-073
388-147-0640	NEW-P	04-18-045	388-148-0090	AMD	04-08-073	388-148-0270	AMD-P	04-03-116
388-147-0640	NEW	05-01-075	388-148-0095	AMD-P	04-03-116	388-148-0270	AMD-E	04-05-035
388-147-0650	NEW-P	04-18-045	388-148-0095	AMD-E	04-05-035	388-148-0270	AMD	04-08-073
388-147-0650	NEW	05-01-075	388-148-0095	AMD	04-08-073	388-148-0275	AMD-P	04-03-116
388-147-0660	NEW-P	04-18-045	388-148-0098	NEW-P	04-03-116	388-148-0275	AMD	04-08-073
388-147-0660	NEW	05-01-075	388-148-0098	NEW	04-08-073	388-148-0285	REP-P	04-03-116
388-147-0670	NEW-P	04-18-045	388-148-0100	AMD-P	04-03-116	388-148-0285	REP	04-08-073
388-147-0670	NEW	05-01-075	388-148-0100	AMD	04-08-073	388-148-0300	AMD-P	04-03-116
388-147-0680	NEW-P	04-18-045	388-148-0110	AMD-P	04-03-116	388-148-0300	AMD	04-08-073
388-147-0680	NEW	05-01-075	388-148-0110	AMD	04-08-073	388-148-0305	AMD-P	04-03-116
388-147-0690	NEW-P	04-18-045	388-148-0120	AMD-P	04-03-116	388-148-0305	AMD	04-08-073
388-147-0690	NEW	05-01-075	388-148-0120	AMD-E	04-05-035	388-148-0315	AMD-P	04-03-116
388-147-0700	NEW-P	04-18-045	388-148-0120	AMD	04-08-073	388-148-0315	AMD	04-08-073
388-147-0700	NEW	05-01-075	388-148-0125	AMD-P	04-03-116	388-148-0320	AMD-P	04-03-116
388-147-0710	NEW-P	04-18-045	388-148-0125	AMD-E	04-05-035	388-148-0320	AMD	04-08-073
388-147-0710	NEW	05-01-075	388-148-0125	AMD	04-08-073	388-148-0325	AMD-P	04-03-116

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388-148-0335	AMD-P	04-03-116	388-148-0520	AMD-E	04-05-035	388-148-0715	AMD	04-08-073
388-148-0335	AMD-E	04-05-035	388-148-0520	AMD	04-08-073	388-148-0718	NEW-P	04-03-116
388-148-0335	AMD	04-08-073	388-148-0525	AMD-P	04-03-116	388-148-0718	NEW	04-08-073
388-148-0340	AMD-P	04-03-116	388-148-0525	AMD	04-08-073	388-148-0720	AMD-P	04-03-116
388-148-0340	AMD	04-08-073	388-148-0535	AMD-P	04-03-116	388-148-0720	AMD-E	04-05-035
388-148-0345	AMD-P	04-03-116	388-148-0535	AMD	04-08-073	388-148-0720	AMD	04-08-073
388-148-0345	AMD-E	04-05-035	388-148-0540	AMD-P	04-03-116	388-148-0722	NEW-P	04-03-116
388-148-0345	AMD	04-08-073	388-148-0540	AMD	04-08-073	388-148-0722	NEW-E	04-05-035
388-148-0350	AMD-P	04-03-116	388-148-0541	NEW-P	04-03-116	388-148-0722	NEW	04-08-073
388-148-0350	AMD-E	04-05-035	388-148-0541	NEW	04-08-073	388-148-0725	AMD-P	04-03-116
388-148-0350	AMD	04-08-073	388-148-0542	NEW-P	04-03-116	388-148-0725	AMD-E	04-05-035
388-148-0352	NEW-P	04-03-116	388-148-0542	NEW-E	04-05-035	388-148-0725	AMD	04-08-073
388-148-0352	NEW	04-08-073	388-148-0542	NEW	04-08-073	388-148-0730	AMD-P	04-03-116
388-148-0355	AMD-P	04-03-116	388-148-0555	AMD-P	04-03-116	388-148-0730	AMD	04-08-073
388-148-0355	AMD	04-08-073	388-148-0555	AMD	04-08-073	388-148-0735	REP-P	04-03-116
388-148-0360	REP-P	04-03-116	388-148-0560	AMD-P	04-03-116	388-148-0735	REP	04-08-073
388-148-0360	REP	04-08-073	388-148-0560	AMD-E	04-05-035	388-148-0750	AMD-P	04-03-116
388-148-0365	AMD-P	04-03-116	388-148-0560	AMD	04-08-073	388-148-0750	AMD	04-08-073
388-148-0365	AMD	04-08-073	388-148-0560	AMD	04-08-073	388-148-0750	AMD	04-08-073
388-148-0375	AMD-P	04-03-116	388-148-0585	AMD-P	04-03-116	388-148-0765	AMD-P	04-03-116
388-148-0375	AMD	04-08-073	388-148-0585	AMD-E	04-05-035	388-148-0765	AMD	04-08-073
388-148-0380	AMD-P	04-03-116	388-148-0585	AMD	04-08-073	388-148-0775	AMD-P	04-03-116
388-148-0380	AMD	04-08-073	388-148-0600	AMD-P	04-03-116	388-148-0775	AMD	04-08-073
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388-148-0395	AMD-P	04-03-116	388-148-0605	AMD	04-08-073	388-148-0785	AMD	04-08-073
388-148-0395	AMD-E	04-05-035	388-148-0610	AMD-P	04-03-116	388-148-0795	AMD-P	04-03-116
388-148-0395	AMD	04-08-073	388-148-0610	AMD	04-08-073	388-148-0795	AMD	04-08-073
388-148-0400	AMD-P	04-03-116	388-148-0615	REP-P	04-03-116	388-148-0800	AMD-P	04-03-116
388-148-0400	AMD	04-08-073	388-148-0615	REP	04-08-073	388-148-0800	AMD	04-08-073
388-148-0422	NEW-P	04-03-116	388-148-0620	AMD-P	04-03-116	388-148-0805	AMD-P	04-03-116
388-148-0422	NEW	04-08-073	388-148-0620	AMD	04-08-073	388-148-0805	AMD	04-08-073
388-148-0425	AMD-P	04-03-116	388-148-0625	AMD-P	04-03-116	388-148-0810	AMD-P	04-03-116
388-148-0425	AMD	04-08-073	388-148-0625	AMD	04-08-073	388-148-0810	AMD	04-08-073
388-148-0427	NEW-E	04-05-035	388-148-0630	REP-P	04-03-116	388-148-0830	AMD-P	04-03-116
388-148-0430	AMD-P	04-03-116	388-148-0630	AMD-E	04-05-035	388-148-0830	AMD	04-08-073
388-148-0430	AMD	04-08-073	388-148-0630	REP	04-08-073	388-148-0860	AMD-P	04-03-116
388-148-0445	AMD-P	04-03-116	388-148-0635	REP-P	04-03-116	388-148-0860	AMD	04-08-073
388-148-0445	AMD	04-08-073	388-148-0635	REP	04-08-073	388-148-0870	AMD-P	04-03-116
388-148-0450	REP-P	04-03-116	388-148-0640	AMD-P	04-03-116	388-148-0870	AMD	04-08-073
388-148-0450	REP	04-08-073	388-148-0640	AMD	04-08-073	388-148-0875	AMD-P	04-03-116
388-148-0455	AMD-P	04-03-116	388-148-0645	AMD-P	04-03-116	388-148-0875	AMD	04-08-073
388-148-0455	AMD	04-08-073	388-148-0645	AMD	04-08-073	388-148-0880	AMD-P	04-03-116
388-148-0460	AMD-P	04-03-116	388-148-0650	REP-P	04-03-116	388-148-0880	AMD-E	04-05-035
388-148-0460	AMD-E	04-05-035	388-148-0650	REP	04-08-073	388-148-0880	AMD	04-08-073
388-148-0460	AMD	04-08-073	388-148-0655	AMD-P	04-03-116	388-148-0885	AMD-P	04-03-116
388-148-0462	NEW-E	04-05-035	388-148-0655	AMD	04-08-073	388-148-0885	AMD	04-08-073
388-148-0470	AMD-P	04-03-116	388-148-0660	AMD-P	04-03-116	388-148-0890	AMD-P	04-03-116
388-148-0470	AMD	04-08-073	388-148-0660	AMD	04-08-073	388-148-0890	AMD	04-08-073
388-148-0480	AMD-P	04-03-116	388-148-0670	AMD-P	04-03-116	388-148-0892	NEW-P	04-03-116
388-148-0480	AMD	04-08-073	388-148-0670	AMD	04-08-073	388-148-0892	NEW-E	04-05-035
388-148-0485	AMD-P	04-03-116	388-148-0685	AMD-P	04-03-116	388-148-0892	NEW	04-08-073
388-148-0485	AMD	04-08-073	388-148-0685	AMD	04-08-073	388-148-0895	AMD-P	04-03-116
388-148-0487	NEW-P	04-03-116	388-148-0695	AMD-P	04-03-116	388-148-0895	AMD	04-08-073
388-148-0487	NEW	04-08-073	388-148-0695	AMD	04-08-073	388-148-0900	AMD-P	04-03-116
388-148-0488	NEW-P	04-03-116	388-148-0700	AMD-P	04-03-116	388-148-0900	AMD	04-08-073
388-148-0488	NEW	04-08-073	388-148-0700	AMD-E	04-05-035	388-148-0905	AMD-P	04-03-116
388-148-0490	AMD-P	04-03-116	388-148-0700	AMD	04-08-073	388-148-0905	AMD	04-08-073
388-148-0490	AMD	04-08-073	388-148-0705	AMD-P	04-03-116	388-148-0915	AMD-P	04-03-116
388-148-0500	REP-P	04-03-116	388-148-0705	AMD	04-08-073	388-148-0915	AMD-E	04-05-035
388-148-0500	REP	04-08-073	388-148-0710	AMD-P	04-03-116	388-148-0915	AMD	04-08-073
			388-148-0710	AMD	04-08-073	388-148-0935	REP-P	04-03-116

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388-148-0935	REP	04-08-073	388-148-1245	NEW-P	04-03-116	388-155-140	REP	04-18-082
388-148-0995	AMD-P	04-03-116	388-148-1245	NEW	04-08-073	388-155-150	REP-P	04-07-134
388-148-0995	AMD-E	04-05-035	388-148-1250	NEW-P	04-03-116	388-155-150	REP	04-18-082
388-148-0995	AMD	04-08-073	388-148-1250	NEW	04-08-073	388-155-160	REP-P	04-07-134
388-148-1020	REP-P	04-03-116	388-148-1255	NEW-P	04-03-116	388-155-160	REP	04-18-082
388-148-1020	REP	04-08-073	388-148-1255	NEW	04-08-073	388-155-165	REP-P	04-07-134
388-148-1025	AMD-P	04-03-116	388-148-1260	NEW-P	04-03-116	388-155-165	REP	04-18-082
388-148-1025	AMD	04-08-073	388-148-1260	NEW	04-08-073	388-155-170	REP-P	04-07-134
388-148-1030	AMD-P	04-03-116	388-148-1265	NEW-P	04-03-116	388-155-170	REP	04-18-082
388-148-1030	AMD	04-08-073	388-148-1265	NEW	04-08-073	388-155-180	REP-P	04-07-134
388-148-1035	AMD-P	04-03-116	388-148-1270	NEW-P	04-03-116	388-155-180	REP	04-18-082
388-148-1035	AMD	04-08-073	388-148-1270	NEW	04-08-073	388-155-190	REP-P	04-07-134
388-148-1045	AMD-P	04-03-116	388-148-1275	NEW-P	04-03-116	388-155-190	REP	04-18-082
388-148-1045	AMD	04-08-073	388-148-1275	NEW	04-08-073	388-155-200	REP-P	04-07-134
388-148-1050	AMD-P	04-03-116	388-148-1280	NEW-P	04-03-116	388-155-200	REP	04-18-082
388-148-1050	AMD	04-08-073	388-148-1280	NEW	04-08-073	388-155-220	REP-P	04-07-134
388-148-1060	AMD-P	04-03-116	388-155	REP-C	04-10-095	388-155-220	REP	04-18-082
388-148-1060	AMD-E	04-05-035	388-155-005	REP-P	04-07-134	388-155-230	REP-P	04-07-134
388-148-1060	AMD	04-08-073	388-155-005	REP	04-18-082	388-155-230	REP	04-18-082
388-148-1065	REP-P	04-03-116	388-155-010	REP-P	04-07-134	388-155-240	REP-P	04-07-134
388-148-1065	REP	04-08-073	388-155-010	REP	04-18-082	388-155-240	REP	04-18-082
388-148-1066	NEW-P	04-03-116	388-155-020	REP-P	04-07-134	388-155-250	REP-P	04-07-134
388-148-1066	NEW	04-08-073	388-155-020	REP	04-18-082	388-155-250	REP	04-18-082
388-148-1070	AMD-P	04-03-116	388-155-040	REP-P	04-07-134	388-155-270	REP-P	04-07-134
388-148-1070	AMD-E	04-05-035	388-155-040	REP	04-18-082	388-155-270	REP	04-18-082
388-148-1070	AMD	04-08-073	388-155-050	REP-P	04-07-134	388-155-280	REP-P	04-07-134
388-148-1076	NEW-P	04-03-116	388-155-050	REP	04-18-082	388-155-280	REP	04-18-082
388-148-1076	NEW-E	04-05-035	388-155-060	REP-P	04-07-134	388-155-290	REP-P	04-07-134
388-148-1076	NEW	04-08-073	388-155-060	REP	04-18-082	388-155-290	REP	04-18-082
388-148-1077	NEW-P	04-03-116	388-155-070	REP-P	04-07-134	388-155-295	REP-P	04-07-134
388-148-1077	NEW-E	04-05-035	388-155-070	REP	04-18-082	388-155-295	REP	04-18-082
388-148-1077	NEW	04-08-073	388-155-080	REP-P	04-07-134	388-155-310	REP-P	04-07-134
388-148-1078	NEW-P	04-03-116	388-155-080	REP-W	04-18-046	388-155-310	REP	04-18-082
388-148-1078	NEW-E	04-05-035	388-155-083	REP-P	04-07-134	388-155-320	REP-P	04-07-134
388-148-1078	NEW	04-08-073	388-155-083	REP	04-18-082	388-155-320	REP	04-18-082
388-148-1079	NEW-P	04-03-116	388-155-085	REP-P	04-07-134	388-155-330	REP-P	04-07-134
388-148-1079	NEW-E	04-05-035	388-155-085	REP	04-18-082	388-155-330	REP	04-18-082
388-148-1079	NEW	04-08-073	388-155-090	REP-P	04-07-134	388-155-340	REP-P	04-07-134
388-148-1085	AMD-P	04-03-116	388-155-090	REP	04-18-082	388-155-340	REP	04-18-082
388-148-1085	AMD	04-08-073	388-155-092	REP-P	04-07-134	388-155-350	REP-P	04-07-134
388-148-1115	AMD-P	04-03-116	388-155-092	REP	04-18-082	388-155-350	REP	04-18-082
388-148-1115	AMD-E	04-05-035	388-155-093	REP-P	04-07-134	388-155-360	REP-P	04-07-134
388-148-1115	AMD	04-08-073	388-155-093	REP	04-18-082	388-155-360	REP	04-18-082
388-148-1120	AMD-P	04-03-116	388-155-094	REP-P	04-07-134	388-155-370	REP-P	04-07-134
388-148-1120	AMD-E	04-05-035	388-155-094	REP	04-18-082	388-155-370	REP	04-18-082
388-148-1120	AMD	04-08-073	388-155-095	REP-P	04-07-134	388-155-380	REP-P	04-07-134
388-148-1205	NEW-P	04-03-116	388-155-095	REP	04-18-082	388-155-380	REP	04-18-082
388-148-1205	NEW	04-08-073	388-155-096	REP-P	04-07-134	388-155-390	REP-P	04-07-134
388-148-1210	NEW-P	04-03-116	388-155-096	REP	04-18-082	388-155-390	REP	04-18-082
388-148-1210	NEW	04-08-073	388-155-097	REP-P	04-07-134	388-155-400	REP-P	04-07-134
388-148-1215	NEW-P	04-03-116	388-155-097	REP	04-18-082	388-155-400	REP	04-18-082
388-148-1215	NEW	04-08-073	388-155-098	REP-P	04-07-134	388-155-410	REP-P	04-07-134
388-148-1220	NEW-P	04-03-116	388-155-098	REP	04-18-082	388-155-410	REP	04-18-082
388-148-1220	NEW	04-08-073	388-155-100	REP-P	04-07-134	388-155-420	REP-P	04-07-134
388-148-1225	NEW-P	04-03-116	388-155-100	REP	04-18-082	388-155-420	REP	04-18-082
388-148-1225	NEW	04-08-073	388-155-110	REP-P	04-07-134	388-155-430	REP-P	04-07-134
388-148-1230	NEW-P	04-03-116	388-155-110	REP	04-18-082	388-155-430	REP	04-18-082
388-148-1230	NEW	04-08-073	388-155-120	REP-P	04-07-134	388-155-440	REP-P	04-07-134
388-148-1235	NEW-P	04-03-116	388-155-120	REP	04-18-082	388-155-440	REP	04-18-082
388-148-1235	NEW	04-08-073	388-155-130	REP-P	04-07-134	388-155-450	REP-P	04-07-134
388-148-1240	NEW-P	04-03-116	388-155-130	REP	04-18-082	388-155-450	REP	04-18-082
388-148-1240	NEW	04-08-073	388-155-140	REP-P	04-07-134	388-155-460	REP-P	04-07-134

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388-155-470	REP	04-18-082	388-290-0020	AMD-P	04-02-047	388-290-0090	AMD	04-08-021
388-155-480	REP-P	04-07-134	388-290-0020	AMD	04-08-021	388-290-0090	AMD	04-08-134
388-155-480	REP	04-18-082	388-290-0020	AMD	04-08-134	388-290-0090	PREP	04-13-046
388-155-490	REP-P	04-07-134	388-290-0020	PREP	04-13-046	388-290-0095	AMD-P	04-02-047
388-155-490	REP	04-18-082	388-290-0025	AMD-P	04-02-047	388-290-0095	AMD	04-08-021
388-155-500	REP-P	04-07-134	388-290-0025	AMD	04-08-021	388-290-0095	AMD	04-08-134
388-155-500	REP	04-18-082	388-290-0025	AMD	04-08-134	388-290-0100	AMD-P	04-02-047
388-155-600	REP-P	04-07-134	388-290-0025	PREP	04-13-046	388-290-0100	AMD	04-08-021
388-155-600	REP	04-18-082	388-290-0030	AMD-P	04-02-047	388-290-0100	AMD	04-08-134
388-155-605	REP-P	04-07-134	388-290-0030	AMD	04-08-021	388-290-0105	AMD-P	04-02-047
388-155-605	REP	04-18-082	388-290-0030	AMD	04-08-134	388-290-0105	AMD	04-08-021
388-155-610	REP-P	04-07-134	388-290-0030	PREP	04-13-046	388-290-0105	AMD	04-08-134
388-155-610	REP	04-18-082	388-290-0031	NEW-P	04-02-047	388-290-0105	PREP	04-13-046
388-155-620	REP-P	04-07-134	388-290-0031	NEW	04-08-021	388-290-0107	NEW-P	04-02-047
388-155-620	REP	04-18-082	388-290-0031	NEW	04-08-134	388-290-0107	NEW	04-08-021
388-155-630	REP-P	04-07-134	388-290-0032	NEW-P	04-02-047	388-290-0107	NEW	04-08-134
388-155-630	REP	04-18-082	388-290-0032	NEW	04-08-021	388-290-0108	NEW-P	04-02-047
388-155-640	REP-P	04-07-134	388-290-0032	NEW	04-08-134	388-290-0108	NEW	04-08-021
388-155-640	REP	04-18-082	388-290-0032	PREP	04-13-046	388-290-0108	NEW	04-08-134
388-155-640	REP	04-18-082	388-290-0032	PREP	04-13-046	388-290-0108	PREP	04-13-046
388-155-650	REP-P	04-07-134	388-290-0035	AMD-P	04-02-047	388-290-0108	PREP	04-13-046
388-155-650	REP	04-18-082	388-290-0035	AMD	04-08-021	388-290-0110	AMD-P	04-02-047
388-155-660	REP-P	04-07-134	388-290-0035	AMD	04-08-134	388-290-0110	AMD	04-08-021
388-155-660	REP	04-18-082	388-290-0040	AMD-P	04-02-047	388-290-0110	AMD	04-08-134
388-155-670	REP-P	04-07-134	388-290-0040	AMD	04-08-021	388-290-0110	PREP	04-13-046
388-155-670	REP	04-18-082	388-290-0040	AMD	04-08-134	388-290-0110	PREP	04-13-046
388-155-680	REP-P	04-07-134	388-290-0040	PREP	04-13-046	388-290-0120	AMD-P	04-02-047
388-155-680	REP	04-18-082	388-290-0045	AMD-P	04-02-047	388-290-0120	AMD	04-08-134
388-155-991	REP-P	04-07-134	388-290-0045	AMD	04-08-021	388-290-0120	AMD	04-08-134
388-155-991	REP	04-18-082	388-290-0045	AMD	04-08-134	388-290-0125	AMD-P	04-02-047
388-155-992	REP-P	04-07-134	388-290-0045	PREP	04-13-046	388-290-0125	AMD	04-08-021
388-155-992	REP	04-18-082	388-290-0045	PREP	04-13-046	388-290-0125	AMD	04-08-134
388-155-993	REP-P	04-07-134	388-290-0050	AMD-P	04-02-047	388-290-0130	AMD-P	04-02-047
388-155-993	REP	04-18-082	388-290-0050	AMD	04-08-021	388-290-0130	AMD-E	04-04-030
388-160-0075	PREP	04-18-067	388-290-0050	AMD	04-08-134	388-290-0130	AMD	04-08-021
388-160-0195	PREP	04-18-067	388-290-0055	AMD-P	04-02-047	388-290-0130	AMD	04-08-134
388-273-0025	AMD-E	04-03-097	388-290-0055	AMD	04-08-021	388-290-0130	PREP	04-13-046
388-273-0025	AMD-P	04-07-089	388-290-0060	AMD	04-08-134	388-290-0135	AMD-P	04-02-047
388-273-0025	AMD-E	04-11-080	388-290-0060	AMD-P	04-02-047	388-290-0135	AMD	04-08-021
388-273-0025	AMD	04-13-136	388-290-0060	AMD	04-08-021	388-290-0135	AMD	04-08-134
388-273-0030	AMD-E	04-03-097	388-290-0060	AMD	04-08-134	388-290-0140	AMD-P	04-02-047
388-273-0030	AMD-P	04-07-089	388-290-0060	PREP	04-13-046	388-290-0140	AMD	04-08-021
388-273-0030	AMD-E	04-11-080	388-290-0065	AMD-P	04-02-047	388-290-0140	AMD	04-08-134
388-273-0030	AMD	04-13-136	388-290-0065	AMD	04-08-021	388-290-0140	PREP	04-13-046
388-273-0035	AMD-E	04-03-097	388-290-0065	AMD	04-08-134	388-290-0143	AMD-P	04-02-047
388-273-0035	AMD-P	04-07-089	388-290-0065	AMD	04-08-134	388-290-0143	AMD	04-08-021
388-273-0035	AMD-E	04-11-080	388-290-0070	AMD-P	04-02-047	388-290-0143	AMD	04-08-134
388-273-0035	AMD	04-13-136	388-290-0070	AMD	04-08-021	388-290-0145	AMD-P	04-02-047
388-290-0001	AMD-P	04-02-047	388-290-0070	AMD	04-08-134	388-290-0145	AMD	04-08-021
388-290-0001	AMD	04-08-021	388-290-0075	AMD-P	04-02-047	388-290-0145	AMD	04-08-021
388-290-0001	AMD	04-08-134	388-290-0075	AMD-E	04-05-079	388-290-0145	AMD	04-08-134
388-290-0005	AMD-P	04-02-047	388-290-0075	AMD	04-08-021	388-290-0150	AMD-P	04-02-047
388-290-0005	AMD	04-08-021	388-290-0075	AMD	04-08-134	388-290-0150	AMD	04-08-021
388-290-0005	AMD	04-08-134	388-290-0080	REP-P	04-02-047	388-290-0150	AMD	04-08-134
388-290-0010	AMD-P	04-02-047	388-290-0080	REP	04-08-021	388-290-0155	AMD-P	04-02-047
388-290-0010	AMD	04-08-021	388-290-0080	REP	04-08-134	388-290-0155	AMD	04-08-021
388-290-0010	AMD	04-08-134	388-290-0082	NEW-P	04-02-047	388-290-0155	AMD	04-08-134
388-290-0012	NEW-P	04-02-047	388-290-0082	NEW	04-08-021	388-290-0155	PREP	04-13-046
388-290-0012	NEW	04-08-021	388-290-0082	NEW	04-08-134	388-290-0160	AMD-P	04-02-047
388-290-0012	NEW	04-08-134	388-290-0085	AMD-P	04-02-047	388-290-0160	AMD	04-08-021
388-290-0012	NEW	04-08-134	388-290-0085	AMD-E	04-05-079	388-290-0160	AMD	04-08-134
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			388-290-0085	AMD	04-08-134	388-290-0165	AMD	04-08-021

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388-290-0165	PREP	04-13-046	388-290-0271	NEW	04-08-021	388-296-0160	NEW	04-18-082
388-290-0167	AMD-P	04-02-047	388-290-0271	NEW	04-08-134	388-296-0170	NEW-P	04-07-134
388-290-0167	AMD	04-08-021	388-290-0273	NEW-P	04-02-047	388-296-0170	NEW	04-18-082
388-290-0167	AMD	04-08-134	388-290-0273	NEW	04-08-021	388-296-0180	NEW-P	04-07-134
388-290-0180	AMD-P	04-02-047	388-290-0273	NEW	04-08-134	388-296-0180	NEW	04-18-082
388-290-0180	AMD	04-08-021	388-295-0020	AMD-P	04-05-084	388-296-0190	NEW-P	04-07-134
388-290-0180	AMD	04-08-134	388-295-0020	AMD	04-09-093	388-296-0190	NEW	04-18-082
388-290-0190	AMD-P	04-02-047	388-295-0060	AMD-P	04-05-084	388-296-0195	NEW	04-18-082
388-290-0190	AMD-E	04-05-079	388-295-0060	AMD	04-09-093	388-296-0200	NEW-P	04-07-134
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388-290-0190	AMD	04-08-134	388-295-0070	AMD	04-09-093	388-296-0205	NEW	04-18-082
388-290-0200	AMD-P	04-02-047	388-295-0090	AMD-P	04-05-084	388-296-0210	NEW-P	04-07-134
388-290-0200	AMD	04-08-021	388-295-0090	AMD	04-09-093	388-296-0210	NEW	04-18-082
388-290-0200	AMD	04-08-134	388-295-0100	AMD-P	04-05-084	388-296-0215	NEW	04-18-082
388-290-0200	AMD-E	04-14-014	388-295-0100	AMD	04-09-093	388-296-0220	NEW-P	04-07-134
388-290-0200	PREP	04-19-102	388-295-0110	AMD-P	04-05-084	388-296-0220	NEW	04-18-082
388-290-0200	AMD-E	04-21-024	388-295-0110	AMD	04-09-093	388-296-0230	NEW-P	04-07-134
388-290-0205	AMD-P	04-02-047	388-295-1070	AMD-P	04-05-084	388-296-0230	NEW	04-18-082
388-290-0205	AMD	04-08-021	388-295-1070	AMD	04-09-093	388-296-0240	NEW-P	04-07-134
388-290-0205	AMD	04-08-134	388-295-1110	AMD-P	04-05-084	388-296-0240	NEW	04-18-082
388-290-0205	AMD-E	04-14-014	388-295-1110	AMD	04-09-093	388-296-0250	NEW-P	04-07-134
388-290-0205	PREP	04-19-102	388-295-2010	AMD-P	04-05-084	388-296-0250	NEW	04-18-082
388-290-0205	AMD-E	04-21-024	388-295-2010	AMD	04-09-093	388-296-0260	NEW-P	04-07-134
388-290-0210	REP-P	04-02-047	388-295-2090	AMD-P	04-05-084	388-296-0260	NEW	04-18-082
388-290-0210	REP-E	04-05-079	388-295-2090	AMD	04-09-093	388-296-0270	NEW-P	04-07-134
388-290-0210	REP	04-08-021	388-295-2100	AMD-P	04-05-084	388-296-0270	NEW	04-18-082
388-290-0210	REP	04-08-134	388-295-2100	AMD	04-09-093	388-296-0280	NEW-P	04-07-134
388-290-0220	AMD-P	04-02-047	388-295-3010	AMD-P	04-05-084	388-296-0280	NEW	04-18-082
388-290-0220	AMD	04-08-021	388-295-3010	AMD	04-09-093	388-296-0290	NEW-P	04-07-134
388-290-0220	AMD	04-08-134	388-295-4010	AMD-P	04-05-084	388-296-0290	NEW	04-18-082
388-290-0225	AMD-P	04-02-047	388-295-4010	AMD	04-09-093	388-296-0300	NEW-P	04-07-134
388-290-0225	AMD	04-08-021	388-295-4100	AMD-P	04-05-084	388-296-0300	NEW	04-18-082
388-290-0225	AMD	04-08-134	388-295-4100	AMD	04-09-093	388-296-0310	NEW-P	04-07-134
388-290-0230	AMD-P	04-02-047	388-295-5030	AMD-P	04-05-084	388-296-0310	NEW-W	04-18-046
388-290-0230	AMD	04-08-021	388-295-5030	AMD	04-09-093	388-296-0320	NEW-P	04-07-134
388-290-0230	AMD	04-08-134	388-295-5150	AMD-P	04-05-084	388-296-0320	NEW	04-18-082
388-290-0235	AMD-P	04-02-047	388-295-5150	AMD	04-09-093	388-296-0330	NEW-P	04-07-134
388-290-0235	AMD	04-08-021	388-295-6010	PREP	04-17-105	388-296-0330	NEW	04-18-082
388-290-0235	AMD	04-08-134	388-295-7010	AMD-P	04-05-084	388-296-0340	NEW-P	04-07-134
388-290-0245	AMD-P	04-02-047	388-295-7010	AMD	04-09-093	388-296-0340	NEW	04-18-082
388-290-0245	AMD	04-08-021	388-295-7040	AMD-P	04-05-084	388-296-0350	NEW-P	04-07-134
388-290-0245	AMD	04-08-134	388-295-7040	AMD	04-09-093	388-296-0350	NEW	04-18-082
388-290-0247	NEW-P	04-02-047	388-295-7050	AMD-P	04-05-084	388-296-0360	NEW-P	04-07-134
388-290-0247	NEW	04-08-021	388-295-7050	AMD	04-09-093	388-296-0360	NEW	04-18-082
388-290-0247	NEW	04-08-134	388-296	NEW-C	04-10-095	388-296-0370	NEW-P	04-07-134
388-290-0250	AMD-P	04-02-047	388-296-0010	NEW-P	04-07-134	388-296-0370	NEW	04-18-082
388-290-0250	AMD	04-08-021	388-296-0010	NEW	04-18-082	388-296-0380	NEW-P	04-07-134
388-290-0250	AMD	04-08-134	388-296-0020	NEW-P	04-07-134	388-296-0380	NEW	04-18-082
388-290-0255	AMD-P	04-02-047	388-296-0020	NEW	04-18-082	388-296-0390	NEW-P	04-07-134
388-290-0255	AMD	04-08-021	388-296-0110	NEW-P	04-07-134	388-296-0390	NEW	04-18-082
388-290-0255	AMD	04-08-134	388-296-0110	NEW	04-18-082	388-296-0400	NEW-P	04-07-134
388-290-0260	AMD-P	04-02-047	388-296-0120	NEW-P	04-07-134	388-296-0400	NEW	04-18-082
388-290-0260	AMD	04-08-021	388-296-0120	NEW	04-18-082	388-296-0410	NEW-P	04-07-134
388-290-0260	AMD	04-08-134	388-296-0125	NEW-P	04-07-134	388-296-0410	NEW	04-18-082
388-290-0265	AMD-P	04-02-047	388-296-0125	NEW	04-18-082	388-296-0420	NEW-P	04-07-134
388-290-0265	AMD	04-08-021	388-296-0130	NEW-P	04-07-134	388-296-0420	NEW	04-18-082
388-290-0265	AMD	04-08-134	388-296-0140	NEW	04-18-082	388-296-0430	NEW-P	04-07-134
388-290-0270	AMD-P	04-02-047	388-296-0140	NEW-P	04-07-134	388-296-0430	NEW	04-18-082
388-290-0270	AMD	04-08-021	388-296-0140	NEW	04-18-082	388-296-0440	NEW-P	04-07-134
388-290-0270	AMD	04-08-134	388-296-0150	NEW-P	04-07-134	388-296-0440	NEW	04-18-082
388-290-0270	PREP	04-13-046	388-296-0150	NEW	04-18-082	388-296-0450	NEW-P	04-07-134

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388-296-1440	NEW	04-18-082	388-416-0005	AMD	04-19-134	388-436-0002	AMD	04-07-023
388-296-1450	NEW-P	04-07-134	388-416-0010	PREP	04-21-074	388-436-0015	AMD-C	04-02-057
388-296-1450	NEW	04-18-082	388-416-0015	AMD	04-03-019	388-436-0015	AMD	04-05-013
388-310-0800	AMD-E	04-14-044	388-416-0015	AMD-P	04-17-117	388-436-0040	AMD-C	04-02-058
388-310-0800	PREP	04-15-129	388-416-0015	AMD-E	04-20-043	388-436-0040	AMD	04-05-010
388-310-0800	AMD-E	04-22-023	388-416-0015	AMD	04-21-064	388-438-0100	REP-P	04-04-074
388-310-0800	AMD-P	04-22-115	388-416-0020	PREP	04-13-102	388-438-0100	REP-E	04-06-023
388-310-1400	PREP	04-22-065	388-416-0030	REP-P	04-04-074	388-438-0100	REP	04-07-141
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388-310-1600	AMD	04-07-025	388-416-0035	AMD	05-01-126	388-440-0001	AMD-C	04-02-058
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388-310-1650	AMD	04-07-025	388-418-0005	AMD-P	04-02-072	388-442-0010	PREP	04-10-091
388-310-2000	AMD-C	04-02-058	388-418-0005	AMD-E	04-02-073	388-442-0010	AMD-E	04-14-041
388-310-2000	AMD	04-05-010	388-418-0005	AMD	04-06-026	388-442-0010	AMD-P	04-14-042
388-400-0005	AMD-P	04-10-099	388-418-0005	AMD-P	04-15-053	388-442-0010	AMD	04-18-002
388-400-0005	PREP	04-12-096	388-418-0005	AMD-S	04-17-108	388-444-0055	AMD-C	04-02-058
388-400-0005	AMD	04-15-057	388-418-0005	AMD-E	04-20-044	388-444-0055	AMD	04-05-010
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388-400-0005	AMD-E	04-20-043	388-418-0005	PREP	04-21-074	388-446-0005	AMD	04-13-097
388-400-0005	AMD	04-23-027	388-418-0007	AMD-P	04-15-052	388-448-0001	AMD-P	04-02-048
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388-400-0040	AMD-P	04-10-099	388-424-0005	REP	04-15-004	388-448-0160	AMD-E	04-02-051
388-400-0040	AMD-E	04-14-039	388-424-0006	NEW-P	04-10-100	388-448-0160	AMD-E	04-03-010E
388-400-0040	AMD	04-14-040	388-424-0006	NEW	04-15-004	388-448-0160	AMD	04-07-140
388-400-0040	AMD	04-15-057	388-424-0007	NEW-P	04-10-100	388-448-0170	REP-P	04-02-048
388-400-0040	AMD-P	04-17-117	388-424-0007	NEW	04-15-004	388-448-0170	REP-E	04-02-051
388-400-0040	AMD-E	04-20-043	388-424-0007	NEW	04-15-004	388-448-0170	REP-E	04-03-010E
388-400-0040	AMD	04-21-025	388-424-0008	NEW-P	04-10-100	388-448-0170	REP	04-07-140
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388-414-0001	AMD	04-07-139	388-434-0005	AMD	04-19-134	388-450-0050	AMD-P	04-11-084
388-414-0001	PREP	04-08-036	388-434-0010	PREP	04-11-083	388-450-0050	AMD	04-14-043
388-414-0001	AMD-E	04-10-061	388-434-0010	AMD-P	04-16-104	388-450-0100	PREP	04-05-034
388-414-0001	AMD-P	04-10-098	388-434-0010	AMD	04-19-133	388-450-0100	AMD-P	04-10-099

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388-450-0106	AMD-P	04-10-099	388-475-0650	NEW	04-09-004	388-492-0030	AMD-E	04-19-116
388-450-0106	AMD	04-15-057	388-475-0700	NEW	04-09-004	388-492-0030	AMD	04-23-026
388-450-0116	AMD-P	04-10-099	388-475-0700	PREP	04-23-101	388-492-0040	AMD-E	04-05-003
388-450-0116	AMD	04-15-057	388-475-0750	NEW	04-09-004	388-492-0040	PREP	04-12-092
388-450-0140	AMD-P	04-10-096	388-475-0800	NEW	04-09-005	388-492-0040	AMD-E	04-13-001
388-450-0140	AMD-E	04-14-039	388-475-0800	PREP	04-23-101	388-492-0040	AMD-P	04-19-112
388-450-0140	AMD	04-14-040	388-475-0820	NEW	04-09-005	388-492-0040	AMD-E	04-19-116
388-450-0150	REP	04-09-005	388-475-0820	PREP	04-23-101	388-492-0040	AMD	04-23-026
388-450-0156	AMD-P	04-10-099	388-475-0840	NEW	04-09-005	388-492-0050	AMD-E	04-05-003
388-450-0156	AMD	04-15-057	388-475-0860	NEW	04-09-005	388-492-0050	AMD-E	04-13-001
388-450-0165	AMD-C	04-02-058	388-475-0860	PREP	04-23-101	388-492-0050	AMD-P	04-19-112
388-450-0165	AMD	04-05-010	388-475-0880	NEW	04-09-005	388-492-0050	AMD-E	04-19-116
388-450-0170	AMD	04-03-051	388-475-0900	NEW	04-09-005	388-492-0050	AMD	04-23-026
388-450-0185	PREP	04-12-092	388-475-1050	AMD-X	04-09-091	388-492-0060	AMD-E	04-05-003
388-450-0185	AMD-P	04-19-111	388-475-1050	AMD	04-15-002	388-492-0060	AMD-E	04-13-001
388-450-0185	AMD-E	04-19-114	388-475-1250	AMD-X	04-09-091	388-492-0060	AMD-P	04-19-112
388-450-0185	AMD	04-23-025	388-475-1250	AMD	04-15-002	388-492-0060	AMD-E	04-19-116
388-450-0190	AMD-P	04-04-075	388-478-0005	AMD-C	04-02-058	388-492-0060	AMD	04-23-026
388-450-0190	AMD	04-07-138	388-478-0005	AMD	04-05-010	388-492-0070	AMD-E	04-05-003
388-450-0190	PREP	04-12-092	388-478-0015	PREP	04-17-102	388-492-0070	PREP	04-12-092
388-450-0190	AMD-P	04-19-111	388-478-0015	AMD-P	04-20-103	388-492-0070	AMD-E	04-13-001
388-450-0190	AMD-E	04-19-114	388-478-0015	AMD	05-01-074	388-492-0070	AMD-P	04-19-112
388-450-0190	AMD	04-23-025	388-478-0055	AMD-S	04-03-096	388-492-0070	AMD-E	04-19-116
388-450-0195	PREP	04-12-092	388-478-0055	AMD	04-07-024	388-492-0070	AMD	04-23-026
388-450-0195	AMD-P	04-19-111	388-478-0060	PREP	04-12-092	388-492-0080	AMD-E	04-05-003
388-450-0195	AMD-E	04-19-114	388-478-0060	AMD-P	04-19-111	388-492-0080	AMD-E	04-13-001
388-450-0195	AMD	04-23-025	388-478-0060	AMD-E	04-19-114	388-492-0080	AMD-P	04-19-112
388-450-0195	PREP	04-24-045	388-478-0060	AMD	04-23-025	388-492-0080	AMD-E	04-19-116
388-450-0200	PREP	04-17-103	388-478-0065	PREP	04-21-073	388-492-0080	AMD	04-23-026
388-450-0200	AMD-E	04-19-132	388-478-0070	PREP	04-23-065	388-492-0090	AMD-E	04-05-003
388-450-0200	AMD-P	05-01-073	388-478-0070	AMD-E	05-01-125	388-492-0090	AMD-E	04-13-001
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388-450-0500	PREP	04-07-085	388-478-0075	PREP	04-07-165	388-492-0090	AMD-E	04-19-116
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388-452-0005	AMD-P	04-06-040	388-478-0075	AMD-P	04-12-042	388-492-0100	AMD-E	04-05-003
388-452-0005	AMD	04-10-102	388-478-0075	AMD	04-15-092	388-492-0100	AMD-E	04-13-001
388-454-0010	AMD-C	04-03-010F	388-478-0080	AMD-E	04-11-013	388-492-0100	AMD-P	04-19-112
388-454-0010	AMD	04-05-012	388-478-0080	AMD-P	04-13-134	388-492-0100	AMD-E	04-19-116
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388-462-0020	AMD-P	04-10-099	388-478-0080	PREP	04-23-065	388-492-0110	AMD-E	04-05-003
388-462-0020	AMD	04-15-057	388-478-0080	AMD-E	05-01-125	388-492-0110	AMD-E	04-13-001
388-466-0130	AMD-C	04-02-058	388-478-0085	AMD-E	04-07-167	388-492-0110	AMD-P	04-19-112
388-466-0130	AMD	04-05-010	388-478-0085	AMD-P	04-13-135	388-492-0110	AMD-E	04-19-116
388-470-0040	REP	04-09-003	388-478-0085	AMD-E	04-16-106	388-492-0110	AMD	04-23-026
388-472-0010	AMD-P	04-03-093	388-478-0085	AMD	04-17-076	388-492-0120	AMD-E	04-05-003
388-472-0010	AMD	04-14-037	388-484-0005	AMD-C	04-02-058	388-492-0120	AMD-E	04-13-001
388-473-0010	PREP	04-12-097	388-484-0005	AMD	04-05-010	388-492-0120	AMD-P	04-19-112
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388-475-0100	NEW	04-09-002	388-492-0010	REP-E	04-13-001	388-492-0130	AMD-E	04-13-001
388-475-0150	NEW	04-09-002	388-492-0010	REP-P	04-19-112	388-492-0130	AMD-P	04-19-112
388-475-0200	NEW	04-09-002	388-492-0010	REP-E	04-19-116	388-492-0130	AMD-E	04-19-116
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388-475-0300	NEW	04-09-002	388-492-0020	AMD-E	04-05-003	388-500-0005	AMD-W	04-11-060
388-475-0350	NEW	04-09-003	388-492-0020	AMD-E	04-13-001	388-501-0165	AMD-W	04-11-059
388-475-0400	NEW	04-09-003	388-492-0020	AMD-P	04-19-112	388-502-0150	PREP	04-23-100
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388-503-0510	AMD-P	04-23-066	388-527-2795	AMD	04-10-060	388-533-0325	NEW-P	04-05-083
388-505-0110	PREP	04-04-095	388-529	PREP	04-06-054	388-533-0325	NEW	04-13-049
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388-505-0110	AMD	04-15-003	388-530-1050	AMD-P	04-19-109	388-533-0330	NEW	04-13-049
388-505-0210	AMD-P	04-10-099	388-530-1100	AMD-P	04-19-109	388-533-0340	NEW-P	04-05-083
388-505-0210	AMD	04-15-057	388-530-1125	PREP	04-09-035	388-533-0340	NEW	04-13-049
388-505-0211	NEW	04-08-125	388-530-1125	AMD-P	04-19-109	388-533-0345	NEW-P	04-05-083
388-505-0211	AMD-P	04-13-140	388-530-1150	AMD-P	04-19-109	388-533-0345	NEW	04-13-049
388-505-0211	AMD	04-16-064	388-530-1200	PREP	04-09-035	388-533-0350	REP-P	04-05-083
388-505-0220	PREP	04-17-106	388-530-1200	AMD-P	04-19-109	388-533-0350	REP	04-13-049
388-511-1130	REP	04-09-004	388-530-1250	PREP	04-09-035	388-533-0360	NEW-P	04-05-083
388-513-1301	AMD-E	04-08-019	388-530-1250	AMD-P	04-19-109	388-533-0360	NEW	04-13-049
388-513-1301	AMD-P	04-12-101	388-530-1260	PREP	04-09-035	388-533-0365	NEW-P	04-05-083
388-513-1301	AMD-E	04-15-091	388-530-1260	AMD-P	04-19-109	388-533-0365	NEW	04-13-049
388-513-1301	AMD	04-18-054	388-530-1270	AMD-P	04-19-109	388-533-0370	NEW-P	04-05-083
388-513-1315	AMD-E	04-08-019	388-530-1280	NEW-P	04-19-109	388-533-0370	NEW	04-13-049
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388-513-1315	AMD-E	04-15-091	388-530-1400	AMD-P	04-19-109	388-533-0375	NEW	04-13-049
388-513-1315	AMD	04-18-054	388-530-1850	PREP	04-03-089	388-533-0380	NEW-P	04-05-083
388-513-1350	AMD-C	04-02-056	388-530-1850	AMD-P	04-07-137	388-533-0380	NEW	04-13-049
388-513-1350	AMD	04-04-072	388-530-1850	AMD	04-11-009	388-533-0385	NEW-P	04-05-083
388-513-1350	PREP	04-16-027	388-530-1900	AMD-P	04-19-109	388-533-0385	NEW	04-13-049
388-513-1380	AMD-C	04-02-056	388-530-1950	AMD-P	04-19-109	388-533-0386	NEW-P	04-05-083
388-513-1380	AMD	04-04-072	388-531	PREP	04-12-093	388-533-0386	NEW	04-13-049
388-513-1380	PREP	04-16-027	388-531-0050	PREP	04-13-103	388-533-0390	NEW-P	04-05-083
388-513-1380	AMD-E	04-16-028	388-531-0050	AMD-E	04-15-090	388-533-0390	NEW	04-13-049
388-515-1505	PREP	04-19-085	388-531-0050	AMD-P	04-17-113	388-533-0400	PREP	04-14-098
388-515-1505	AMD-P	04-24-077	388-531-0050	AMD	04-20-059	388-533-0400	AMD-P	04-21-060
388-515-1505	AMD-E	05-01-219	388-531-0150	AMD-E	04-15-090	388-533-0400	AMD	05-01-065
388-515-1510	AMD-E	04-08-019	388-531-0150	AMD-E	04-23-054	388-533-0500	PREP	04-14-098
388-515-1510	AMD-P	04-12-101	388-531-0200	AMD-E	04-15-090	388-533-0500	REP-P	04-21-060
388-515-1510	AMD	04-18-054	388-531-0200	AMD-E	04-23-054	388-533-0500	REP	05-01-065
388-515-1550	NEW-E	04-10-062	388-531-0650	AMD-E	04-15-090	388-533-0600	PREP	04-14-098
388-515-1550	NEW-P	04-10-101	388-531-0650	AMD-E	04-23-054	388-533-0600	AMD-P	04-21-060
388-515-1550	NEW	04-16-029	388-531-1600	AMD-E	04-15-090	388-533-0600	AMD	05-01-065
388-517-0300	PREP	04-10-090	388-531-1600	AMD-E	04-23-054	388-533-0710	PREP	04-22-066
388-519-0100	PREP	04-13-102	388-531-2000	NEW-P	04-16-017	388-533-0720	PREP	04-22-066
388-519-0110	PREP	04-13-102	388-531-2000	NEW	04-19-113	388-533-0730	PREP	04-22-066
388-519-0110	PREP	04-23-064	388-532	PREP	04-12-094	388-533-701	NEW-P	04-07-136
388-519-0110	AMD-E	04-23-069	388-532-001	NEW	04-05-011	388-533-701	NEW	04-11-008
388-519-0120	REP-X	04-15-012	388-532-050	AMD	04-05-011	388-533-710	NEW-P	04-07-136
388-519-0120	REP	04-20-045	388-532-100	AMD	04-05-011	388-533-710	NEW	04-11-008
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388-527-2700	AMD-P	04-05-082	388-532-120	NEW	04-05-011	388-533-720	NEW	04-11-008
388-527-2700	AMD	04-10-060	388-532-130	NEW	04-05-011	388-533-730	NEW-P	04-07-136
388-527-2730	AMD-P	04-05-082	388-532-140	NEW	04-05-011	388-533-730	NEW	04-11-008
388-527-2730	AMD	04-10-060	388-532-500	NEW	04-05-011	388-535	PREP	04-07-115
388-527-2733	AMD-P	04-05-082	388-532-510	NEW	04-05-011	388-535-1050	AMD-X	04-07-142
388-527-2733	AMD	04-10-060	388-532-520	NEW	04-05-011	388-535-1050	AMD	04-14-100
388-527-2740	AMD-P	04-05-082	388-532-530	NEW	04-05-011	388-535-1065	AMD-X	04-07-142
388-527-2740	AMD	04-10-060	388-532-540	NEW	04-05-011	388-535-1065	AMD	04-14-100
388-527-2742	AMD-P	04-05-082	388-532-550	NEW	04-05-011	388-535-1070	PREP	04-20-101
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388-527-2750	AMD	04-10-060	388-533-0300	AMD-P	04-05-083	388-535A-0020	AMD-P	04-19-110
388-527-2754	AMD-P	04-05-082	388-533-0300	AMD	04-13-049	388-535A-0020	AMD	05-01-064
388-527-2754	AMD	04-10-060	388-533-0310	NEW-P	04-05-083	388-535A-0030	AMD-P	04-19-110
388-527-2790	AMD-P	04-05-082	388-533-0310	NEW	04-13-049	388-535A-0030	AMD	05-01-064
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388-535A-0050	AMD-P	04-19-110	388-542-0300	AMD	04-16-064	388-550-1700	AMD-P	04-17-112
388-535A-0050	AMD-E	04-19-115	388-542-0500	AMD	04-08-018	388-550-1700	AMD	04-20-058
388-535A-0050	AMD	05-01-064	388-542-0500	REP-P	04-13-140	388-550-1750	PREP	04-13-103
388-535A-0060	AMD-E	04-04-073	388-542-0500	REP	04-16-064	388-550-1750	REP-P	04-17-112
388-535A-0060	AMD-E	04-12-041	388-543-1000	PREP	04-23-102	388-550-1750	REP	04-20-058
388-535A-0060	AMD-P	04-19-110	388-543-1100	PREP	04-23-102	388-550-2301	NEW-E	04-15-090
388-535A-0060	AMD-E	04-19-115	388-543-1150	PREP	04-23-102	388-550-2301	NEW-E	04-23-054
388-535A-0060	AMD	05-01-064	388-543-1400	PREP	04-23-102	388-550-2598	AMD-P	04-21-061
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388-538	PREP	04-16-086	388-543-2500	PREP	04-23-102	388-550-2800	AMD-P	04-16-017
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388-538-063	PREP	04-04-095	388-546-0100	AMD-P	04-12-103	388-550-3100	AMD-P	04-08-123
388-538-063	NEW-P	04-09-090	388-546-0100	AMD	04-17-118	388-550-3100	AMD	04-13-048
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388-538-067	AMD-P	04-21-058	388-546-0200	AMD	04-17-118	388-550-4800	AMD-P	04-16-017
388-538-067	AMD	05-01-066	388-546-0250	AMD-P	04-12-103	388-550-4800	AMD	04-19-113
388-538-070	AMD-P	04-21-058	388-546-0250	AMD	04-17-118	388-550-4900	PREP	04-03-090
388-538-070	AMD	05-01-066	388-546-0300	AMD-P	04-12-103	388-550-4900	AMD-P	04-08-124
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388-538-095	AMD	05-01-066	388-546-0400	AMD-P	04-12-103	388-550-5000	PREP	04-03-090
388-538-112	AMD-P	04-07-135	388-546-0400	AMD	04-17-118	388-550-5100	PREP	04-03-090
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388-538-112	AMD	05-01-066	388-546-0450	AMD-P	04-12-103	388-550-5200	PREP	04-03-090
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388-542	PREP	04-10-093	388-546-0500	AMD	04-17-118	388-550-5210	NEW-P	04-08-124
388-542	AMD-P	04-13-140	388-546-0600	AMD-P	04-12-103	388-550-5210	NEW	04-12-044
388-542	AMD	04-16-064	388-546-0600	AMD	04-17-118	388-550-5220	NEW-P	04-08-124
388-542-0010	NEW-P	04-13-140	388-546-0700	AMD-P	04-12-103	388-550-5220	NEW	04-12-044
388-542-0010	NEW	04-16-064	388-546-0700	AMD	04-17-118	388-550-5450	NEW-P	04-16-017
388-542-0020	NEW-P	04-13-140	388-546-0800	AMD-P	04-12-103	388-550-5450	NEW	04-19-113
388-542-0020	NEW	04-16-064	388-546-0800	AMD	04-17-118	388-550-5900	PREP	04-13-103
388-542-0050	AMD-P	04-13-140	388-546-0900	NEW-P	04-12-103	388-550-5900	REP-P	04-17-112
388-542-0050	AMD	04-16-064	388-546-0900	NEW	04-17-118	388-550-5900	REP	04-20-058
388-542-0100	AMD	04-08-018	388-546-1000	AMD-P	04-12-103	388-550-6000	PREP	04-13-104
388-542-0100	REP-P	04-13-140	388-546-1000	AMD	04-17-118	388-550-6000	AMD-P	04-17-110
388-542-0100	REP	04-16-064	388-546-1500	NEW-P	04-12-103	388-550-6000	AMD	04-20-060
388-542-0125	AMD	04-08-018	388-546-1500	NEW	04-17-118	388-550-7000	NEW-P	04-17-109
388-542-0125	REP-P	04-13-140	388-546-2500	NEW-P	04-12-103	388-550-7000	NEW	04-20-061
388-542-0125	REP	04-16-064	388-546-2500	NEW	04-17-118	388-550-7050	NEW-P	04-17-109
388-542-0150	REP-P	04-13-140	388-546-3000	NEW-P	04-12-103	388-550-7050	NEW	04-20-061
388-542-0150	REP	04-16-064	388-546-3000	NEW	04-17-118	388-550-7100	NEW-P	04-17-109
388-542-0200	REP-P	04-13-140	388-546-4000	NEW-P	04-12-103	388-550-7100	NEW	04-20-061
388-542-0200	REP	04-16-064	388-546-4000	NEW	04-17-118	388-550-7200	NEW-P	04-17-109
388-542-0220	REP-P	04-13-140	388-547	PREP-W	04-04-031	388-550-7200	NEW	04-20-061
388-542-0220	REP	04-16-064	388-550	PREP	04-03-092	388-550-7300	NEW-P	04-17-109
388-542-0250	AMD-E	04-13-137	388-550	PREP	04-12-093	388-550-7300	NEW	04-20-061
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388-542-0250	REP	04-16-064	388-550-1050	PREP	04-13-103	388-550-7400	NEW	04-20-061
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388-550-7600	NEW	04-20-061	388-820-220	AMD	04-23-070	388-820-890	AMD	04-23-070
388-551	PREP	04-02-061	388-820-230	AMD	04-04-043	388-820-900	AMD-P	04-19-022
388-551	PREP-W	04-07-111	388-820-230	AMD-P	04-19-022	388-820-900	AMD	04-23-070
388-551	PREP	04-07-114	388-820-230	AMD	04-23-070	388-820-910	AMD-P	04-19-022
388-553-100	NEW-C	04-02-055	388-820-240	AMD-P	04-19-022	388-820-910	AMD	04-23-070
388-553-100	NEW	04-11-007	388-820-240	AMD	04-23-070	388-820-920	AMD-P	04-19-022
388-553-200	NEW-C	04-02-055	388-820-250	AMD-P	04-19-022	388-820-920	AMD	04-23-070
388-553-200	NEW	04-11-007	388-820-250	AMD	04-23-070	388-820-930	AMD-P	04-19-022
388-553-300	NEW-C	04-02-055	388-820-260	AMD	04-04-043	388-820-930	AMD	04-23-070
388-553-300	NEW	04-11-007	388-820-260	AMD-P	04-19-022	388-824	PREP	04-23-103
388-553-400	NEW-C	04-02-055	388-820-260	AMD	04-23-070	388-825	PREP	04-08-071
388-553-400	NEW	04-11-007	388-820-290	AMD	04-04-043	388-825	PREP	04-24-046
388-553-500	NEW-C	04-02-055	388-820-290	AMD-P	04-19-022	388-825-030	AMD-E	04-14-003
388-553-500	NEW	04-11-007	388-820-290	AMD	04-23-070	388-825-030	AMD-E	04-21-062
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388-554-300	NEW-P	04-23-067	388-820-310	AMD-P	04-19-022	388-825-060	REP-E	05-01-123
388-554-400	NEW-P	04-23-067	388-820-310	AMD	04-23-070	388-825-064	REP-E	05-01-123
388-554-500	NEW-P	04-23-067	388-820-320	AMD	04-04-043	388-825-070	AMD-P	04-08-072
388-554-600	NEW-P	04-23-067	388-820-330	AMD	04-04-043	388-825-070	AMD	04-11-087
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388-554-800	NEW-P	04-23-067	388-820-330	AMD	04-23-070	388-825-075	REP-E	05-01-123
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388-720-0020	AMD	04-05-080	388-820-350	AMD	04-04-043	388-825-077	REP-E	05-01-123
388-800-0048	AMD-P	04-10-099	388-820-360	AMD-P	04-19-022	388-825-078	REP-E	05-01-123
388-800-0048	AMD	04-15-057	388-820-360	AMD	04-23-070	388-825-085	REP-E	05-01-123
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388-820	PREP	05-01-127	388-820-400	AMD-P	04-19-022	388-825-087	REP-E	05-01-123
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388-820-020	AMD	04-23-070	388-820-405	AMD-P	04-19-022	388-825-090	REP-E	05-01-123
388-820-030	AMD	04-04-043	388-820-405	AMD	04-23-070	388-825-095	REP-E	05-01-123
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388-820-040	AMD-P	04-19-022	388-820-430	AMD	04-23-070	388-825-101	NEW-P	04-12-100
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388-820-050	AMD	04-04-043	388-820-440	AMD	04-23-070	388-825-102	NEW-P	04-12-100
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388-820-060	AMD	04-04-043	388-820-520	AMD	04-23-070	388-825-103	NEW-P	04-12-100
388-820-070	AMD	04-04-043	388-820-530	AMD-P	04-19-022	388-825-103	NEW	04-15-093
388-820-076	NEW	04-04-043	388-820-530	AMD	04-23-070	388-825-103	AMD-E	05-01-123
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388-820-090	AMD	04-04-043	388-820-540	AMD	04-23-070	388-825-104	NEW	04-15-093
388-820-090	AMD-P	04-19-022	388-820-550	AMD	04-04-043	388-825-105	NEW-P	04-12-100
388-820-090	AMD	04-23-070	388-820-550	AMD-P	04-19-022	388-825-105	NEW	04-15-093
388-820-100	AMD	04-04-043	388-820-550	AMD	04-23-070	388-825-120	AMD-E	04-08-020
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388-825-150	NEW-E	04-16-019	388-825-248	AMD-E	04-18-048	388-825-310	NEW-E	04-23-084
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388-825-155	NEW-E	04-16-019	388-825-252	PREP	04-12-091	388-825-315	NEW-E	04-23-084
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388-825-160	NEW-E	04-16-019	388-825-252	AMD-E	04-20-017	388-825-320	NEW-E	04-23-084
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388-825-165	NEW-E	04-23-084	388-825-253	NEW-E	04-18-048	388-825-330	NEW-E	04-08-020
388-825-170	REP-E	04-08-020	388-825-253	NEW-E	04-20-017	388-825-330	NEW-E	04-16-019
388-825-170	REP-E	04-16-019	388-825-253	NEW	04-22-068	388-825-330	NEW-E	04-23-084
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388-825-180	REP-E	04-16-019	388-825-254	AMD-E	04-18-048	388-825-335	NEW-E	04-23-084
388-825-180	REP-E	04-23-084	388-825-254	AMD-E	04-20-017	388-825-340	NEW-E	04-08-020
388-825-190	REP-E	04-08-020	388-825-254	AMD	04-22-068	388-825-340	NEW-E	04-16-019
388-825-190	REP-E	04-16-019	388-825-260	REP-E	04-08-020	388-825-340	NEW-E	04-23-084
388-825-190	REP-E	04-23-084	388-825-260	REP-E	04-16-019	388-825-345	NEW-E	04-08-020
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388-825-210	AMD-P	04-16-088	388-825-262	REP-E	04-08-020	388-825-345	NEW-E	04-23-084
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388-825-210	AMD-E	04-20-017	388-825-262	REP-E	04-23-084	388-825-355	NEW-E	04-16-019
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388-825-228	AMD	04-22-068	388-825-266	REP-E	04-23-084	388-825-365	NEW-E	04-16-019
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388-865-0465	AMD	04-12-043	390-37-041	AMD-E	04-07-049	399-30-060	AMD	04-09-085
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388-865-0501	REP	04-07-014	390-37-041	AMD	04-12-059	415-02-175	NEW-P	04-17-083
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388-865-0504	REP	04-07-014	390-37-165	AMD-P	05-01-028	415-02-200	NEW	04-04-038
388-865-0505	REP	04-07-014	390-37-170	AMD-P	05-01-028	415-02-520	AMD-P	04-05-039
388-865-0510	REP	04-07-014	390-37-175	AMD-P	05-01-028	415-02-520	AMD	04-09-043
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388-865-0520	NEW	04-07-014	392-140-600	AMD-P	04-04-005	415-100-055	PREP	04-24-064
388-865-0525	REP	04-07-014	392-140-600	AMD	04-08-118	415-103-225	PREP	04-24-064
388-865-0526	NEW	04-07-014	392-140-605	AMD-P	04-04-005	415-104	PREP	04-09-040
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463-18-020	AMD-P	04-13-154	463-28	AMD-P	04-13-154	463-30-410	REP-P	04-13-154
463-18-020	AMD	04-21-013	463-28	AMD	04-21-013	463-30-410	REP	04-21-013
463-18-030	REP-P	04-13-154	463-28-010	AMD-P	04-13-154	463-30-420	REP-P	04-13-154
463-18-030	REP	04-21-013	463-28-010	AMD	04-21-013	463-30-420	REP	04-21-013
463-18-040	REP-P	04-13-154	463-28-030	AMD-P	04-13-154	463-34	AMD-P	04-13-154
463-18-040	REP	04-21-013	463-28-030	AMD	04-21-013	463-34	AMD	04-21-013
463-18-050	AMD-P	04-13-154	463-28-090	REP-P	04-13-154	463-34-010	AMD-P	04-13-154
463-18-050	AMD	04-21-013	463-28-090	REP	04-21-013	463-34-010	AMD	04-21-013
463-18-060	REP-P	04-13-154	463-30	AMD-P	04-13-154	463-34-030	AMD-P	04-13-154
463-18-060	REP	04-21-013	463-30	AMD	04-21-013	463-34-030	AMD	04-21-013
463-18-070	REP-P	04-13-154	463-30-010	AMD-P	04-13-154	463-34-050	AMD-P	04-13-154
463-18-070	REP	04-21-013	463-30-010	AMD	04-21-013	463-34-050	AMD	04-21-013
463-18-080	REP-P	04-13-154	463-30-020	AMD-P	04-13-154	463-34-060	AMD-P	04-13-154
463-18-080	REP	04-21-013	463-30-020	AMD	04-21-013	463-34-060	AMD	04-21-013
463-18-090	NEW-P	04-13-154	463-30-030	REP-P	04-13-154	463-34-070	AMD-P	04-13-154
463-18-090	NEW	04-21-013	463-30-030	REP	04-21-013	463-34-070	AMD	04-21-013

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463-34-080	AMD-P	04-13-154	463-38-034	DECOD-P	04-13-154	463-38-065	DECOD-P	04-13-154
463-34-080	AMD	04-21-013	463-38-034	AMD	04-21-013	463-38-065	AMD	04-21-013
463-34-090	AMD-P	04-13-154	463-38-034	DECOD	04-21-013	463-38-065	DECOD	04-21-013
463-34-090	AMD	04-21-013	463-38-040	DECOD-P	04-13-154	463-38-080	AMD-P	04-13-154
463-36	AMD-P	04-13-154	463-38-040	REP-P	04-13-154	463-38-080	DECOD-P	04-13-154
463-36	AMD	04-21-013	463-38-040	REP	04-21-013	463-38-080	AMD	04-21-013
463-36-010	DECOD-P	04-13-154	463-38-041	AMD-P	04-13-154	463-38-080	DECOD	04-21-013
463-36-010	REP-P	04-13-154	463-38-041	DECOD-P	04-13-154	463-38-090	AMD-P	04-13-154
463-36-010	REP	04-21-013	463-38-041	AMD	04-21-013	463-38-090	DECOD-P	04-13-154
463-36-020	DECOD-P	04-13-154	463-38-041	DECOD	04-21-013	463-38-090	AMD	04-21-013
463-36-030	AMD-P	04-13-154	463-38-042	AMD-P	04-13-154	463-38-090	DECOD	04-21-013
463-36-030	DECOD-P	04-13-154	463-38-042	DECOD-P	04-13-154	463-39-005	AMD-X	04-05-058
463-36-030	AMD	04-21-013	463-38-042	AMD	04-21-013	463-39-005	AMD-P	04-11-070
463-36-030	DECOD	04-21-013	463-38-042	DECOD	04-21-013	463-39-005	DECOD-P	04-13-154
463-36-040	DECOD-P	04-13-154	463-38-043	AMD-P	04-13-154	463-39-005	AMD	04-17-058
463-36-040	DECOD	04-21-013	463-38-043	DECOD-P	04-13-154	463-39-005	DECOD	04-21-013
463-36-050	DECOD-P	04-13-154	463-38-043	AMD	04-21-013	463-39-010	DECOD-P	04-13-154
463-36-050	DECOD	04-21-013	463-38-043	DECOD	04-21-013	463-39-010	DECOD	04-21-013
463-36-060	DECOD-P	04-13-154	463-38-050	DECOD-P	04-13-154	463-39-020	DECOD-P	04-13-154
463-36-060	DECOD	04-21-013	463-38-050	REP-P	04-13-154	463-39-020	DECOD	04-21-013
463-36-070	AMD-P	04-13-154	463-38-050	REP	04-21-013	463-39-030	AMD-X	04-05-058
463-36-070	DECOD-P	04-13-154	463-38-051	AMD-P	04-13-154	463-39-030	AMD-P	04-11-070
463-36-070	AMD	04-21-013	463-38-051	DECOD-P	04-13-154	463-39-030	DECOD-P	04-13-154
463-36-070	DECOD	04-21-013	463-38-051	AMD	04-21-013	463-39-030	AMD	04-17-058
463-36-080	AMD-P	04-13-154	463-38-051	DECOD	04-21-013	463-39-030	DECOD	04-21-013
463-36-080	DECOD-P	04-13-154	463-38-052	AMD-P	04-13-154	463-39-070	DECOD-P	04-13-154
463-36-080	AMD	04-21-013	463-38-052	DECOD-P	04-13-154	463-39-070	DECOD	04-21-013
463-36-080	DECOD	04-21-013	463-38-052	AMD	04-21-013	463-39-090	AMD-X	04-05-058
463-36-090	DECOD-P	04-13-154	463-38-052	DECOD	04-21-013	463-39-090	AMD-P	04-11-070
463-36-090	DECOD	04-21-013	463-38-053	AMD-P	04-13-154	463-39-090	DECOD-P	04-13-154
463-36-100	AMD-P	04-13-154	463-38-053	DECOD-P	04-13-154	463-39-090	AMD	04-17-058
463-36-100	DECOD-P	04-13-154	463-38-053	AMD	04-21-013	463-39-090	DECOD	04-21-013
463-36-100	AMD	04-21-013	463-38-053	DECOD	04-21-013	463-39-095	DECOD-P	04-13-154
463-36-100	DECOD	04-21-013	463-38-054	AMD-P	04-13-154	463-39-095	DECOD	04-21-013
463-38-005	NEW-P	04-13-154	463-38-054	DECOD-P	04-13-154	463-39-100	AMD-X	04-05-058
463-38-005	NEW	04-21-013	463-38-054	AMD	04-21-013	463-39-100	AMD-P	04-11-070
463-38-005	DECOD	04-23-003	463-38-054	DECOD	04-21-013	463-39-100	DECOD-P	04-13-154
463-38-010	AMD-P	04-13-154	463-38-055	AMD-P	04-13-154	463-39-100	AMD	04-17-058
463-38-010	DECOD-P	04-13-154	463-38-055	DECOD-P	04-13-154	463-39-100	DECOD	04-21-013
463-38-010	AMD	04-21-013	463-38-055	AMD	04-21-013	463-39-105	AMD-P	04-11-070
463-38-010	DECOD	04-21-013	463-38-055	DECOD	04-21-013	463-39-105	DECOD-P	04-13-154
463-38-020	DECOD-P	04-13-154	463-38-060	DECOD-P	04-13-154	463-39-105	AMD	04-17-058
463-38-020	REP-P	04-13-154	463-38-060	REP-P	04-13-154	463-39-105	DECOD	04-21-013
463-38-020	REP	04-21-013	463-38-060	REP	04-21-013	463-39-115	AMD-X	04-05-058
463-38-025	NEW-P	04-13-154	463-38-061	AMD-P	04-13-154	463-39-115	AMD-P	04-11-070
463-38-025	DECOD	04-23-003	463-38-061	DECOD-P	04-13-154	463-39-115	DECOD-P	04-13-154
463-38-030	DECOD-P	04-13-154	463-38-061	AMD	04-21-013	463-39-115	AMD	04-17-058
463-38-030	REP-P	04-13-154	463-38-061	DECOD	04-21-013	463-39-115	DECOD	04-21-013
463-38-030	REP	04-21-013	463-38-062	AMD-P	04-13-154	463-39-120	DECOD-P	04-13-154
463-38-031	AMD-P	04-13-154	463-38-062	DECOD-P	04-13-154	463-39-120	DECOD	04-21-013
463-38-031	DECOD-P	04-13-154	463-38-062	AMD	04-21-013	463-39-135	AMD-X	04-05-058
463-38-031	AMD	04-21-013	463-38-062	DECOD	04-21-013	463-39-135	AMD-P	04-11-070
463-38-031	DECOD	04-21-013	463-38-0625	NEW-P	04-13-154	463-39-135	DECOD-P	04-13-154
463-38-032	AMD-P	04-13-154	463-38-0625	NEW	04-21-013	463-39-135	AMD	04-17-058
463-38-032	DECOD-P	04-13-154	463-38-063	DECOD	04-23-003	463-39-135	DECOD	04-21-013
463-38-032	AMD	04-21-013	463-38-063	DECOD-P	04-13-154	463-39-140	DECOD-P	04-13-154
463-38-032	DECOD	04-21-013	463-38-063	DECOD	04-21-013	463-39-140	DECOD	04-21-013
463-38-033	AMD-P	04-13-154	463-38-064	AMD-P	04-13-154	463-39-170	AMD-P	04-11-070
463-38-033	DECOD-P	04-13-154	463-38-064	DECOD-P	04-13-154	463-39-170	DECOD-P	04-13-154
463-38-033	AMD	04-21-013	463-38-064	AMD	04-21-013	463-39-170	AMD	04-17-058
463-38-033	DECOD	04-21-013	463-38-064	DECOD	04-21-013	463-39-170	DECOD	04-21-013
463-38-034	AMD-P	04-13-154	463-38-065	AMD-P	04-13-154	463-39-230	AMD-P	04-11-070

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463-39-230	DECOD-P	04-13-154	463-42-116	NEW	04-21-013	463-42-275	DECOD-P	04-13-154
463-39-230	AMD	04-17-058	463-42-116	DECOD	04-23-003	463-42-275	AMD	04-21-013
463-39-230	DECOD	04-21-013	463-42-117	NEW-P	04-13-154	463-42-275	DECOD	04-21-013
463-40-010	AMD-P	04-13-154	463-42-117	NEW	04-21-013	463-42-285	AMD-P	04-13-154
463-40-010	DECOD-P	04-13-154	463-42-117	DECOD	04-23-003	463-42-285	DECOD-P	04-13-154
463-40-010	AMD	04-21-013	463-42-125	DECOD-P	04-13-154	463-42-285	AMD	04-21-013
463-40-010	DECOD	04-21-013	463-42-125	DECOD	04-21-013	463-42-285	DECOD	04-21-013
463-40-020	DECOD-P	04-13-154	463-42-135	AMD-P	04-13-154	463-42-295	AMD-P	04-13-154
463-40-020	DECOD	04-21-013	463-42-135	DECOD-P	04-13-154	463-42-295	DECOD-P	04-13-154
463-40-030	DECOD-P	04-13-154	463-42-135	AMD	04-21-013	463-42-295	AMD	04-21-013
463-40-030	DECOD	04-21-013	463-42-135	DECOD	04-21-013	463-42-295	DECOD	04-21-013
463-40-040	AMD-P	04-13-154	463-42-145	DECOD-P	04-13-154	463-42-296	NEW-P	04-13-154
463-40-040	DECOD-P	04-13-154	463-42-145	DECOD	04-21-013	463-42-296	NEW	04-21-013
463-40-040	AMD	04-21-013	463-42-155	AMD-P	04-13-154	463-42-296	DECOD	04-23-003
463-40-040	DECOD	04-21-013	463-42-155	DECOD-P	04-13-154	463-42-297	NEW-P	04-13-154
463-42	AMD-P	04-13-154	463-42-155	AMD	04-21-013	463-42-297	NEW	04-21-013
463-42	AMD	04-21-013	463-42-155	DECOD	04-21-013	463-42-297	DECOD	04-23-003
463-42-010	AMD-P	04-13-154	463-42-165	AMD-P	04-13-154	463-42-302	AMD-P	04-13-154
463-42-010	DECOD-P	04-13-154	463-42-165	DECOD-P	04-13-154	463-42-302	DECOD-P	04-13-154
463-42-010	AMD	04-21-013	463-42-165	AMD	04-21-013	463-42-302	AMD	04-21-013
463-42-010	DECOD	04-21-013	463-42-165	DECOD	04-21-013	463-42-302	DECOD	04-21-013
463-42-012	AMD-P	04-13-154	463-42-175	AMD-P	04-13-154	463-42-312	AMD-P	04-13-154
463-42-012	DECOD-P	04-13-154	463-42-175	DECOD-P	04-13-154	463-42-312	DECOD-P	04-13-154
463-42-012	AMD	04-21-013	463-42-175	AMD	04-21-013	463-42-312	AMD	04-21-013
463-42-012	DECOD	04-21-013	463-42-175	DECOD	04-21-013	463-42-312	DECOD	04-21-013
463-42-015	DECOD-P	04-13-154	463-42-185	AMD-P	04-13-154	463-42-322	AMD-P	04-13-154
463-42-015	DECOD	04-21-013	463-42-185	DECOD-P	04-13-154	463-42-322	DECOD-P	04-13-154
463-42-021	NEW-P	04-13-154	463-42-185	AMD	04-21-013	463-42-322	AMD	04-21-013
463-42-021	NEW	04-21-013	463-42-185	DECOD	04-21-013	463-42-322	DECOD	04-21-013
463-42-021	DECOD	04-23-003	463-42-195	AMD-P	04-13-154	463-42-332	AMD-P	04-13-154
463-42-025	DECOD-P	04-13-154	463-42-195	DECOD-P	04-13-154	463-42-332	DECOD-P	04-13-154
463-42-025	DECOD	04-21-013	463-42-195	AMD	04-21-013	463-42-332	AMD	04-21-013
463-42-035	DECOD-P	04-13-154	463-42-195	DECOD	04-21-013	463-42-332	DECOD	04-21-013
463-42-035	DECOD	04-21-013	463-42-205	AMD-P	04-13-154	463-42-333	NEW-P	04-13-154
463-42-045	DECOD-P	04-13-154	463-42-205	DECOD-P	04-13-154	463-42-333	NEW	04-21-013
463-42-045	DECOD	04-21-013	463-42-205	AMD	04-21-013	463-42-333	DECOD	04-23-003
463-42-055	AMD-P	04-13-154	463-42-205	DECOD	04-21-013	463-42-342	AMD-P	04-13-154
463-42-055	DECOD-P	04-13-154	463-42-215	AMD-P	04-13-154	463-42-342	DECOD-P	04-13-154
463-42-055	AMD	04-21-013	463-42-215	DECOD-P	04-13-154	463-42-342	AMD	04-21-013
463-42-055	DECOD	04-21-013	463-42-215	AMD	04-21-013	463-42-342	DECOD	04-21-013
463-42-065	DECOD-P	04-13-154	463-42-215	DECOD	04-21-013	463-42-352	AMD-P	04-13-154
463-42-065	DECOD	04-21-013	463-42-225	AMD-P	04-13-154	463-42-352	DECOD-P	04-13-154
463-42-075	AMD-P	04-13-154	463-42-225	DECOD-P	04-13-154	463-42-352	AMD	04-21-013
463-42-075	DECOD-P	04-13-154	463-42-225	AMD	04-21-013	463-42-352	DECOD	04-21-013
463-42-075	AMD	04-21-013	463-42-225	DECOD	04-21-013	463-42-362	AMD-P	04-13-154
463-42-075	DECOD	04-21-013	463-42-235	AMD-P	04-13-154	463-42-362	DECOD-P	04-13-154
463-42-085	AMD-P	04-13-154	463-42-235	DECOD-P	04-13-154	463-42-362	AMD	04-21-013
463-42-085	DECOD-P	04-13-154	463-42-235	AMD	04-21-013	463-42-362	DECOD	04-21-013
463-42-085	AMD	04-21-013	463-42-235	DECOD	04-21-013	463-42-372	AMD-P	04-13-154
463-42-085	DECOD	04-21-013	463-42-245	AMD-P	04-13-154	463-42-372	DECOD-P	04-13-154
463-42-095	DECOD-P	04-13-154	463-42-245	DECOD-P	04-13-154	463-42-372	AMD	04-21-013
463-42-095	DECOD	04-21-013	463-42-245	AMD	04-21-013	463-42-372	DECOD	04-21-013
463-42-101	NEW-P	04-13-154	463-42-245	DECOD	04-21-013	463-42-382	DECOD-P	04-13-154
463-42-101	NEW	04-21-013	463-42-255	AMD-P	04-13-154	463-42-382	REP-P	04-13-154
463-42-101	DECOD	04-23-003	463-42-255	DECOD-P	04-13-154	463-42-382	REP	04-21-013
463-42-105	AMD-P	04-13-154	463-42-255	AMD	04-21-013	463-42-385	DECOD-P	04-13-154
463-42-105	DECOD-P	04-13-154	463-42-255	DECOD	04-21-013	463-42-385	REP-P	04-13-154
463-42-105	AMD	04-21-013	463-42-265	AMD-P	04-13-154	463-42-385	REP	04-21-013
463-42-105	DECOD	04-21-013	463-42-265	DECOD-P	04-13-154	463-42-435	DECOD-P	04-13-154
463-42-115	DECOD-P	04-13-154	463-42-265	AMD	04-21-013	463-42-435	REP-P	04-13-154
463-42-115	DECOD	04-21-013	463-42-265	DECOD	04-21-013	463-42-435	REP	04-21-013
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463- 42-525	REP-P	04-13-154	463- 47-130	AMD-P	04-13-154	463- 60-012	RECOD	04-21-013
463- 42-525	REP	04-21-013	463- 47-130	AMD	04-21-013	463- 60-015	RECOD-P	04-13-154
463- 42-535	AMD-P	04-13-154	463- 50	AMD-P	04-13-154	463- 60-015	RECOD	04-21-013
463- 42-535	DECOD-P	04-13-154	463- 50	AMD	04-21-013	463- 60-021	RECOD	04-23-003
463- 42-535	AMD	04-21-013	463- 50-010	AMD-P	04-13-154	463- 60-025	RECOD-P	04-13-154
463- 42-535	DECOD	04-21-013	463- 50-010	AMD	04-21-013	463- 60-025	RECOD	04-21-013
463- 42-536	NEW-P	04-13-154	463- 50-020	REP-P	04-13-154	463- 60-035	RECOD-P	04-13-154
463- 42-536	NEW	04-21-013	463- 50-020	REP	04-21-013	463- 60-035	RECOD	04-21-013
463- 42-536	DECOD	04-23-003	463- 50-040	AMD-P	04-13-154	463- 60-045	RECOD-P	04-13-154
463- 42-537	NEW-P	04-13-154	463- 50-040	AMD	04-21-013	463- 60-045	RECOD	04-21-013
463- 42-537	NEW	04-21-013	463- 50-050	AMD-P	04-13-154	463- 60-055	RECOD-P	04-13-154
463- 42-537	DECOD	04-23-003	463- 50-050	AMD	04-21-013	463- 60-055	RECOD	04-21-013
463- 42-625	DECOD-P	04-13-154	463- 54	AMD-P	04-13-154	463- 60-065	RECOD-P	04-13-154
463- 42-625	REP-P	04-13-154	463- 54	AMD	04-21-013	463- 60-065	RECOD	04-21-013
463- 42-625	REP	04-21-013	463- 54-010	AMD-P	04-13-154	463- 60-075	RECOD-P	04-13-154
463- 42-645	DECOD-P	04-13-154	463- 54-010	DECOD-P	04-13-154	463- 60-075	RECOD	04-21-013
463- 42-645	REP-P	04-13-154	463- 54-010	AMD	04-21-013	463- 60-085	RECOD-P	04-13-154
463- 42-645	REP	04-21-013	463- 54-010	DECOD	04-21-013	463- 60-085	RECOD	04-21-013
463- 42-655	DECOD-P	04-13-154	463- 54-020	AMD-P	04-13-154	463- 60-095	RECOD-P	04-13-154
463- 42-655	REP-P	04-13-154	463- 54-020	DECOD-P	04-13-154	463- 60-095	RECOD	04-21-013
463- 42-655	REP	04-21-013	463- 54-020	AMD	04-21-013	463- 60-101	RECOD	04-23-003
463- 42-665	DECOD-P	04-13-154	463- 54-020	DECOD	04-21-013	463- 60-105	RECOD-P	04-13-154
463- 42-665	REP-P	04-13-154	463- 54-030	DECOD-P	04-13-154	463- 60-105	RECOD	04-21-013
463- 42-665	REP	04-21-013	463- 54-030	DECOD	04-21-013	463- 60-115	RECOD-P	04-13-154
463- 42-675	DECOD-P	04-13-154	463- 54-040	AMD-P	04-13-154	463- 60-115	RECOD	04-21-013
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463- 42-675	REP	04-21-013	463- 54-040	AMD	04-21-013	463- 60-117	RECOD	04-23-003
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463- 43-060	AMD-P	04-13-154	463- 58-020	AMD	04-21-013	463- 60-215	RECOD	04-21-013
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463- 78-020	RECOD	04-21-013	468- 38-290	AMD-P	05-01-146	478-116-141	AMD	04-13-086
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463- 78-030	RECOD	04-21-013	468- 38-310	REP-P	05-01-146	478-116-145	AMD	04-13-086
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463- 78-095	RECOD	04-21-013	468- 38-390	REP-P	05-01-146	478-116-167	AMD	04-13-086
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463- 78-105	RECOD	04-21-013	468- 60-010	NEW	04-06-087	478-116-181	AMD	04-13-086
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463- 78-120	RECOD	04-21-013	468- 70-020	AMD-E	04-16-061	478-116-186	AMD	04-13-086
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478-168-294	REP-P	04-09-076	480- 70-077	NEW-S	05-01-224	480- 90-209	NEW-S	05-01-224
478-168-294	REP	04-13-087	480- 70-078	NEW-P	04-18-129	480- 90-218	REP-P	04-18-129
478-168-298	REP-P	04-09-076	480- 70-078	NEW-S	05-01-224	480- 90-218	REP-S	05-01-224
478-168-298	REP	04-13-087	480- 70-079	NEW-P	04-18-129	480- 90-242	NEW-P	04-18-129
478-168-300	REP-P	04-09-076	480- 70-079	NEW-S	05-01-224	480- 90-242	NEW-S	05-01-224
478-168-300	REP	04-13-087	480- 70-396	PREP	04-16-120	480- 90-244	NEW-P	04-18-129
478-168-310	AMD-P	04-09-076	480- 70-396	AMD-P	04-19-148	480- 90-244	NEW-S	05-01-224
478-168-310	AMD	04-13-087	480- 70-396	AMD	04-22-040	480- 90-245	NEW-P	04-18-129
478-168-320	AMD-P	04-09-076	480- 70-401	PREP	04-16-120	480- 90-245	NEW-S	05-01-224
478-168-320	AMD	04-13-087	480- 70-401	AMD-P	04-19-148	480- 90-248	NEW-P	04-18-129
478-168-325	AMD-P	04-09-076	480- 70-401	AMD	04-22-040	480- 90-248	NEW-S	05-01-224
478-168-325	AMD	04-13-087	480- 73-010	NEW-P	04-18-129	480- 90-252	NEW-P	04-18-129
478-168-330	REP-X	04-14-084	480- 73-010	NEW-S	05-01-224	480- 90-252	NEW-S	05-01-224
478-168-330	REP	04-19-036	480- 73-020	NEW-P	04-18-129	480- 90-257	NEW-P	04-18-129
478-168-340	REP-P	04-09-076	480- 73-020	NEW-S	05-01-224	480- 90-257	NEW-S	05-01-224
478-168-340	REP	04-13-087	480- 73-030	NEW-P	04-18-129	480- 90-262	NEW-P	04-18-129
478-168-345	REP-P	04-09-076	480- 73-030	NEW-S	05-01-224	480- 90-262	NEW-S	05-01-224
478-168-345	REP	04-13-087	480- 73-040	NEW-P	04-18-129	480- 90-264	NEW-P	04-18-129
478-168-350	REP-P	04-09-076	480- 73-040	NEW-S	05-01-224	480- 90-264	NEW-S	05-01-224
478-168-350	REP	04-13-087	480- 73-050	NEW-P	04-18-129	480- 90-268	NEW-P	04-18-129
478-168-360	REP-P	04-09-076	480- 73-050	NEW-S	05-01-224	480- 90-268	NEW-S	05-01-224
478-168-360	REP	04-13-087	480- 73-060	NEW-P	04-18-129	480- 90-275	NEW-P	04-18-129
478-168-380	AMD-P	04-09-076	480- 73-060	NEW-S	05-01-224	480- 90-275	NEW-S	05-01-224
478-168-380	AMD	04-13-087	480- 73-110	NEW-P	04-18-129	480- 90-999	AMD-P	04-18-129
478-168-390	AMD-P	04-09-076	480- 73-110	NEW-S	05-01-224	480- 90-999	AMD-S	05-01-224
478-168-390	AMD	04-13-087	480- 73-120	NEW-P	04-18-129	480- 92-016	AMD-P	04-18-129
479- 12-130	PREP	04-12-064	480- 73-120	NEW-S	05-01-224	480- 92-016	AMD-S	05-01-224
479- 12-130	AMD-E	04-12-065	480- 73-130	NEW-P	04-18-129	480- 92-021	AMD-P	04-18-129
479- 12-130	AMD-P	04-15-164	480- 73-130	NEW-S	05-01-224	480- 92-021	AMD-S	05-01-224
479- 12-130	AMD	04-19-108	480- 73-140	NEW-P	04-18-129	480- 92-050	AMD-P	04-18-129
479- 12-150	PREP	04-20-054	480- 73-140	NEW-S	05-01-224	480- 92-050	AMD-S	05-01-224
479- 12-150	AMD-P	04-24-006	480- 73-150	NEW-P	04-18-129	480- 92-055	NEW-P	04-18-129
479- 12-430	PREP	04-12-064	480- 73-150	NEW-S	05-01-224	480- 92-055	NEW-S	05-01-224
479- 12-430	AMD-E	04-12-065	480- 73-160	NEW-P	04-18-129	480- 93	AMD-C	04-21-048
479- 12-430	AMD-P	04-15-164	480- 73-160	NEW-S	05-01-224	480- 93-002	REP-P	04-15-141
479- 12-430	AMD	04-19-108	480- 73-170	NEW-P	04-18-129	480- 93-005	AMD-P	04-15-141
479- 14-130	PREP	04-12-064	480- 73-170	NEW-S	05-01-224	480- 93-007	NEW-P	04-15-141
479- 14-130	AMD-E	04-12-065	480- 73-180	NEW-P	04-18-129	480- 93-008	NEW-P	04-15-141
479- 14-130	AMD-P	04-15-164	480- 73-180	NEW-S	05-01-224	480- 93-009	NEW-P	04-15-141
479- 14-130	AMD	04-19-108	480- 73-190	NEW-P	04-18-129	480- 93-010	REP-P	04-15-141
479- 14-180	PREP	04-20-054	480- 73-190	NEW-S	05-01-224	480- 93-012	NEW-P	04-15-141
479- 14-180	AMD-P	04-24-006	480- 73-200	NEW-P	04-18-129	480- 93-015	AMD-P	04-15-141
480- 30-110	AMD	04-05-031	480- 73-200	NEW-S	05-01-224	480- 93-017	AMD-P	04-15-141
480- 51-100	AMD	04-05-031	480- 73-210	NEW-P	04-18-129	480- 93-018	AMD-P	04-15-141
480- 60-035	PREP	04-21-047	480- 73-210	NEW-S	05-01-224	480- 93-020	AMD-P	04-15-141
480- 62	PREP	04-05-103	480- 73-999	NEW-P	04-18-129	480- 93-030	REP-P	04-15-141
480- 62-125	AMD-P	04-05-104	480- 73-999	NEW-S	05-01-224	480- 93-040	AMD-P	04-15-141
480- 62-125	AMD	04-11-023	480- 75-240	PREP	04-17-056	480- 93-080	AMD-P	04-15-141
480- 62-218	NEW-P	04-15-140	480- 80	PREP	04-03-118	480- 93-082	REP-P	04-15-141
480- 62-218	NEW-C	04-17-057	480- 80-123	AMD-P	04-17-133	480- 93-100	AMD-P	04-15-141
480- 62-218	NEW-C	04-21-037	480- 80-204	AMD-P	04-17-133	480- 93-110	AMD-P	04-15-141
480- 62-218	NEW-C	04-23-053	480- 80-206	AMD-P	04-17-133	480- 93-111	REP-P	04-15-141
480- 62-218	NEW-C	04-24-087	480- 90-008	AMD-P	04-18-129	480- 93-112	REP-P	04-15-141
480- 62-300	AMD	04-05-031	480- 90-008	AMD-S	05-01-224	480- 93-115	AMD-P	04-15-141
480- 62-320	AMD-P	04-05-104	480- 90-023	AMD-P	04-18-129	480- 93-120	REP-P	04-15-141
480- 62-320	AMD	04-11-023	480- 90-023	AMD-S	05-01-224	480- 93-124	AMD-P	04-15-141
480- 70-041	AMD-P	04-18-129	480- 90-207	NEW-P	04-18-129	480- 93-130	AMD-P	04-15-141
480- 70-041	AMD-S	05-01-224	480- 90-207	NEW-S	05-01-224	480- 93-140	AMD-P	04-15-141
480- 70-051	AMD-P	04-18-129	480- 90-208	AMD	04-05-031	480- 93-150	REP-P	04-15-141
480- 70-051	AMD-S	05-01-224	480- 90-208	REP-P	04-18-129	480- 93-155	AMD-P	04-15-141

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-93-160	AMD-P	04-15-141	480-110-215	AMD-P	04-18-129	480-110-525	NEW-S	05-01-224
480-93-170	AMD-P	04-15-141	480-110-215	AMD-S	05-01-224	480-110-535	NEW-P	04-18-129
480-93-175	AMD-P	04-15-141	480-110-225	AMD-P	04-18-129	480-110-535	NEW-S	05-01-224
480-93-178	NEW-P	04-15-141	480-110-225	AMD-S	05-01-224	480-110-545	NEW-P	04-18-129
480-93-180	AMD-P	04-15-141	480-110-227	NEW-P	04-18-129	480-110-545	NEW-S	05-01-224
480-93-183	REP-P	04-15-141	480-110-227	NEW-S	05-01-224	480-110-555	NEW-P	04-18-129
480-93-184	REP-P	04-15-141	480-110-235	AMD-P	04-18-129	480-110-555	NEW-S	05-01-224
480-93-185	AMD-P	04-15-141	480-110-235	AMD-S	05-01-224	480-110-565	NEW-P	04-18-129
480-93-186	AMD-P	04-15-141	480-110-245	AMD-P	04-18-129	480-110-565	NEW-S	05-01-224
480-93-18601	AMD-P	04-15-141	480-110-245	AMD-S	05-01-224	480-110-575	NEW-P	04-18-129
480-93-187	AMD-P	04-15-141	480-110-261	NEW-P	04-18-129	480-110-575	NEW-S	05-01-224
480-93-188	AMD-P	04-15-141	480-110-261	NEW-S	05-01-224	480-110-999	AMD-P	04-18-129
480-93-190	REP-P	04-15-141	480-110-265	REP-P	04-18-129	480-110-999	AMD-S	05-01-224
480-93-200	AMD-P	04-15-141	480-110-265	REP-S	05-01-224	480-120	PREP	04-03-118
480-93-210	REP-P	04-15-141	480-110-275	AMD	04-05-031	480-120-015	AMD-P	04-18-129
480-93-220	REP-P	04-15-141	480-110-275	REP-P	04-18-129	480-120-015	AMD-S	05-01-224
480-93-223	AMD-P	04-15-141	480-110-275	REP-S	05-01-224	480-120-021	AMD-P	04-17-133
480-93-230	AMD-P	04-15-141	480-110-285	REP-P	04-18-129	480-120-034	NEW-P	04-17-133
480-93-240	PREP	04-17-056	480-110-285	REP-S	05-01-224	480-120-112	AMD-P	04-17-133
480-93-999	AMD-P	04-15-141	480-110-295	REP-P	04-18-129	480-120-122	AMD-P	04-17-133
480-100-008	AMD-P	04-18-129	480-110-295	REP-S	05-01-224	480-120-128	AMD-P	04-17-133
480-100-008	AMD-S	05-01-224	480-110-335	AMD-P	04-18-129	480-120-146	AMD-S	04-03-117
480-100-023	AMD-P	04-18-129	480-110-335	AMD-S	05-01-224	480-120-146	AMD	04-09-068
480-100-023	AMD-S	05-01-224	480-110-355	AMD-P	04-18-129	480-120-147	AMD-P	04-17-133
480-100-207	NEW-P	04-18-129	480-110-355	AMD-S	05-01-224	480-120-147	AMD-S	04-22-072
480-100-207	NEW-S	05-01-224	480-110-365	AMD-P	04-18-129	480-120-147	AMD-C	04-23-052
480-100-208	AMD	04-05-031	480-110-365	AMD-S	05-01-224	480-120-161	AMD-P	04-17-133
480-100-208	REP-P	04-18-129	480-110-375	AMD-P	04-18-129	480-120-166	AMD-P	04-17-133
480-100-208	REP-S	05-01-224	480-110-375	AMD-S	05-01-224	480-120-172	AMD-P	04-17-133
480-100-209	NEW-P	04-18-129	480-110-385	AMD-P	04-18-129	480-120-173	AMD-P	04-17-133
480-100-209	NEW-S	05-01-224	480-110-385	AMD-S	05-01-224	480-120-174	AMD-P	04-17-133
480-100-218	REP-P	04-18-129	480-110-395	AMD-P	04-18-129	480-120-196	AMD-P	04-17-133
480-100-218	REP-S	05-01-224	480-110-395	AMD-S	05-01-224	480-120-201	REP-P	04-17-133
480-100-242	NEW-P	04-18-129	480-110-415	AMD-P	04-18-129	480-120-202	NEW-P	04-17-133
480-100-242	NEW-S	05-01-224	480-110-415	AMD-S	05-01-224	480-120-203	REP-P	04-17-133
480-100-244	NEW-P	04-18-129	480-110-425	AMD-P	04-18-129	480-120-204	REP-P	04-17-133
480-100-244	NEW-S	05-01-224	480-110-425	AMD-S	05-01-224	480-120-205	REP-P	04-17-133
480-100-245	NEW-P	04-18-129	480-110-431	NEW-P	04-18-129	480-120-206	REP-P	04-17-133
480-100-245	NEW-S	05-01-224	480-110-431	NEW-S	05-01-224	480-120-207	REP-P	04-17-133
480-100-248	NEW-P	04-18-129	480-110-433	NEW-P	04-18-129	480-120-208	REP-P	04-17-133
480-100-248	NEW-S	05-01-224	480-110-433	NEW-S	05-01-224	480-120-209	REP-P	04-17-133
480-100-252	NEW-P	04-18-129	480-110-445	AMD-P	04-18-129	480-120-211	REP-P	04-17-133
480-100-252	NEW-S	05-01-224	480-110-445	AMD-S	05-01-224	480-120-212	REP-P	04-17-133
480-100-257	NEW-P	04-18-129	480-110-456	NEW-P	04-18-129	480-120-213	REP-P	04-17-133
480-100-257	NEW-S	05-01-224	480-110-456	NEW-S	05-01-224	480-120-214	REP-P	04-17-133
480-100-262	NEW-P	04-18-129	480-110-457	NEW-P	04-18-129	480-120-215	REP-P	04-17-133
480-100-262	NEW-S	05-01-224	480-110-457	NEW-S	05-01-224	480-120-216	REP-P	04-17-133
480-100-264	NEW-P	04-18-129	480-110-459	NEW-P	04-18-129	480-120-253	AMD-P	04-17-133
480-100-264	NEW-S	05-01-224	480-110-459	NEW-S	05-01-224	480-120-262	AMD-P	04-17-133
480-100-268	NEW-P	04-18-129	480-110-465	AMD-P	04-18-129	480-120-301	REP-P	04-18-129
480-100-268	NEW-S	05-01-224	480-110-465	AMD-S	05-01-224	480-120-301	REP-S	05-01-224
480-100-275	NEW-P	04-18-129	480-110-475	REP-P	04-18-129	480-120-302	REP-P	04-17-133
480-100-275	NEW-S	05-01-224	480-110-475	REP-S	05-01-224	480-120-303	AMD	04-05-031
480-100-282	NEW-P	04-18-129	480-110-485	AMD-P	04-18-129	480-120-303	REP-P	04-18-129
480-100-282	NEW-S	05-01-224	480-110-485	AMD-S	05-01-224	480-120-303	REP-S	05-01-224
480-100-287	NEW-P	04-18-129	480-110-495	REP-P	04-18-129	480-120-304	AMD	04-05-031
480-100-287	NEW-S	05-01-224	480-110-495	REP-S	05-01-224	480-120-304	REP-P	04-18-129
480-100-999	AMD-P	04-18-129	480-110-505	NEW-P	04-18-129	480-120-304	REP-S	05-01-224
480-100-999	AMD-S	05-01-224	480-110-505	NEW-S	05-01-224	480-120-305	REP-P	04-18-129
480-110	PREP	04-08-132	480-110-515	NEW-P	04-18-129	480-120-305	REP-S	05-01-224
480-110-205	AMD-P	04-18-129	480-110-515	NEW-S	05-01-224	480-120-311	REP-P	04-18-129
480-110-205	AMD-S	05-01-224	480-110-525	NEW-P	04-18-129	480-120-311	REP-S	05-01-224

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-120-321	REP-P	04-18-129	480-146-260	REP-S	05-01-224	495B-116-080	AMD-P	04-24-040
480-120-321	REP-S	05-01-224	480-146-270	REP-P	04-18-129	495B-116-090	AMD-P	04-24-040
480-120-322	REP-P	04-18-129	480-146-270	REP-S	05-01-224	495B-116-120	AMD-P	04-24-040
480-120-322	REP-S	04-22-072	480-146-280	REP-P	04-18-129	495B-116-150	AMD-P	04-24-040
480-120-322	REP-C	04-23-052	480-146-280	REP-S	05-01-224	495B-116-160	AMD-P	04-24-040
480-120-322	REP-S	05-01-224	480-146-290	REP-P	04-18-129	495B-116-170	AMD-P	04-24-040
480-120-323	REP-P	04-18-129	480-146-290	REP-S	05-01-224	495B-116-210	AMD-P	04-24-040
480-120-323	REP-S	05-01-224	480-146-300	REP-P	04-18-129	495D-120-010	REP-P	04-11-103
480-120-325	NEW-P	04-18-129	480-146-300	REP-S	05-01-224	495D-120-010	REP	04-16-003
480-120-325	NEW-S	05-01-224	480-146-310	REP-P	04-18-129	495D-120-020	REP-P	04-11-103
480-120-331	NEW-P	04-18-129	480-146-310	REP-S	05-01-224	495D-120-020	REP	04-16-003
480-120-331	NEW-S	05-01-224	480-146-320	REP-P	04-18-129	495D-120-030	REP-P	04-11-103
480-120-335	NEW-P	04-18-129	480-146-320	REP-S	05-01-224	495D-120-030	REP	04-16-003
480-120-335	NEW-S	05-01-224	480-146-330	REP-P	04-18-129	495D-120-040	REP-P	04-11-103
480-120-339	NEW-P	04-18-129	480-146-330	REP-S	05-01-224	495D-120-040	REP	04-16-003
480-120-339	NEW-S	05-01-224	480-146-340	REP-P	04-18-129	495D-120-045	REP-P	04-11-103
480-120-344	NEW-P	04-18-129	480-146-340	REP-S	05-01-224	495D-120-045	REP	04-16-003
480-120-344	NEW-S	05-01-224	480-146-350	REP-P	04-18-129	495D-120-050	REP-P	04-11-103
480-120-349	NEW-P	04-18-129	480-146-350	REP-S	05-01-224	495D-120-050	REP	04-16-003
480-120-349	NEW-S	04-22-072	480-146-360	REP-P	04-18-129	495D-120-060	REP-P	04-11-103
480-120-349	NEW-C	04-23-052	480-146-360	REP-S	05-01-224	495D-120-060	REP	04-16-003
480-120-349	NEW-S	05-01-224	480-146-370	REP-P	04-18-129	495D-120-070	REP-P	04-11-103
480-120-352	NEW-P	04-18-129	480-146-370	REP-S	05-01-224	495D-120-070	REP	04-16-003
480-120-352	NEW-S	05-01-224	480-146-380	REP-P	04-18-129	495D-120-080	REP-P	04-11-103
480-120-355	NEW-P	04-18-129	480-146-380	REP-S	05-01-224	495D-120-080	REP	04-16-003
480-120-355	NEW-S	05-01-224	484- 10-045	AMD-X	04-14-051	495D-120-085	REP-P	04-11-103
480-120-359	NEW-P	04-17-133	484- 10-045	AMD	04-19-026	495D-120-085	REP	04-16-003
480-120-365	NEW-P	04-18-129	484- 10-050	AMD-X	04-14-051	495D-120-090	REP-P	04-11-103
480-120-365	NEW-S	05-01-224	484- 10-050	AMD	04-19-026	495D-120-090	REP	04-16-003
480-120-369	NEW-P	04-18-129	484- 20-010	AMD-X	04-14-051	495D-120-100	REP-P	04-11-103
480-120-369	NEW-S	05-01-224	484- 20-010	AMD	04-19-026	495D-120-100	REP	04-16-003
480-120-375	NEW-P	04-18-129	484- 20-015	AMD-X	04-14-051	495D-120-110	REP-P	04-11-103
480-120-375	NEW-S	05-01-224	484- 20-015	AMD	04-19-026	495D-120-110	REP	04-16-003
480-120-379	NEW-P	04-18-129	484- 20-035	AMD-X	04-14-051	495D-120-120	REP-P	04-11-103
480-120-379	NEW-S	05-01-224	484- 20-035	AMD	04-19-026	495D-120-120	REP	04-16-003
480-120-382	NEW-P	04-18-129	484- 20-040	AMD-X	04-14-051	495D-120-130	REP-P	04-11-103
480-120-382	NEW-S	05-01-224	484- 20-040	AMD	04-19-026	495D-120-130	REP	04-16-003
480-120-385	NEW-P	04-18-129	484- 20-045	AMD-X	04-14-051	495D-120-140	REP-P	04-11-103
480-120-385	NEW-S	05-01-224	484- 20-045	AMD	04-19-026	495D-120-140	REP	04-16-003
480-120-389	NEW-P	04-18-129	484- 20-065	AMD-X	04-14-051	495D-120-170	REP-P	04-11-103
480-120-389	NEW-S	05-01-224	484- 20-065	AMD	04-19-026	495D-120-170	REP	04-16-003
480-120-395	NEW-P	04-18-129	484- 20-087	AMD-X	04-14-051	495D-120-180	REP-P	04-11-103
480-120-395	NEW-S	05-01-224	484- 20-087	AMD	04-19-026	495D-120-180	REP	04-16-003
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